

Wednesday, 18th July 2007

1

2 (10.00 am)

3 MR PHILLIMORE: Thank you, could we remind you again about
4 the attendance list please, if people could remember to
5 sign that and also to make sure that mobile phones are
6 switched off or silenced.

7 It is getting quite warm in this room, I hope the
8 open doors are helping with the ventilation, but we
9 understand somebody is coming along later on today and
10 we are hoping to reduce the temperature a bit more, but
11 in the meantime we are quite happy for people to remove
12 jackets and or make themselves comfortable in some other
13 way. So we will proceed on that basis.

14 We have had a few core documents given to us this
15 morning. I think they are 408 and -- 408, but 1, 2, 3
16 and 4.11. We understand they are BAA documents and
17 relate to noise matters. It does not like you will be
18 able to answer the question I have, which is why they
19 have been put in at this stage.

20 MR HUMPHRIES: Can you just tell me what they are, sir?

21 MR PHILLIMORE: They are reports of monitoring of aircraft
22 noise. It is three reports, together with a
23 BS document.

24 MR HUMPHRIES: Yes, those are the three reports that Mr Hill
25 was asking for last week. If you remember, sir, a few

1 weeks ago we dealt with a report from Sudbury from some
2 air monitoring, and Mr Hill asked for further reports of
3 those three further reports I believe he asked for, and
4 they were put in this morning and I was not aware of
5 that.

6 MR PHILLIMORE: That is helpful, thank you. We were
7 promised by Mr Hill -- he mentioned that there going to
8 be some documents he wanted us to see, so they could
9 well be the ones he was referring to last night.

10 MS BUSCH: I do not think they are, sir, the document that
11 he had in mind had to do with the scoping opinion in
12 respect of G2, as I understand it. Anyway we have
13 copies of it, and we will pass them up during the course
14 of the day.

15 MR BOYLAND: So that is being put in today, is it? Okay,
16 thank you. Anything else on procedural matters before
17 we continue?

18 (Pause).

19 Right, there is a matter left over from last night
20 which Professor Therivel, I believe you were going to
21 come back on. I think it would be useful on the
22 assumption that you do want to come back.

23 A. I do.

24 MR PHILLIMORE: I think it would be useful if we have the
25 question put again, Mr Humphries.

1 PROFESSOR RIKI THERIVEL (re-called)

2 Cross-examination by MR HUMPHRIES (continued)

3 MR HUMPHRIES: Sir, that is very unfair, and you have done
4 that on purpose, I know you have.

5 Sir, the theme that was being discussed related to
6 a point in Professor Therivel's paragraph 3.3.5, where
7 she says:

8 "The ES does not clearly state what the total
9 traffic levels on roads near the airport are now, nor
10 does it predict total traffic levels (including
11 underlying rises in traffic) in 2014 or 2023."

12 That led to a series of questions dealing with the
13 underlying planning data in the transport assessment and
14 the update document, and I think it was in relation to
15 that that Professor Therivel said she wanted to consider
16 it overnight.

17 A. Which I did. There is a couple of points. This links
18 in with -- I think that there is two kind of interlinked
19 questions about this one, in particular whether the
20 forecast made in this one would cover growth to 2014 and
21 whether the 25mppa base case is a reasonable baseline
22 for cumulative impact assessment.

23 So, first of all I looked at the addendum, which
24 I had not seen, which is I think understandable; the
25 addendum came out in April 2007 and my proof came out in

1 April 2007. Maybe I should have been more prescient.
2 But I do agree that the addendum does provide
3 information to 2014 about underlying traffic growth.

4 Now, I am not a traffic expert, so I cannot vouch
5 for how good or bad it is, but I am assuming that
6 Halcrow, being a perfectly competent consultancy, would
7 do a fine job with that. But this comes back to the
8 previous question about whether 25mppa is a reasonable
9 baseline, because I think the assumption was that if
10 reasonable predictions are made to 2014, which is the
11 25mppa base case, then that should be the equivalent of
12 the baseline cumulative impact assessment.

13 I had a think about this, and I had a good walk
14 through the fields yesterday trying to figure out why
15 I felt uncomfortable saying "Yes" to Mr Humphries, and
16 I think I have come up with the answer.

17 So there are three points. One is that if we are
18 talking about the baseline to 2014, one would think that
19 that baseline -- because what we are essentially
20 thinking to 2014 would be not only changes attributable
21 to the airport and to extended operations there, but
22 also to underlying trends and that is why I am saying
23 that the transport assessment would actually do that,
24 because it does look at underlying trends.

25 Similarly, with the water, at volume 14 it does

1 that, it looks at underlying trends. Again, I cannot
2 vouch for the perfection of this, but they talk about
3 dry year demand, they show that it rises between 2004
4 and 2014, which is perfectly reasonable, and I think
5 then one can use that as a baseline. In the employment
6 section, similarly we have labour demand forecasts which
7 are interpolated from 2021 to 2014, again that is fine.

8 But then we get to probably the crunch issues, and
9 that is where things start becoming a lot less
10 comfortable. So, for instance, with air noise at
11 volume 2, they say that air noise, in the 25mppa
12 scenario, that the impact assessment is based on census
13 data from 2001, which is updated all the way to 2002,
14 but that is it. So presumably, there is going to be
15 changes in the number of people and the noise that they
16 are faced with between 2002 and 2014, but that is not
17 clear from the Environmental Statement.

18 But more interestingly, the air quality chapter, it
19 gives information from 2003 about NOx and about PM10,
20 and, weirdly enough, the baseline in 2014 has exactly
21 the same numbers as for 2003. This is despite the fact
22 that that chapter suggests that it has taken on board
23 changes related to traffic. I can go to the tables, but
24 that is essentially the answer.

25 So if, for instance, we compare tables 19 and 23 in

1 volume 3, that is for NOx, 19 is -- do we want to do
2 this or shall I just keep going?

3 MR PHILLIMORE: I think you should continue, please.

4 A. So basically table 19 is for 2003; table 23 is for 2014
5 for NOx; and the two sets of numbers are identical. And
6 similarly for tables 20, 2003, and 24, 2014, for PM10,
7 use exactly the same numbers, suggesting that the 25mppa
8 base case is suggesting that there is no change in
9 11 years, which would make me query the adequacy of that
10 bit of the Environmental Statement.

11 The energy chapter only looks at airports, so it
12 does not consider energy use outside of airport
13 operations. The economic assessment only looks at
14 airport, it does not go outside. So in that sense, the
15 Environmental Statement 25mppa is not an adequate
16 baseline.

17 I also think there is an issue of internal logic,
18 that if we take the 2014 situation as our baseline, then
19 we should not be looking separately at the cumulative
20 impacts of three little housing projects -- well, they
21 are not little -- three housing projects in Takeley,
22 Stansted Mountfitchett and Great Dunmow. This is
23 section 3.7 of the Environmental Statement, which talks
24 about cumulative impact. Those three housing
25 developments are in the process of being built or have

1 recently got planning permission. One could assume that
2 they will be completed by 2014, and that they would not
3 therefore be additional in terms of cumulative impacts.
4 So this is kind of an internal -- at least a logical
5 fallacy involved in the Environmental Statement, an
6 inconsistency.

7 Possibly most compelling of all, if we are talking
8 about 2014 as the baseline, there should at least be
9 some consideration of G2. We might have two baselines,
10 with and without G2, but by 2014, if G2 gets planning
11 permission, we would at least have construction
12 happening, so there would be the construction impact of
13 G2 happens in 2014, which should be considered in that
14 base case, if it is used as a baseline. I hope that is
15 reasonably clear.

16 MR HUMPHRIES: Doctor Therivel, good morning. Just to take
17 up those points. The addendum, I think we have agreed.
18 I think we have agreed that the service access data does
19 take into account future trends. You have mentioned
20 two, what you called, "crunch issues": air noise, where
21 you said we had relied on the 2001 census data.
22 Obviously the first thing we can agree, can't we, is
23 that the number of people living close to the airport,
24 as we discussed yesterday, will be the same with or
25 without the G1 development; there is no reason to

1 believe that more people will choose to live under the
2 arrivals or departures routes because G1 has been
3 permitted?

4 A. No, we agree on that.

5 Q. Obviously there are no permissions or allocations or
6 major housing developments within those contours. BAA
7 took into account the three major permitted housing
8 developments in the area in its cumulative assessments,
9 and they are not within the air noise contours. I think
10 we can again probably agree that?

11 A. Yes.

12 Q. Therefore, of course there could be isolated cases of
13 a dwelling being constructed somewhere within the
14 contour areas between now, 2007, and 2014, and of course
15 that could increase the number of people within
16 a contour by maybe 10 people. But that is not something
17 that, in the ES, BAA can forecast, we can't know if
18 someone will get permission for an additional house
19 somewhere near the airport in the next eight years?

20 A. Fine. What you are saying is one, two, three or four
21 new houses, except that the 2800 homes that we are
22 talking about basically covers just over two years'
23 worth of the housing growth in Uttlesford and East
24 Herefordshire expected each year for the next 20 years,
25 as a result of the government office currently proposed

1 changes to the RSS, which looks like Gordon Brown will
2 be further increasing, and I agree that we don't know
3 where those houses might be, they might be within the
4 noise contour or they might not, but the fact that there
5 is that uncertainty would suggest that either we should
6 be looking at today as the baseline and then guessing
7 into the future, or that we need to have some kind of
8 assumptions, including uncertainty, including the
9 precautionary principle, or a worst case scenario to
10 look forward to 2014.

11 Q. What we do know is, of course, that any proposal to
12 construct a house within the noise contours, the area
13 where there are higher levels of noise from aircraft,
14 will have to satisfy the tests in EPG24?

15 A. Yes, and you are going to show me the table of A to D
16 now are you not?

17 Q. No, you are familiar with it, I am familiar with it.
18 The council, sitting next to you, will only permit that
19 house, knowing what the forecasts are, if they consider
20 it appropriate.

21 A. Absolutely, which would suggest that you would have
22 a lower than average or lower than typical proportion of
23 the new houses going under the major noise contours.

24 Q. Now, turning to the air quality point, which is the
25 other point you raised under these "crunch issues", in

1 tables 19 and 23, that is a point, I understand -- I am
2 not the person that has been dealing with air noise, but
3 I am told it is perfectly appropriate and correct that
4 table 19 has set out data for 2001, 2002 and 2003, which
5 has all been used, and if you look at
6 paragraph 10.1.1 in CD/6, you can see that what is said
7 is:

8 "It has long been recognised that variations in
9 meteorological conditions can have a significant effect
10 on the contribution from modelled emissions. The
11 contribution to concentrations from background sources
12 will also be affected by meteorological conditions,
13 although this has not been quantified. To examine the
14 affect of meteorological conditions on the contribution
15 from emissions from the 25mppa case, these were modelled
16 using meteorological data from 2001, 2002 and three.
17 The results of these separate modelling years were
18 combined with background concentrations for each of the
19 selected years as shown in tables 19 and 20."

20 Then you can see, what is shown is: a different
21 annual mean, concentrations at the 14 receptor
22 locations. So what has happened is the model has
23 actually been conservative, and looked at different
24 meteorological conditions in different years. We also
25 know, however, that the data, when projecting forward,

1 took into account anticipated growth in background
2 levels: look at paragraph 5.1.27.

3 A. Five point one point?

4 Q. 27, sorry. Which gives us the background
5 concentrations. It says:

6 "The background model is semi-empirical in that it
7 involves an adjustment to national monitoring data for
8 a particular year. Thus, for NOx and PM10, three
9 estimates of background concentrations around Stansted
10 in 2014 were calculated, using data for the years
11 2001, 2002 and 2003, respectively, together with NAEI
12 [that is National Atmospheric Emissions Inventory]
13 forecasts for the change in UK emissions by source
14 between these years and 2014."

15 So far from being an inadequate assessment, we have
16 actually looked at data from three years, we
17 have -- I hate the word, but -- growthed that up by
18 reference to the NEAI forecasts, and then chosen, as you
19 have shown in table 23, the figures which gave the
20 highest forecast levels, which is why the background
21 levels shown in table 23, of the 2003 ones, which were
22 the highest of those three years.

23 This is not an inadequate ES, it is actually an
24 extremely robust ES, taking account of forecast growth
25 in air quality data.

1 A. Let us say that the paragraphs which explain the
2 methodology suggest that an extremely robust analysis
3 has been done, but I do find it concerning that those
4 numbers look exactly the same from 2003 to 2014.

5 I am not an air pollution expert enough, and
6 I suggest that maybe this should be discussed with the
7 SSE representative who is dealing with air pollution.

8 Q. Again, this was a matter that was reviewed by
9 Bureau Veritas in CD/144 for the council.

10 A. Sorry, I do not have that.

11 Q. Well, I am not going to take it up with you. You have
12 made your point, we have explored that.

13 Your next point was G2, and the construction impact
14 of G2. Of course, one of the things that may have to be
15 considered during any G2 environmental assessment is the
16 effect of construction traffic in relation to an airport
17 which would be operating by that time with, assuming it
18 is granted, the G2 permission?

19 A. And I am sure that that environmental establishment will
20 be perfectly robust and will look at cumulative impacts
21 very effectively, but the question was whether the
22 25mppa scenario would be a good baseline for cumulative
23 impact assessment, whether it gives a good picture of
24 the future situation, including trends. And my point
25 is, it seems to do so reasonably well for some impacts,

1 not at all for others, in an questionable way for yet
2 others, and it does not discuss the possibility of G2,
3 which really, I feel, should be considered, if we are
4 talking about a stage at 2014, if we are talking about
5 that date.

6 Q. Professor Therivel, how would one consider a detailed
7 impact on G2 when there is no application for G2?

8 A. One would prepare a masterplan.

9 Q. Well, there is no masterplan. It would clearly have
10 been inappropriate to produce a masterplan before BAA
11 had gone through the consultation process. It went
12 through on G2. You are not suggesting, are you, that we
13 should have just ignored consultation in preparing the
14 G2 plans?

15 A. I am suggesting that this --

16 Q. No, I did not ask you that. I said: you are not
17 suggesting that we should have ignored the very
18 extensive consultation process that was gone through for
19 G2, and simply produced a masterplan, I don't know, two
20 or three years ago, which had not taken into account the
21 optioneering consultation and other processes which will
22 lead to the application for G2?

23 A. The masterplan could have been prepared before this
24 inquiry.

25 Q. That is your view?

1 A. Yes.

2 Q. Now, just before we go on, I just want to go back to one
3 other thing. You made a point yesterday, again, which
4 I asked you about in your paragraph 3.1.2, about other
5 developments, physical developments, which you said had
6 not been assessed in the ES. I took you to nature
7 conservation, and you said it had been assessed in
8 nature conservation but not other sections. I do not
9 know whether you have looked at this overnight, I have,
10 but in every volume of the ES where it would be
11 appropriate to consider those developments, they are
12 considered. In every volume. Including the
13 non-technical summary, where it is mentioned that they
14 are to be assessed, and on page 1 of the master
15 document.

16 Let us look at CD/4, paragraph 1.1.8. Do you see
17 there, it is said that the application does not seek
18 permission for additional physical development of
19 facilities:

20 "... possible that further additional facilities
21 which do not have planning permission may be brought
22 forward. These include ..."

23 And then a list of developments. And in
24 paragraph 1.1.9 it says:

25 "Such developments would be primarily focused on

1 providing a range of additional facilities, services and
2 choice to passengers and other airport users. Some
3 facilities would require planning permission, such as
4 the proposed hotel or restaurant facilities at the
5 Southgate site. Some facilities would benefit from
6 permitted development rights, eg the addition of further
7 car rental facilities. For the sake of completeness,
8 the potential development of these facilities has been
9 anticipated in this ES and their effects assessed."

10 So the casual reader of the ES on pages 1 and 2 is
11 told that those facilities are to be assessed; and when
12 you go through all the volumes, wherever it is relevant
13 to consider them, they are assessed.

14 A. Good, I am happy to give you that one.

15 Q. Thank you. Now, coming back to the proof now. We have
16 taken some points slightly out of order in the proof,
17 but I hope not unhelpfully so.

18 If we return now to paragraph 3.3.3, there is
19 another point you make about cumulative impacts and that
20 relates to the treatment of air noise and ground noise.
21 Now, I don't know whether noise is one of the areas of
22 your expertise, can you help me on that?

23 A. I understand noise better than some other issues.

24 Q. Right, that does not really tell me a lot. I mean, are
25 you an expert in air noise and ground noise issues, and

1 the treatment of such issues? I am sure you have dealt
2 with them; but there is a difference between knowing
3 something about them, which --

4 A. I am not an expert.

5 Q. You are not an expert, okay. That is very fair.

6 Certainly we know that the council's consultants
7 Bureau Veritas considered this issue, and their
8 conclusion was that combined contours of air noise and
9 ground noise would be difficult to interpret?

10 A. Difficult to compile.

11 Q. No, not difficult to compile, difficult to interpret.

12 A. Could you show me where they say that?

13 Q. Yes, it is CD/139. You need to turn to paragraph 3.3
14 and 3.4. You can see in 3.3, they are dealing with this
15 point about combined contours. In 3.3 they refer to
16 a response from BAA:

17 "Combined contours would be difficult to interpret
18 and might conceal minor impacts."

19 In 3.4 they say:

20 "At first it was thought that BAA were being
21 overcautious, but, on reflection, they are correct with
22 regard to the question of interpretation, although the
23 risk of concealing minor impacts would only occur if the
24 combined contours were relied on solely."

25 So we can see that they have accepted -- and they

1 are noise consultants -- that such a contour would be
2 difficult to interpret.

3 A. There are ways of presenting this noise information
4 which does not come in the form of contours. For
5 instance, to put a table, which is a list of receivers
6 on one axis, and the different types of noise and the
7 noise levels on the other axis, which would allow the
8 material to be presented and a cross-cut analysis,
9 a cumulative assessment, to be made.

10 Q. Are there any studies that you are aware of in which
11 combined contours of air and ground noise have been
12 correlated to community annoyance?

13 A. No.

14 Q. Without any correlation to community annoyance, one can,
15 of course, add the new logarithmic values for air noise
16 and ground noise and get a single logarithmic value, so
17 that if you add the two you come up with a number. What
18 is the inspector then supposed to do with that number?
19 It is not correlated to anything, it is just a number.

20 A. Sorry, it would be correlated to the baseline, to the
21 current situation at that property.

22 Q. Yes, but you then just get a difference number. It is
23 not correlated to anything to tell you what to do with
24 the data.

25 A. You can still see the increase.

1 Q. Yes.

2 A. Which is more transparent than having different chapters
3 with different numbers in them so you have to flick back
4 and forth and you never know who is getting just how
5 much in total.

6 Q. Now, Dr Flindell, who is one of the UK's leading experts
7 in this area, he is often one of the UK delegates at the
8 WHO meetings, explained to the inquiry, both in his
9 proof of evidence and in his oral evidence, in answers
10 to questions, why he did not consider it helpful or
11 appropriate to combine these two figures. Now, you
12 don't have any technical expertise on which to challenge
13 Dr Flindell, do you?

14 A. I am not arguing the contour bit. I am arguing the
15 transparency bit and the fact that we have two different
16 types of impact considered in two different locations
17 with no attempt to draw them together, despite the fact
18 that the receiver would be receiving the sum of them,
19 and then I would say plus some additional stuff as well.
20 So the Environmental Statement, which is supposed to aid
21 the decision, and is supposed to be understandable by
22 a reasonable person, at least the main section of it
23 ought to, is very difficult to get a feeling for the
24 cumulative impacts on receivers.

25 Q. Of course, the council, advised by their own noise

1 consultants, Bureau Veritas, did not refuse permission
2 to the basis that there were not combined contours.

3 A. Is CD/33.1, is that their decision?

4 Q. CD?

5 MR PHILLIMORE: CD/42 is the one.

6 A. Could I have that one again, please, since we keep
7 referring to it. (Handed). Thank you. They talk
8 about:

9 "Inadequate mitigation measures are proposed to
10 address the effects of noise on the local community."

11 Now, effects on the local community is not one or
12 the other, it is both together plus underlying factors.

13 MR HUMPHRIES: In the statement of common ground, the
14 council have made it clear that they do not and did not
15 refuse on ground noise grounds.

16 A. I can read this again.

17 Q. No, Professor Therivel. I don't know. Well, the
18 inspector has the statement of common ground between the
19 council and ourselves. I can only do so much. let us
20 try and move on.

21 At paragraph 3.3.5, we touched on this before in
22 relation to the planning data underlying the growth in
23 background traffic. I just want to deal with a slightly
24 different point. You say the ES does not clearly state
25 what total traffic levels on roads near the airports are

1 now, nor does it predict total traffics in 2014 and
2 2023. I think we are now agreed, are we not, that it
3 does predict total traffic levels in 2014 and 2023, and
4 there are vast amounts of data on the forecasts in those
5 two years?

6 A. It predicts them, but without any G2 development.

7 Q. Yes, indeed, it does not include G2 development.

8 G2 would not be open at that time, nor does it have
9 planning permission.

10 As far as "does not include data on the roads now",
11 there is obviously a lot of data for 2003 and 2004,
12 which was the latest survey data available when the ES
13 was prepared. Is your point simply that there is no
14 data for 2007? Is that what you are getting at by
15 saying "now"?

16 A. I suspect that the emphasis is on "total", but I would
17 really need to go back and revisit exactly what I was
18 getting at.

19 Q. Well, the inspectors have seen the transport assessment,
20 they will see a lot more of it in September, there is
21 a vast amount of data. The third point that is made in
22 that paragraph relates to construction traffic, and
23 there we are talking about G1-related construction
24 traffic. Again, can you just look at CD/18, that is the
25 construction volume. Turn to page 3, please.

1 We can see from the heading in the middle there that
2 construction traffic is considered, and it is considered
3 elsewhere in the volume, but if we look at
4 paragraph 3.2.17, we can see that:

5 "Due to the working hours and shift patterns of
6 construction workers, construction traffic movements
7 will predominantly occur outside the peak commuter
8 hours."

9 And that is why we have not simply taken peak
10 commuter traffic movements and added them to -- sorry,
11 have not taken peak construction movements, and added
12 them to peak commuter movements, because they would not
13 occur in the same hour. And what has been modelled,
14 I think we can agree, on the roads is the peak total
15 hours on roads.

16 A. It certainly says here that it would occur outside of
17 peak commuter hours, and certainly the construction
18 traffic is probably going to be less, significantly less
19 than the ongoing movements to and from the airport.

20 What I just find interesting is that we have these two
21 being so separate and there is no attempt to bring them
22 together again. So again, the man in the street does
23 not really get a feeling for any kind of total impact on
24 the roads or on local residents.

25 Q. Well, that is your view. Moving on to paragraph 3.3.6,

1 the ES does not predict climate impact change from
2 flights plus ground operations. In relation to that, we
3 know that the ES does include an estimate of
4 CO2 emissions from ground operations, from buildings and
5 so on.

6 A. Where?

7 Q. It is volume CD/10, page 8, table 6. It gives us there
8 the figures for CO2 for the airport itself, not the
9 aircraft, the airport itself. And in paragraph 10.1.6
10 it tells us:

11 "At the detailed design stage opportunities will be
12 considered to maximise energy efficient design, and
13 reduce the forecast figure for tons increase in CO2."

14 So you may disagree with the assessment, but it was
15 assessed.

16 A. For the ground operations.

17 Q. For ground operations.

18 A. Yes.

19 Q. For aircraft, there was an assessment of emissions in
20 Mr Pratt's evidence.

21 A. .Which was?

22 Q. BAA 4 -- well, A is the proof and C is the appendix.

23 I think it is table 5.4 -- I have that wrong, it is 5.3.

24 MR PHILLIMORE: Mr Humphries, was that in I?

25 MR HUMPHRIES: No, in C, sir, table 5.3 in BAA 4C.

1 A. Table?

2 Q. 5.3, it is on page 7. The numbers are at the top.

3 A. Mm-hm.

4 Q. That includes airport-related landside roads and so on.

5 Now, the conclusion of the council on this issue was

6 that there would be no significant effect on the climate

7 from these emissions, because they form such a very

8 small percentage of total global emissions.

9 A. Can I make two points, one is --

10 Q. Well, could you first deal with this?

11 A. Sorry.

12 Q. Now, you are aware of that point, first of all, that

13 that was the council's conclusion?

14 A. No, I would like to see it.

15 Q. Right, CD/33.1. Sorry, it is not on the list, I don't

16 think. It might be, it might not be. Page 13,

17 paragraph 14. It is about three or four centimetres

18 from the bottom of the page:

19 "It is acknowledged that no climate change effect

20 directly linked to additional movements on the existing

21 runway could be demonstrated."

22 A. And on page 17 it talks about:

23 "In light of the Stern Review ..."

24 Et cetera et cetera:

25 "... it would be premature to grant planning

1 permission in advance of clarification by
2 Government ..."

3 Et cetera et cetera.

4 Q. Yes, and that was subsequently withdrawn.

5 A. I did not see that. The climate change data is from
6 April 2007, and does not form part of the Environmental
7 Statement. It was brought in later on. And could
8 I respectfully suggest at that if this airport generates
9 only a small percentage of the total greenhouse gas
10 emissions of the UK or of the world, then we need to
11 start somewhere in terms of reducing, and we can only
12 really reduce cumulative impacts through drip feed, like
13 each of us flying less.

14 Q. Yes, well I am not going to debate the overall strategy
15 on that. You have other witnesses that deal with that.
16 But just so that we can see that context, turn back to
17 Mr Pratt's appendices, BAA 4C. Turn this time to
18 page 5, that is table 5.1. In that table, we have
19 a figure for all emissions worldwide. And then in
20 column 3 it says:

21 "UK as a percentage of ..."If we look at the first
22 figure that is UK as a percentage of worldwide. The
23 figure is 2.3 per cent. Then turn on, please, to table
24 5.4, the bottom line --

25 MR BOYLAND: Mr Humphries, I am sorry, could you go back to

1 the first table. I could not find the first figure you
2 referred to.

3 MR HUMPHRIES: I am sorry, sir. Table 5.1 --

4 MR BOYLAND: I am looking at the wrong table, that is why
5 I cannot find it.

6 MR HUMPHRIES: Sorry, sir, that may have been my fault.
7 UK has a percentage of worldwide emissions,
8 2.3 per cent, and then table 5.4, Stansted, bottom line:
9 "Stansted as a percentage of total UK emissions, get
10 a 25mpps percentage."
11 But a 35mpps percentage. But then the difference
12 between the two, in other words the difference if you
13 add G1, is 0.2 of a per cent. So the G1 as a global
14 figure is 0.2 per cent of 2.3 per cent. It is an
15 absolutely minute contribution to global emissions.

16 A. I think you will be talking to my colleague Roger Levett
17 next week, who will be able to argue this more
18 compellingly than me.

19 Q. Of course?

20 A. Of course he will.

21 Q. I meant, of course I will be speaking to him.

22 A. I am looking at this from the cumulative impact
23 perspective, and the definition that we were talking
24 about yesterday was impacts as a result from incremental
25 change, et cetera et cetera, but the focus is on the

1 receiver, and the receiver at this point is an
2 overloaded environment in terms of global emissions and
3 the point is, I think, that Stern is making, is that we
4 need to reduce significantly, and even though this might
5 be an tiddler in terms of additional impacts. We are
6 going in the wrong direction and not the right direction
7 with this one. Cumulatively we are impacting on top of
8 something that is already overimpacted.

9 Q. Well, I will resist the temptation, we must both resist
10 the temptation to debate that. That is for others.
11 I want to keep going in your proof.

12 3.3.8, we may have dealt with this point to an
13 extent already. Again this is dealing with growth. The
14 first point there, CD/6, on air pollution, is the point
15 relating to background and whether there has been growth
16 in background. I think we have dealt with that point.
17 The second bullet point, in fact, I think we have dealt
18 with as well. That is the point, is it not, about more
19 residents in the area, and I think we have dealt with
20 that one. Sorry, I am going through my notes and I can
21 see that we dealt with both of those.

22 So let us move on then to the next subheading, which
23 is the under that paragraph, "Cumulative Impacts from
24 baseline to 35mppa". Paragraph 3.3.10, towards the end,
25 you make the point, towards the end of that paragraph,

1 on page 8, that the ES does not give a clear feeling of
2 how the proposed development compares with the situation
3 now, much less how it compares against the future
4 situation in, say -- sorry, against the situation in,
5 say, 1999 with 9.4mppa, or how a 45mppa scenario could
6 compare against today's situation?

7 Now, I think we can agree, can't we, that so far as
8 data about today's situation is concerned, the ES needs
9 to rely on data survey and other data that was available
10 to it when it was drafted. So by "today" I do not think
11 you mean, in fairness, July 2007?

12 A. No.

13 Q. Clearly the ES could not have taken that on board?

14 A. No, we agree on that.

15 Q. We agree on that. The point then seems to be one about
16 going back to 1999. Why 1999?

17 A. It says "say", so the idea was basically the past and
18 the future. My point is that we are in an time of very
19 rapid change. We are taking snapshots of that rapid
20 change, and that by focusing the assessment really on
21 the difference between the 25mppa and the 35mppa
22 scenario, we are kind of ignoring a lot of the
23 information about the growth of impacts, the very rapid
24 growth of impacts, on local residents that has already
25 taken place, and I guess, cumulatively also, the

1 concern, which is basically a social or a community
2 concern, about the future.

3 So, yes, we definitely have plenty of data
4 about 2003/2004, but most of the analysis is for in
5 seven years, and does not really acknowledge that a lot
6 of stuff will happen between now and in seven years and
7 that a lot of stuff already has happened.

8 Q. But surely the forecasts for 2014/2015, in both the
9 25mppa case and the 35mppa case do exactly that; they
10 take into account the growth in the airport to that
11 date; and the effects of the airport are under a number
12 of different headings.

13 It surely is a reasonable comparison, not? You may
14 say it is not the only one, but it is a reasonable
15 comparison, is it not, to compare the airport as it is
16 anticipated to grow, subject to its existing permissions
17 and the existing conditions, against what would happen
18 if those conditions were varied as requested, that that
19 is a reasonable comparison to make, is it not?

20 A. I think, first of all, the first thing I said this
21 morning was that I think the 25mppa scenario could be
22 challenged, especially in terms of some impacts. So in
23 terms of reasonable, I think that the reasonable
24 cumulative impact to 2014 is probably consistently
25 understated in this Environmental Statement.

1 Secondly, my point is, again, in terms of
2 intelligibility, and ability to make a good rational
3 planning decision. We are not talking about a snapshot
4 in 2014, we are talking about a build up of impacts.

5 Q. Professor Therivel, I know it is difficult, but please
6 try and answer the questions. I know you don't agree
7 with the 25mppa case, and you don't agree with us, and
8 we frankly don't agree with you. If we just sort of
9 move on from that for a moment.

10 The point I was putting to you was that it is
11 a proper and appropriate comparison, a reasonable
12 comparison, to compare what the airport will be like
13 with the existing permissions, the existing conditions
14 on those permissions, against what the airport would be
15 like at a future date if those conditions, two of them
16 in particular, were to be varied, as is the subject
17 matter of the application. That is a proper and
18 appropriate comparison to make in a Environmental
19 Statement, is it not?

20 A. It is completely appropriate. It does not give
21 a feeling for the cumulative impacts.

22 Q. Okay. It is also, of course, appropriate in some
23 circumstances, and we can see this in relation to some
24 of the impacts -- air quality is an example -- to look
25 at absolute levels in particular indicators of impacts,

1 whether it is concentrations of NOx or something else,
2 it is appropriate to look at that?

3 A. Yes.

4 Q. What you do, however, in your table 1 on page 9, is
5 something slightly different, and you are giving here
6 what you say is examples of cumulative impacts, and in
7 column 5 you tell us about the differences in impacts
8 between the 25mppa case and the 35mppa case, and then in
9 column B, again from the ES, the difference in impacts
10 between 2003/2004 and the 35mppa case, but then what you
11 have added, your contribution to what the ES has already
12 given us, is to simply make a comparison of the
13 comparisons.

14 Now, that data set, your column, for the purposes of
15 the inspectors' task is frankly meaningless. Simply to
16 know that column 3 is more than three times as large as
17 column A does not tell the inspector whether permission
18 could appropriately be granted, could not be granted; it
19 does not tell him whether an impact is acceptable or
20 unacceptable. As a comparison of comparisons it means
21 nothing?

22 A. What column B does is it essentially takes the
23 information between 2003/2004 and 2014, and adds that to
24 the information from 25 to 35. I mean, essentially,
25 what it does is it says: we have two sets of

1 comparisons, one is in 2014 with and without permission
2 lifted, and the other one is in 2014, with permission
3 lifted versus where we were in 2003/2004.

4 My point is that column B is the one that gives an
5 adequate view -- not even fully adequate, as we
6 discussed this morning, because it is based on the
7 Environmental Statement, which underestimates some of
8 the cumulative impacts to 2014 -- but column B is the
9 one that better describes the cumulative impacts
10 between 2003/2004 and 2014 and it is consistently larger
11 than A, and not just insignificantly larger. Therefore
12 that A, which is the focus of the Environmental
13 Statement's analysis, is consistently under-representing
14 the cumulative impacts during that time period.

15 Q. The first thing we can agree is that all the information
16 in column B comes from the Environmental Statement. So
17 all the data is there?

18 A. Yes.

19 Q. All you have done is to compare two comparisons. Now,
20 the question I asked you was about the final column,
21 I did not ask you about column B, the final column,
22 which merely gives a comparison between the two
23 comparisons, which is frankly meaningless. The
24 inspector has all the data in the ES which you have
25 listed in columns A and B.

1 A. The final column is essentially a comment on the
2 cases -- on the main emphasis of the assessment, and the
3 emphasis on comparing 25 to 35 gives a lower full view
4 of the cumulative impacts than the one from 2003/2004.

5 Q. What we could have had as a column C was the difference
6 in impacts between 2003/2004 and the 25mppa scenario.

7 A. I could happily have done that too.

8 Q. Yes, and the difference between then column B and
9 column C would be column A?

10 A. Are you simply unhappy with my last column? You don't
11 like the fact that it says B and A and stuff?

12 Q. The only contribution that you have made to this table
13 is the final column. It is worthless, is it not?

14 A. No, I do not think so, because it is describing the
15 difference between cumulative and just straightforward
16 impacts.

17 Q. Now, of course, I am not going to take you through all
18 of these, but if we look, for example, at ground noise.

19 A. At which one?

20 Q. Ground noise, it is the second one, we have not really
21 looked at ground noise yet. You set out data there, but
22 what you have not done, but which the Environmental
23 Statement does, is to set those changes in ground noise
24 into the context of background noise levels, and indeed
25 benchmarks so that the reader can gain some idea of the

1 significance of those changes. That is also important,
2 is it not?

3 A. Sorry, the significance is shown in the key at the
4 bottom, where we have I think a reasonably -- there was
5 a lot of discussion with, is it, Mr Flindell about
6 significance of three decibels versus one decibel and so
7 on. I think anything over three decibels, there
8 is common understanding that it is significant. There
9 was discussion about whether half a decibel was
10 significant. And my point is that there was a lot more
11 dark spaces on the right hand side than the left hand
12 side.

13 Q. Professor Therivel you have so completely misunderstood
14 ground noise that I am afraid there is not a lot of
15 point going on. The ground noise assessment actually
16 took into account, when considering significance, the
17 context of the background noise levels and thresholds,
18 did it not? Do you remember that?

19 A. I am happy to leave this one to our noise expert, since
20 I seem to have so completely misunderstood it. I don't
21 know if you can put the emoticon on in that one ...

22 Q. Section 4.1. You tell us in 4.1.5 that:

23 "... the ES seems to 1. underestimate some
24 significant impacts by comparing them to the '15mppa +'
25 scenario, careful use of words (eg 20dB(A) noise

1 increase is 'moderate'), and questionable use of
2 assumptions; and, 2. lose them amongst additional
3 information about impacts that are not significant."

4 And table 2, as I understand it, is intended to give
5 examples of that?

6 A. Yes.

7 Q. Of course what we actually have in table 2 is a very
8 selective series of quotations from the Environmental
9 Statement which don't demonstrate anything of the sort,
10 do they?

11 A. Are you talking about the last column?

12 Q. I am talking about the whole table in this case. It
13 does not show any inconsistency. Take air noise, the
14 first one:

15 "Even under the 25mppa scenario, 2,300 people will
16 experience weighted average sound levels of 57dB(A) just
17 from flying aircraft, equivalent to a noisy business
18 office operating outside their house. Up to 50 people
19 will experience greater than 72dB(A) just from flying
20 aircraft, equivalent to street-corner traffic. This
21 would be worse, with more people affected, under the
22 35mppa and 40mppa scenarios. Ground noise is in
23 addition to this."

24 Then the quote from the ES:

25 "... the calculated area of the 57dB(A)eq contour is

1 not predicted to exceed the noise contour 'cap' set out
2 in planning condition AN1 ..."

3 Well, what on earth is the inspector intended to
4 take from that? The relevant chapter of the air noise
5 volume of the ES has a whole series of comparisons. It
6 does not just make a comparison with AN1, does it?

7 A. The point of the table is to say that in the last column
8 those are the main conclusions of the main volumes of
9 the Environmental Statement, and that perhaps my middle
10 column pulls out certain information, but certainly so
11 does the volume 1 of the Environmental Statement.

12 Q. If we look at CD/5, which is the air noise volume, and
13 you turn to page 20. You can see that in the assessment
14 of effects, the assessment considered as part of the
15 primary assessment, the assessment of 264,000 ATMs in
16 2014, page 20. Page 21, assessment for 2002, ATMs,
17 25mppa case. Page 22, a comparison between the two of
18 those. Page 23, different contours between the two of
19 those. At the bottom of page 23, comparison with the
20 15+ application assessment, a number of tables there.
21 Table 25, comparison with the 2004 baseline. Page 26,
22 difference contours between the 35 case and the 2004
23 baseline, before going on to look at night-time noise.

24 There was a very fair, very balanced assessment,
25 using a number of different comparison methods, was

1 there not?

2 A. Yes.

3 Q. If we go on to look at another part of this table in
4 your proof, again, by way of example, box A on page 13,
5 again you carry out another exercise here where you look
6 at data in the ES and then you identify a series of what
7 you call "problems". Towards the bottom of page 13:

8 "Problem 1. Use of different monitoring/prediction
9 sites, and much lower baseline ... First, the 2005
10 baseline NO2 levels shown in the ES are all lower than
11 those in the UDC's monitoring report: see table A2."

12 And that is the table below.

13 Now, in relation to this, no criticism of you at
14 all, you would not be aware of this, but in fact the
15 data in the ES and in the table A2 all derived from UDC
16 monitoring, and they had used different correction
17 factors, bias correction factors, in the two tables, and
18 the ES was in fact corrected in CD/6.1. I don't know
19 whether you have CD/6.1. That was a correction to
20 table 7, and on one side there is some corrected data
21 where the --

22 A. Can you tell me the source for this, please, CD/6.1?

23 Q. Well it comes from BAA, it is the BAA note that goes
24 with the ES.

25 A. You are saying that UDC corrected this or that BAA

1 corrected UDC's data?

2 Q. Just look, first of all, at the side that has the text
3 on it. I am not going to read it all out, but let us
4 just look at paragraph 3 and perhaps read that out. It
5 says:

6 "The data given in table 7 for 2004 was taken from
7 the UDC Local Air Quality Management Progress
8 Report 2005, which used a bias correction factor of
9 1.12. In the USA 2006 [that is another report] these
10 data were reported using a bias correction factor of
11 1.1. This change in bias correction factor explains the
12 difference in the reported concentrations in ES table 7
13 and table 6 of USA 2006 for 2004. The 2004
14 concentrations in the replacement table 7 remained
15 unchanged and are slightly higher than given in
16 table 6."

17 So (overspeaking) --

18 A. (Overspeaking) -- picked up the error, in other words?

19 Q. Yes, there was an error in the UDC data -- well, not an
20 error, the UDC data had used different correction
21 factors, and when that was picked up, the correction was
22 made. So no criticism of you, but I think we can agree,
23 can we not, that that issue is not a problem as
24 identified on your page 13?

25 A. That it has been picked up subsequent to the publication

1 of the Environmental Statement.

2 Q. Yes. Problem 2, on page 14, is "Strange interpretation
3 of data". So table A1 suggests that air pollution is
4 already a problem in UDC, yet the ES analysis concludes
5 that air quality is generally good:

6 "Drawing on all of this monitoring information it is
7 reasonable to conclude that air quality is generally
8 good. In parts of the urban areas close to
9 Stansted Airport and other areas close to the M11 and
10 A120 air quality does, however, deteriorate as it is
11 influenced by significant road traffic emissions."

12 Now, that wording, you say, seems to misrepresent
13 the conditions. That wording is entirely fair and
14 accurate, is it not?

15 A. Can I -- I have to say that I am not an air pollution
16 expert, I am a strategic expert; however, I would like
17 just to refer back to the earlier inquiry findings about
18 Hatfield Forest about what is and is not significant and
19 what is and is not included in the definition of
20 significant.

21 Q. Professor Therivel, again, we must try and focus. What
22 I am asking you about is your wording here. You have
23 read out a perfectly -- I have read out a perfectly
24 accurate extract from the Environmental Statement. You
25 say this misrepresents conditions. There is no evidence

1 whatsoever that that text is wrong, still less is there
2 any evidence that it misrepresents conditions.

3 A. Could I refer you back to earlier in the inquiry to
4 people who are more expert than me.

5 Q. Yes. Well, is there any part of that text that you say
6 is misleading?

7 A. Could you remind me of which paragraph?

8 Q. It is problem 2 of your page 14 which says that
9 generally --

10 MR BOYLAND: In your proof, page 14.

11 A. Yes.

12 Q. That generally air quality is good, but that:
13 "In parts of the urban areas close to
14 Stansted Airport and other areas close to the M11 and
15 the A120 air quality does, however, deteriorate ..."
16 What is inaccurate about that?

17 A. I would really -- if we are allowed to have a break
18 I would like to go back and revisit that, then, please.

19 Q. Problem 3 --

20 MR PHILLIMORE: Can I just clarify something here. Are you
21 reading the last sentence as a comment on the quote in
22 italics, or as a comment on the sentence maybe before
23 that? Obviously, it is a question that needs to go to
24 the witness really, but I want to understand what your
25 answer is --

1 MR HUMPHRIES: Well, I understand Professor Therivel to be
2 saying, under the heading "Problem 2", in the very last
3 sentence, that the wording -- I assume she is referring
4 to the wording of the ES, because that seems to be the
5 general thrust of this group of evidence --
6 misrepresents conditions. And I just want to understand
7 why she says it misrepresents conditions.

8 A. I think it would be fair -- thank you, I have had
9 a microsecond to look at this, that table A1 suggests
10 that there are already exceedences [sic] of the air
11 quality standard for NO₂, and that some locations that
12 are not exceeded are awfully close already. I think it
13 gets more significant if we look at a wider range of
14 data, for instance also at Saffron Walden, and that
15 therefore simply stating that air quality deteriorates
16 is an understatement of the fact that it is already over
17 legal standards.

18 Q. Professor Therivel, I said to you right at the beginning
19 of this passage of the cross-examination that you had
20 been highly selective. The data is all in the
21 Environmental Statement. It is all discussed in the
22 Environmental Statement. You have simply alighted on
23 two sentences in that quotation, and then extrapolated
24 a whole case that the Environmental Statement does not
25 properly reflect these matters. It does.

1 A. What I have pulled out is the conclusions at the end of
2 each section in volume 1 of the Environmental Statement,
3 which is the main document that people read.

4 Q. Well, we will have to agree to disagree on that as well.

5 Problem 3:

6 "No consideration of other developments and trends."

7 We have discussed that already, the air quality data
8 does look at trends.

9 Problem 4:

10 "Use of comparison, not totals."

11 You say there:

12 "The ES concludes about air quality that it 'is
13 predicted to be similar in the 35mppa case to that which
14 would arise in the 25mppa case, although as would be
15 expected, concentrations of all pollutants are
16 marginally higher ...'"

17 You say this comparison of two scenarios masked the
18 fact that both scenarios would exacerbate an already
19 problematic situation.

20 Well, again, that is just highly selective. The ES,
21 in the appropriate volume of the ES, sets out all the
22 material data on this issue. Simply alighting on part
23 of one sentence in one volume can't, surely, be
24 a serious attempt to suggest that we have masked the air
25 quality issues at the airport. Simply,

1 Professor Therivel, it is an unbalanced approach. You
2 have lost objectivity, have you not?

3 A. The sentence that I am quoting is the conclusion of the
4 air quality section in volume 1 of the Environmental
5 Statement. It is not highly selective. There is only
6 two paragraphs in the conclusion, and this is one
7 sentence in those two paragraphs.

8 Q. Yes, but in volume 1 of the ES, that is an attempt to
9 draw together in an single volume summaries of the many
10 other volumes. For a professor apparently practising in
11 this area, one would suspect that you would look at the
12 volume itself, which makes it very clear what the data
13 are.

14 A. Can I go back to my refrain of: this is supposed to
15 inform decision-makers, and that the typical
16 decision-maker will not be an air quality expert either.
17 They would rely on volume 1 to give a full and impartial
18 view. And this is not -- this is itself giving a biased
19 and limited view of the totality of the problem. The
20 Environmental Statement could also have ended with quite
21 a different conclusion in volume 1 of the Environmental
22 Statement, the one that everyone reads.

23 Q. Again, we will agree to disagree.

24 Section 4.2:

25 "The ES does not propose adequate mitigation for the

1 significant [effects]."

2 This is a reason for refusal. Obviously we know
3 that in the ES the reason why substantial additional
4 mitigation was not included in the ES is that this is
5 a section 73 application to vary two conditions, and
6 therefore the application already included substantial
7 amounts of mitigation which had been secured in 2003.
8 This is an application, as you appreciate, to change two
9 conditions?

10 A. Yes, sir.

11 Q. So we already have a section 106 agreement and a very
12 long list of conditions which relate to this physical
13 development.

14 A. And that agreement was made in 2003 on the basis of an
15 Environmental Statement which predicted different and
16 lower levels of impact, and where the policy context is
17 different from what it is now. For instance, climate
18 change in 2003 certainly was not this high up on the
19 agenda. And water resources in 2003, we had not gone
20 through either a series of regional spatial strategies
21 and their sustainability appraisals, which confirmed
22 that water resources are a problem in the east and south
23 east of England. We had not gone through the
24 Stern Report. So I would say I am delighted that good
25 and thorough conditions were put on at that point, but

1 things have changed and this application is for
2 additional impacts.

3 Q. Yes, and I don't accept for one moment that all impacts
4 in 2003 were higher than now, but let us not get stuck
5 on that. What we do know is: that as a result of the
6 proofs of evidence and discussions between the council
7 and the appellants, further mitigation has been
8 identified and will be secured by condition and/or
9 section 106 agreement.

10 A. I am sure it will.

11 Q. And that is appropriate?

12 A. Of course.

13 Q. Now, sir, could we just go on for a few minutes, and
14 then there is a more natural break. I was going to say
15 I am close to the end, but we are not good at
16 predicting, the two of us. I can stop now, there is
17 a micro-break, or I can stop in a few moments where
18 there is another break.

19 MR PHILLIMORE: What a choice.

20 MR HUMPHRIES: Sir, you are getting your own back, for
21 asking me what the last question was yesterday, I think.

22 MR PHILLIMORE: Is there any chance if we have a break now
23 we might be able to compress the remainder, because we
24 are obviously taking longer than anticipated.

25 MR HUMPHRIES: I am not sure that we will compress it, but

1 Firstly, underground rather than surface carparking.
2 I just want to understand what this relates to, because
3 the current application does not include any additional
4 carparking to that that is already either on the airport
5 or permitted. What is this supposed to relate to?

6 A. What I was aiming to do with this particular paragraph,
7 and please remember that my remit is strategic, I am
8 supposed to give a strategic overview of this
9 development in relation to others, the point of this
10 particular paragraph was that by looking at this
11 Environmental Statement and this application on its own,
12 was limiting the range and type of mitigation measures
13 that one might consider. Now, these are examples of
14 possible mitigation measures that one might consider if
15 one was looking at this particular application in
16 a wider context, for instance, also looking at the
17 G2 application, or particularly as a masterplan.

18 Now, I know that there were, certainly from
19 Mr Harborough's proof of evidence, I think it was on
20 7th June, that there was quite a lengthy discussion or
21 attempts at discussion about mitigation, so I am not at
22 all implying that mitigation was not discussed
23 thoroughly. But it would have been discussed in the
24 context of this planning application, not a wider one.

25 Now, to answer your question, this Environmental

1 Statement right at the beginning talks about individual
2 projects, which would follow on -- I am trying to find
3 the reference -- from this planning application, and
4 many of those, the bullet points, is carpark. And it
5 seems to me that if one was planning carpark in
6 a strategic way over a longer period of time for this
7 airport, that one would not just kind of cover more and
8 more space with them, but that one would kind of think
9 strategically about whether there are different ways of
10 providing carparking, even if that carparking was really
11 necessary, and one of those ways would be underground or
12 multi-storey.

13 Q. Okay, well, within that context I do not need to ask you
14 about that point. I think we can agree, though, when we
15 do look down the list, that BAA does in fact do very
16 well in relation to many of these points. Item 2
17 relates to rail access, and, again, you may be aware of
18 this or you may not, but Stansted actually has the
19 highest public transport share for surface access to the
20 airport of any airport in the UK. It actually performs
21 extremely well in relation to not just rail but coach
22 and other forms of public transport.

23 A. Yes, and I understand from the transcript of 7th July
24 that the rail services are already problematic, and that
25 there are discussions, or at least dreams, of

1 a West Anglia upgrade, and that that these kinds of more
2 strategic improvements to public transport are not being
3 discussed as part of this planning application.

4 Q. Well, the planning application, and when we get to the
5 surface access section, is going to look at rail, and
6 BAA does have a strategy for improving capacity on the
7 rail lines, which involves longer trains, which provides
8 capacity, but I imagine that is not a matter within your
9 current remit to debate with you?

10 A. No, it is not. And also I did say radically improved,
11 which I think differs from simply extending platform
12 length.

13 Q. Well, there is no point in providing more capacity than
14 is needed, that would not be sustainable, would it? It
15 would be a waste?

16 A. Of course.

17 Q. Is this a matter perhaps to leave to the surface access
18 people?

19 A. If you would like to.

20 Q. Purchasing offsite land for carbon fixing purposes, I am
21 not aware that the airport does that, but in relation to
22 the airport's power generation plants, the site is
23 currently registered in the EU emission trading scheme.

24 A. Sorry, what I am trying to do is to find the proof of
25 evidence that relates to the climate change from

1 aeroplanes. I think my point, if given the time to look
2 at this, which you may or may not want to give me, is
3 that the climate change impacts from flying will vastly
4 outscale the climate change impacts from the airport
5 operations. And so that, simply -- I know it is already
6 impressive, but improving the energy efficiency of the
7 airport operations will not touch the scale of climate
8 change impacts and what they need to be mitigated, of
9 flying?

10 Q. As you know the strategy there is a different one, and
11 I am not going to debate that with you, that is for your
12 colleague.

13 The final one here: Techniques for reducing
14 resource use from offsite renewable energy production
15 and rainwater collection.

16 Renewable energy production, again you may know
17 about this, you may not, obviously the new arrivals bay,
18 which is currently being constructed for the terminal,
19 will have a biomass -- well, will have biomass plant as
20 part of it, renewable, carbon neutral plant.

21 A. Okay, good.

22 Q. That is a good thing.

23 A. That is a good thing.

24 Q. And BAA has agreed with the Environment Agency that for
25 the new satellite 4 it will consider rainwater

1 collection and reuse of rainwater, and that type of
2 thing already happens in some parts of the airport, for
3 example car rental and car washes and stuff reuse their
4 water. Again that is a good thing, that is the sort of
5 thing you --

6 A. Is it proposing an undertaking to do this or is it
7 considering -- the problem is, I guess, in terms of the
8 certainty, if it considers, as opposed to if it actually
9 promises to deliver.

10 Q. Okay. Now, the final section in your proof is
11 section 5:

12 "Sustainability of Stansted growth."

13 In paragraph 5.1.4, it tells us that:

14 "The proposed development is also based on many
15 assumptions that may well not be borne out in the medium
16 to long term. It faces uncertainty in terms of ..."

17 And then a list of things: carbon emissions trading
18 schemes is the first. Whether aircraft fuel continues
19 to be untaxed is the second. Whether fuel costs will
20 continue to remain low is the third. And:

21 "After maximum oil extraction -- 'peak oil' -- is
22 reached, oil supplies will become more difficult and
23 costly to extract."

24 That is the last of them.

25 Now, all of those things go to suggest, as

1 I understand it, that the costs to airlines could be
2 higher than they are currently?

3 A. They could be, yes.

4 Q. We know, do we not, that government in its forecasts
5 already reflects, for example, internalising the costs
6 of carbon?

7 A. In its -- it has various schemes that aim to do so.
8 I think their effectiveness would need to be unpicked.

9 Q. I did not ask about that.

10 A. Okay.

11 Q. What I asked about was that the department's forecasts
12 take that into account. They have taken into account
13 the costs of carbon in their forecasts of air transport
14 growth. If you don't know, just say you don't know.
15 Don't feel obliged to guess.

16 A. I would rather leave this one to Roger.

17 Q. We understand. Again, would it be the same answer in
18 relation to BAA's forecasts, those also take account of
19 costs of carbon forecasts on various duties, and
20 forecasts on the price of oil. Again, is that a matter
21 not best left to you?

22 A. I know Mr Maiden was talking about the price of oil.
23 I think my point with all of this is that we are
24 operating in a climate of great uncertainty, and that
25 trends can't be taken for granted, but I am very happy

1 to leave this one to Roger.

2 Q. You conclude this in 5.1.5 by saying:

3 "All of these new measures could impose significant
4 new costs on airlines. Low cost airlines will be
5 particularly vulnerable to changes in emissions trading,
6 tax on fuel and increases in petrol costs, since such
7 increases would account for a disproportionately high
8 proportion of their fares. Low cost airlines currently
9 make up 92 per cent of flights from Stansted ..."

10 A large proportion of Stansted's flights are low
11 cost.

12 Now I just want to understand how all this fits
13 together. Are you saying that SSE's forecasts of growth
14 in air transport movements and passenger numbers at
15 Stansted are too high?

16 A. SSE's?

17 Q. Yes, SSE's. Mr Ross's evidence, when he is predicting
18 50 million. Is that the thrust of your evidence, that
19 they have got it wrong because they have not taken these
20 things into account?

21 A. No, no. Mr Ross, I think, points out quite rightly that
22 if there was no cap on passenger numbers, that because
23 of emerging aeroplane technology it would be perfectly
24 feasible to get to a much higher passenger throughput on
25 the same number of flights. My point here is that we

1 are looking into a future of volatility when it comes to
2 the presence and cost of fuel.

3 Q. Yes, but, Professor Therivel, you know, the great
4 catchphrase of the day, "joined up thinking", I just
5 want to examine the joined up thinking within the SSE's
6 case. What you seem to be saying is that there are
7 these unknowns, these are new costs, and that Stansted
8 would be vulnerable to those. Now, if that is
9 right -- we don't accept it is right and we set out our
10 forecasts -- but if you are right, then Mr Ross's
11 forecasts are wrong.

12 A. No. We are looking into a future --

13 Q. So is Mr Ross.

14 A. Just -- we, as everyone in this room, is looking into
15 the future about how this airport and this area
16 interact, and it seems to me that there are a number of
17 scenarios. One is one of unconstrained growth, or rapid
18 growth with respect to the aviation white paper.
19 Another one is that all kinds of piled up scenarios
20 could mean that one does not reach the expected growth
21 or that the low cost airlines are particularly affected,
22 and in either case it is quite a high risk -- what this
23 whole proposal is, and certainly G2 will be, is really
24 quite high risk. I am not sure that this has been taken
25 into account properly.

1 Q. It is not high risk on Mr Ross's forecasts. He says
2 there is going to be large amounts of demand. Far
3 higher than BAA forecasts.

4 A. That an unconstrained --

5 Q. Unconstrained by what?

6 A. Unless there was the 35 -- or unless there was a cap on
7 there, allowing the number of flights that is being
8 asked for could lead to lots more people. And in an way
9 we don't worry about the time there. There is the
10 potential that by permitting this, at some point in the
11 future lots and lots of people will come, way more than
12 what is currently being proposed in the scenarios
13 covered in the Environmental Statement.

14 Q. You see, Professor Therivel, one can't help asking
15 whether the exercise you have undertaken here has
16 genuinely been a balanced and objective one, or whether
17 in fact what you have simply done, as we have seen
18 through the cross-examination, is just try to pick at
19 every small thing to criticise BAA and to criticise the
20 Environmental Statement. If, as with this last point,
21 that is entirely inconsistent with the rest of your
22 client's case, it seems to matter not at all to you.

23 A. The main messages that I was trying to get through with
24 my proof of evidence was that this project is
25 a snapshot. There is no masterplan at the moment. We

1 have -- you don't like the term "salami slicing", but
2 whatever the corresponding term is for chopping up
3 airport growth into smaller pieces, that in a scenario
4 such as this cumulative impact assessment, and a good
5 view of long-term trends and of possibilities for
6 strategic level mitigation that might impose a chunk of
7 cost now so as to reduce impacts for future stages of
8 the project, that becomes particularly important; that
9 the cumulative impacts of the project have been looked
10 at in little bits, but certainly have not given
11 a comprehensive view of this, that there are significant
12 impacts coming through from this, that the mitigation,
13 the additional mitigation proposed, is limited and at
14 times given with qualifiers, so as to make it less than
15 certain that it will be carried out, and certainly that
16 the Environmental Statement, and the conclusions at the
17 end of each of these sections, if one analyses that,
18 then I am not sure that I am biased about this.

19 Q. So is it your proposition that if we mitigate now for
20 other projects, including G2, that SSE would withdraw
21 all objection to G2?

22 A. No, my point is --

23 Q. Or is the proposition that we should mitigate the
24 something that you say should not come about?

25 A. No, my point is that --

1 Q. I think I know your point.

2 A. Okay. That we need to think of mitigation strategically
3 as well as of this whole emerging growth of SSE. We
4 need to think of that strategically as well.

5 Q. Thank you very much. Thank you very much, Professor.

6 A. Am I done?

7 Q. Well, from me. I am afraid Mr Stinchcombe is going to
8 ask you some more questions.

9 MR PHILLIMORE: Thank you Mr Humphries. Mr Stinchcombe.

10 Re-examination by MR STINCHCOMBE

11 MR STINCHCOMBE: Thank you very much indeed. Professor,
12 I wonder if we could start with some of the questions
13 that you were asked yesterday, and in respect of your
14 general criticisms of the cumulative approach of the
15 Environment Statement.

16 A. Mm-hm.

17 Q. You told us, for example, that there were certain
18 concerns you had about transparency, and about whether
19 all of the projects had been included in the assessment.
20 And we looked, for example, in the energy volume, and
21 you took us to carpark G, I think it was.

22 A. Mm-hm.

23 Q. Can you remember those questions?

24 A. Yes.

25 Q. Do you remain concerned that the Environment Statement

1 may not have taken into account all of those
2 considerations or are you now persuaded by the
3 information that you have seen within the Environment
4 Statement that it has?

5 A. No, I think my extended discussion this morning about
6 why the base case does not give a good description of
7 cumulative impacts would stand.

8 Q. It stands, right. If I can come on, then, to this
9 morning, you looked at certain matters overnight, in
10 particular starting with surface access, and you stated
11 that you had some residual concerns in that although
12 some of the assessments appeared to take into account
13 more cumulative matters, not all of them had, as
14 I understood it?

15 A. That is right.

16 Q. Can you identify for me, just briefly, where you say
17 there remain for the inspectors to find those kinds of
18 criticisms? In which volumes should we be particularly
19 looking?

20 A. Certainly the air noise.

21 Q. Air noise.

22 A. Air quality.

23 Q. Air quality.

24 A. Energy economic impacts. Those would be the ones that
25 most clearly don't address, in the 25mppa base case, the

1 build-up of impacts between now and 2014.

2 I think if we are talking about the totality of
3 whether cumulative impacts are addressed, my concerns
4 about noise stand, especially the transparency of the
5 different -- the accumulation of different types of
6 noise, and also about the kind of invisible ones that
7 have not been included; I mean, even small drip feeds of
8 noise at some point start adding up to an increase in
9 decibels --

10 Q. Just pausing there, before we leave noise, do you have
11 any concerns as to the temporal impact of noise in
12 accumulative assessments? Is the Environmental
13 Statement satisfactory in terms of its changeover time?

14 A. I already talked about the receivers, and that the
15 number of receivers has not been adequately considered.
16 I think another concern that I have about noise is that
17 what we have is, under the 25mppa scenario, that the
18 noise of the aeroplanes at present is not going to grow
19 as high as one would have expected initially under the
20 25mppa scenario. So that by sticking with that, we
21 would actually get less noise than predicted in the
22 Environmental Statement, which is a grand thing and it
23 is using technology to make -- not life better for local
24 residents, but not to make it as worse as before. But
25 in this case that is simply being used as allowing

1 a greater buffer within which cumulative impacts can
2 continue to grow.

3 Q. Keeping with noise for the moment, just noise, and we
4 will come on to the other matters shortly, you have
5 indicated again that you are concerned that the
6 assessment did not include the new receptors, ie the new
7 people who might be living in the area hearing the
8 noise, as predicted in the RSS?

9 A. That is right.

10 Q. And it was put to you that it would be unlikely that
11 there would be very many living within the air contours
12 as set out in the Environmental Statement?

13 A. That is right.

14 Q. Is it possible that people living outside of those air
15 contours might be disturbed by noise as well?

16 A. Absolutely. And I believe that the discussion around
17 Mr Flindell's proof of evidence certainly would support
18 this possibility.

19 Q. Right. Can we move on, then, to air quality, which was
20 the second issue that you were concerned with. You can
21 recall, I hope, being taken to CD/6 and the tables 19,
22 20, 23 and 24, and the methodology was explained to you.

23 A. That is right.

24 Q. You said that out of the passages that had been put to
25 you, that the words suggested robustness --

1 A. Could you remind me of the paragraph, please?

2 Q. I am not sure I can actually. It might be 5.1.27.

3 I think paragraph 5.1.27. I think the point was put
4 that they made these measurements, and then they
5 forecast for changes in accordance with the
6 various -- it is 10.1.1, I am told we have to start at.
7 10.1.1 we have to start at in CD/6. Then we went back
8 to 5.1.27 to see how they drew those figures up.

9 A. Yes.

10 Q. And you said that the words suggested robustness, but
11 nonetheless you had a remaining concern looking at the
12 tables themselves. Can you explain why you have that
13 remaining concern?

14 A. It seems to me that if one models things, there is
15 certain inputs and there is certain outputs to the
16 model, and the inputs would be things like
17 meteorological data and changes in past noise, and then
18 changes in future traffic, it could include the
19 G2 construction traffic and so on, and all of that goes
20 into, presumably, quite a complicated model, and out
21 comes data which is exactly, location by location, the
22 same as 2003.

23 Now, it is possible that this very complex model
24 occurred, and stuff happened, and that these are the
25 right numbers, but it just make me wonder exactly how

1 that has been done.

2 Q. Right. Now, you have just mentioned G2, and you were

3 asked questions about that as well, and in particular

4 how it could have been taken into account when there was

5 no detailed proposal, because they were still

6 consulting.

7 A. Yes.

8 Q. And you mentioned the master plan in that context.

9 A. That is right.

10 Q. Or the absence of the masterplan.

11 A. Yes.

12 Q. I wonder if you could have put before you CD/87, which

13 is the white paper.

14 A. Yes.

15 Q. And turn up page 141. You will see a heading there

16 "Airport Masterplans".

17 A. Yes.

18 Q. In the light of this guidance, within a Government white

19 paper upon which the developer relies on heavily, what

20 comment do you make about the absence of a masterplan

21 and the absence of any consideration of G2 in the

22 Environmental Statement?

23 A. Well, I find the first two sentences of each of

24 paragraphs 12.7 and 12.9 interesting:

25 "Airport operators are recommended to maintain

1 masterplan documents detailing development proposals.
2 Airport operators should begin this process immediately
3 with a view to the production of new or revised
4 masterplans as soon as possible, and preferably within
5 the next 12 months."

6 The date of this document is December 2003.

7 Q. I am obliged. A little while later you were taken to
8 paragraph 3.3.5 of your proof, where you were asked
9 questions about your comments in respect of traffic
10 level projections for 2014 and 2023, and in particular
11 in reference to construction traffic.

12 A. Yes.

13 Q. Would there be any construction traffic, or might there
14 be any construction traffic, for G2 in those dates 2014
15 or 2023?

16 A. Construction traffic?

17 Q. For G2.

18 A. There might be, depending on how long any inquiry takes,
19 and how long the decision to build or not to build is
20 delayed. I believe there is aspirations to have
21 G2 operating by 2015.

22 Q. Do you know what the aspirations or expectations are of
23 how long it might take to build?

24 A. I do not know.

25 Q. If there is a reasonably foreseeable prospect of

1 construction traffic at 2014, would you expect that to
2 be included as a cumulative impact in the Environmental
3 Statement?

4 A. Yes.

5 Q. Was it?

6 A. No.

7 Q. Right. Later on in your cross-examination, you were
8 asked about the comment in your proof at
9 paragraph 3.3.4, that the ES did not predict climate
10 change impacts from flights plus ground operations. Do
11 you remember those questions?

12 A. Yes.

13 Q. And as part that of cross-examination you were taken
14 I think to Mr Squire's proof of evidence, and to the
15 carbon calculations in Mr Pratt's proof of evidence, and
16 the carbon calculations within it.

17 A. That is right.

18 Q. Right, and I think that the inference was that these
19 matters have all been fully into account by the
20 operator, developer?

21 A. The inference was that they were covered in Mr Pratt's
22 proof of evidence.

23 Q. Have you seen any indication from BAA before Mr Pratt's
24 proof of evidence that they had calculated carbon in
25 this way?

1 A. No.

2 Q. Can I take to you Mr Row's proof of evidence. Do you
3 have it in front of you? Firstly, page 73.

4 MR PHILLIMORE: Could you just repeat the reference, please?
5 I think it is BAA --

6 MR STINCHCOMBE: It is 1A, is it not?

7 MR PHILLIMORE: Thank you.

8 MR STINCHCOMBE: Yes, 1A, page 73, paragraph 14.3, where he
9 explains the BAA approach:

10 "Some representations went as far as seeking to
11 calculate the carbon impact of moving from 25mppa to
12 35mppa. Others alleged an inconsistency in national
13 policy."

14 What do you infer from that as to BAA's agreement or
15 otherwise as to the relevance of calculating those
16 carbon impacts?

17 A. They were calculated after the Environmental Statement
18 was prepared and as an input into this inquiry.

19 Q. Right. If we move on in Mr Rhodes' proof to 14.10. You
20 see another aspect of the BAA approach:

21 "Whilst climate change is a major issue facing the
22 world today, it is not an issue readily addressed
23 through the consideration of individual planning
24 applications."

25 From your perspective, as a strategic expert on

1 environmental measures, and looking at cumulative
2 impacts, how can you address global warming in
3 a cumulative way if each individual planning application
4 will not reflect the temperature of the globe?

5 A. You can't.

6 Q. What do you then do?

7 MR HUMPHRIES: I think we need to be careful generally.

8 There have been quite a lot of leading questions
9 suggesting the answer.

10 MR PHILLIMORE: I am sure, Mr Stinchcombe, you note that.

11 MR STINCHCOMBE: I had not appreciated I had, I do
12 apologise. I have not been listening clearly to what I
13 have been saying.

14 A. So the question is: what can one do?

15 Q. What should one do on a cumulative basis to address
16 global warming?

17 A. Well, there is big things and there is little things.
18 And little things is fiddling around with airport
19 infrastructure to make it less carbon intensive.

20 Big things, there is no way of reducing the carbon
21 emissions from flying, and the carbon emissions from
22 flying, if flying continues to grow, if more and more
23 flights happen, they will completely overtake any
24 improvements that we need to make to be consistent with
25 other aspects of government policy. We can only really

1 address the climate impacts of flying by reducing
2 flying.

3 Q. Right. You were then asked some questions about the
4 various tables and boxes within your proof. If I can
5 look first at table 1.

6 A. Yes.

7 Q. On page 9. You were criticised for simply making
8 a comparison of comparisons, and adding a comment in the
9 final column which was worthless.

10 A. That is right.

11 Q. Can you explain, just briefly, what is the worth of the
12 comments that you have made in respect of the boxes
13 contained in table 1?

14 A. The comments refer to the difference in the two columns.
15 The first column only looks at the situation in 2014,
16 with and without the current proposal. The other one
17 also adds growth from now, or from 2003/2004, to 2014,
18 and it is obvious that that growth is going to be
19 significant because of the number of times that it says
20 "B is bigger than A".

21 Q. Right. If we look on quickly to table 2. Explain to me
22 what you are seeking to do by table 2?

23 A. Table 2 -- I was looking at the Environmental Statement
24 and the information that it provided. I was trying to
25 be strategic about it. I was trying to -- well, it is

1 very hard in an environmental assessment not to get
2 sucked down into the details; so what I was trying to do
3 in that table was summarise in the middle column what
4 I perceived of as being significant impacts resulting
5 from the proposal under discussion today. And in the
6 right-hand column summarising the main conclusions of
7 the Environmental Statement. The point is, if you
8 compare the middle column with the right-hand column, is
9 that there does seem to be a disconnect. That was the
10 point.

11 Q. Right. Can you give us any particular example of
12 a disconnect, just for illustrative purposes, from your
13 table?

14 A. Yes, the nature conservation one is a nice one. We have
15 several times mention of large areas of grassland lost,
16 loss of biodiversity action plan habitat, a breeding site
17 for skylarks is lost, and so on. And essentially the
18 Environmental Statement concludes with:

19 "Mostly be of a minor or negligible level of
20 significance. Moderate adverse impacts for a particular
21 field."

22 And then:

23 "The only residual effect would be on the density of
24 that habitat network."

25 As a description of the loss of considerable areas

1 of habitats which are not of international importance,
2 but are of local biodiversity importance, that kind of
3 adds up to the landscape of the area, and also how the
4 wildlife and the flora interact over space.

5 Q. Right. And just so I can understand the reference,
6 paragraph 4.1.5, you have an example there of
7 a 20 decibel increase in noise being described as
8 moderate. Where in the table would I find that?

9 A. This would be the first line of the table, and what we
10 have here is something that I was already mentioning,
11 that comparing the growth in noise with the threshold
12 put forward, the cap put forward in the 2003 planning
13 permission is not really a comparison of an impact with
14 a baseline; it is a comparison of an impact with
15 a planning condition, which gives a very specific, and
16 I would argue limited, view of the impact itself.

17 Q. Right. One final question. You were then taken through
18 the various problems that you had arising from box A, do
19 you remember those questions?

20 A. Yes.

21 Q. You set out your problems, there were four of them, and
22 you were criticised for having quoted selectively in
23 identifying the particular passages which were subject
24 to the critical analysis.

25 A. Yes.

1 Q. How did you select those quotes?

2 A. They are from volume 1 of the Environmental Statement,
3 which summarised the findings of -- I think it is
4 volume 3, that looks at air quality.

5 Q. Do you accept that it was unfair for you to select those
6 particular quotes?

7 A. No, absolutely not. These are the conclusions of the
8 main part of the Environmental Statement.

9 Q. What are your conclusions as to the substance of the
10 problems that you identified in respect of those four
11 conclusions?

12 A. Well, this was just one example of a number, and
13 I pulled it out because I was just interested -- of an
14 example of where we start with what seems like
15 a problem, and then we conclude that there is no problem
16 at all, despite the fact that in the meanwhile we have
17 all kinds of things happening that will add to the
18 problem.

19 Q. Right. Sir, I have no further questions. Do you have
20 any questions?

21 MR PHILLIMORE: Thank you very much, Mr Stinchcombe.

22 Questions from THE INSPECTORS

23 MR BOYLAND: Just one question of clarification if I might.
24 You have been asked quite extensively about whether the
25 comparison with the 35mppa should be with the existing

1 situation, or the 2003/2004 situation, or the 25mppa at
2 2014, I do not want to go over all of that, but can
3 I just be clear that you understand that if this appeal
4 is dismissed, then the current conditions will remain,
5 that is the 25mppa count including others, which we are
6 told will be reached next year sometime?

7 A. Yes.

8 MR BOYLAND: And that the other aspects of growth that go
9 with that, presumably, will follow. So that if this
10 appeal is dismissed, then the 25mppa at 2014 scenario is
11 likely to occur and the effects that go with it. It is
12 not part of your case to deny that, is it?

13 A. No, it is not.

14 MR BOYLAND: So you are not at any point suggesting that the
15 current status quo should prevail in the future?

16 A. Sorry, I do not see the step from the previous question.

17 MR BOYLAND: I am just trying to be absolutely clear that
18 you are not suggesting that everything should stop as it
19 is now, that there should be no further development of
20 the airport?

21 A. No, my point is that this application comes at
22 a particular time of very rapid change, and this matter
23 needs to be looked at in the whole.

24 MR BOYLAND: Yes, I understand that.

25 A. And as such, you know, I think that the consideration in

1 the whole would obviously entail consideration about at
2 what point one stops.

3 MR BOYLAND: Yes. Thank you very much.

4 MR PHILLIMORE: Just leading on from that, how would you
5 encapsulate the thrust of your evidence in terms of the
6 decision that has to be taken regarding planning
7 permission?

8 A. Can I duck out of that? The problem is I am not
9 a planning officer and I am not an inspector, and in
10 a way I can take a balanced view according to what
11 I feel, which would obviously -- well, it is that we
12 need to stop the growth in flying soon, but that is not
13 from the kind of balanced perspective that you all need
14 to operate from. So I will duck out.

15 MR PHILLIMORE: Okay, thank you very much,
16 Professor Therivel.

17 (The witness withdrew)

18 MR HUMPHRIES: Sir, can I just raise a factual matter, again
19 on this rather vexed question of the two air quality
20 tables, because from the re-examination I still think
21 there is a factual misunderstanding as to what the table
22 is, and if Mr Stinchcombe wants to ask another question
23 I am more than happy that he should. Could you just
24 look at CD/6, please, because I think we are slightly at
25 cross-purposes in being surprised that table 19 and

1 table 23 had the same figures.

2 If you look in CD/6 at page 32, you will see that
3 paragraph that I referred to earlier, paragraph 10.1.1.
4 You will see it starts by talking about variations in
5 meteorological conditions. And then in line 4 it says:

6 "To examine the effect of the met conditions on the
7 contribution from emissions from the 25mppa case, these
8 were modelled ..."Ie the 25mppa case from 2014 was
9 modelled:

10 "... using met data from 2001, 2002, 2003."

11 The results of these, we can see, are set out in
12 table 19. So what we have in table 19 is
13 2014 forecasts, but using three different sets of met
14 data. Now, when you get to table 23 and you get to the
15 background figure that has been used, the background
16 figures that have been used were the 2014 forecasts
17 using the 2003 met data, because if you look at table 19
18 as a generality, one can see that 2003 met data produced
19 the highest concentrations. Therefore, that is why the
20 G1 development in the 35mppa case was put on top of the
21 25mppa data using the worst met data, which happened to
22 be 2003.

23 Now, I think the misunderstanding appears to be
24 a thought that table 19 is concentrations from
25 2001, 2002, 2003. It is not. It is the forecast 25mppa

1 (inaudible), but with three different lots of met data,
2 to see, as I said earlier, which produced the most
3 robust results.

4 I correct that because I think it is simply
5 a misunderstanding, and Mr Stinchcombe may need to take
6 that on board. I understand if he does want to ask
7 a question now, that is fine. But I think it is quite
8 important that we don't all go away with some grand
9 misunderstanding of why the two sets of figures are the
10 same. They are supposed to be the same.

11 MR PHILLIMORE: Thank you, is there anything, Mr Stinchcombe
12 you wish to follow on?

13 MR STINCHCOMBE: Sir, I will not ask any questions at the
14 moment, but I will look very carefully at the transcript
15 and see what view we take on that. But it is helpful to
16 have that additional explanation.

17 MR PHILLIMORE: Well, thank you for both for your comments.
18 Mr Stinchcombe, if you would like to call on your next
19 witnesses.

20 MR STINCHCOMBE: Yes, I have two, if that is allowable,
21 speaking in respects of one proof, but discrete parts of
22 it. And they are Mr Peter Sanders and Mr Paul Garland.

23 MR PETER SANDERS (called)

24 MR PAUL GARLAND (called)

25 Examination-in-chief by MR STINCHCOMBE

1 MR STINCHCOMBE: Sir, this evidence is actually proof of
2 evidence 17 on behalf of SSE. We have taken it out of
3 its numerical order because it seemed to us to fit most
4 appropriately after the evidence you have just heard.
5 It is on the Sustainability Appraisal. As it is clear
6 from the proof, and we will only be going through the
7 summary proof for my purposes, with a couple of
8 supplementary questions, that there are two witnesses,
9 Mr Sanders and Mr Garland. Sir, if I might introduce
10 Mr Garland to the Inquiry and then reintroduce
11 Mr Sanders.

12 You are Paul Garland, you appear on behalf of Stop
13 Stansted Expansion, you have a MA in Environmental
14 Policy and Society, and have been chairman of Uttlesford
15 Local Agenda since 2004.

16 A. Yes, correct.

17 Q. And as representative you attended both workshops held
18 by RPS planning consultants?

19 A. Yes, I did.

20 Q. And you give particular evidence in respect of the
21 workshop issues covered in section 43 of the summary
22 brief?

23 A. That is correct.

24 Q. I am obliged. Mr Sanders, you are already known to the
25 inquiry. However, in addition to the qualifications set

1 out in this introduction, have you any other experience
2 which you would like to bring before the inquiry in
3 respect of this particular proof of evidence?

4 A. Yes. On the occasion of the last planning application
5 for 25 million passenger movements, a Sustainability
6 Appraisal was carried out for BAA by the consultants
7 N Tech (as heard) and they set up a sustainability
8 review group and I was a member of that group. So in
9 other words, I fulfilled much the same sort of function
10 as Mr Garland did on the workshop for this planning
11 application.

12 Q. I am obliged. Now in section 2 you set out the scope of
13 the evidence and if I can ask Mr Sanders to read from
14 section 3.

15 A. "The principles of sustainability. Local authorities
16 have a statutory duty to exercise their planning
17 function 'with the objective of contributing to the
18 achievement of sustainable development'.

19 "The Government's sustainable development strategy
20 is set out in the 2005 White Paper, Securing the Future.
21 This defines the goal of sustainable development as: 'to
22 enable all people throughout the world to satisfy their
23 basic needs and to enjoy a better quality of life,
24 without compromising the quality of life of future
25 generations.'.

1 "This identifies five guiding principles -- living
2 within environmental limits, ensuring a strong, healthy
3 and just society, achieving a sustainable economy,
4 promoting good governance, and using sound science
5 responsibly.

6 "There were four priorities for immediate action,
7 relating to sustainable consumption and production,
8 climate change and energy, natural resource protection
9 and environmental enhancement, and sustainable
10 communities.

11 "The policies outlined in Securing the Future
12 underlie PPS1 which 'sets out the overarching planning
13 policies on the delivery of sustainable development
14 through the planning system'.

15 "The Supplement to PPS1 [CD/93] states: 'the
16 Government believes that climate change is the greatest
17 long-term challenge facing the world today. Addressing
18 climate change is therefore the Government's principal
19 concern for sustainable development.'

20 "The principles of sustainable development apply to
21 aviation in the same way as to other sectors of the
22 economy.

23 "In our other proofs of evidence we deal with
24 particular aspects of sustainability. Here, we
25 concentrate on the shortcomings of the [Sustainability

1 Appraisal]."

2 We then go on to that:

3 "In July 2004, when RPS was appointed to carry out
4 work in connection with the proposed second runway, it
5 issued the following statement: 'RPS has a long track
6 record with BAA in particular at Stansted ... We believe
7 our key role on this important commission is to ensure
8 that discussion and decisions are targeted on when and
9 how to deliver the planning consent rather than if. The
10 Government has tasked BAA with delivering the second
11 runway at Stansted. RPS will do all in its power to
12 ensure that our client can meet this objective.'

13 "This undermined confidence in the objectivity of
14 the current appraisal. Indeed, the SA displays a strong
15 prejudice in favour of this application."

16 We then go on to the flawed conceptual framework:

17 "There is no statutory requirement for a planning
18 application to be supported by an SA but there is a
19 requirement for an EIA.

20 "RPS draws a sharp distinction between SAs which, it
21 says, are objective led, and the EIA approach of
22 identifying significant environmental effects. The fact
23 that an objective is not met does not mean that there is
24 a significant adverse environmental impact.

25 "However, RPS fails to mention that the fact that an

1 objective is met does not mean that there is not
2 a significant adverse environmental impact. Also, the
3 distinction between SA objectives and EIA effects is not
4 as sharp as RPS claims. ODPM guidance repeatedly
5 emphasises the need to assess and, where possible,
6 measure sustainability effects and demonstrates that
7 some objectives can be expressed as targets. It gives
8 examples of objectives expressed in terms of effects.
9 The statement on climate change is striking: 'Objectives
10 may be expressed so that they are measurable (eg an
11 objective to reduce greenhouse gas emissions could be
12 expressed as "reduce CO2 emissions by 12.5 per cent by
13 2010." The achievement of objectives is normally
14 measured by using indicators. Hence the importance of
15 ensuring that the objectives of the appraisal are
16 appropriate and could not conceal adverse environmental
17 impacts'.

18 "This guidance fully envisages that objectives
19 should be expressed in terms of effect which should be
20 quantified where appropriate and where possible.

21 "The implications of RPS's approach are spelt out.
22 Under Government policy there is bound to be 'increased
23 resource use'. That is not in itself unsustainable and
24 the SA focuses on 'whether the proposed development
25 manages such increases or effects in a sustainable way'.

1 "The outcome of this approach makes 'increased
2 resource use' irrelevant to a proposal of sustainability
3 and concentrates exclusively on management issues.

4 "RPS summarises its findings but the headings in
5 this table are tendentious -- the possibility that an
6 objective may not be met is not even contemplated.

7 "14 objectives are said to be met, 10 exceeded and
8 enhancements are recommended in respect of four.

9 "In its eagerness to support the development RPS has
10 been guilty of one final absurdity in this table, for
11 how can the objectives, eg of reducing crime or
12 improving the built environment, be exceeded? This
13 applies particularly to the objective of minimising
14 waste, for it is impossible to achieve more than the
15 minimum possible."

16 Then I pass over to my colleague, Mr Garland.

17 MR GARLAND: Thank you. 4.3 deals with the role of the
18 workshops and gives more detailed criticisms of the
19 report:

20 "Two workshops assisted RPS in preparing the SA.
21 After the second a draft report was drawn up and
22 submitted to participants for comment. The published
23 report was very different from the draft but the
24 workshop was not reconvened to consider it.

25 "The most striking change concerned greenhouse gas

1 emissions. The objective was changed from 'to reduce
2 greenhouse gas emissions' to 'minimise greenhouse gas
3 emissions'. The first subordinate question related to
4 predicted changes in emissions. In the draft the answer
5 was expressed in quantifiable terms which indicated that
6 the objective had not been met and the score awarded was
7 'very poor'. In the published report, it was argued
8 that the increase in emissions was due to the
9 Government's policy of expansion, and since BAA was
10 doing all that it could to minimise them the objective
11 was being met. In this way, the huge increase in
12 emissions was obscured. It nullifies the purpose of
13 a [Sustainability Appraisal] to obscure unsustainability
14 in the manner described.

15 "In this respect it is instructive to compare RPS's
16 [Sustainability Appraisal] with that prepared by
17 Levett-Therivel for EERA on its draft [regional spatial
18 strategy]. Levett-Therivel defined the objective as
19 'reduce greenhouse gas emissions', concluding that the
20 proposed capacity increase was unsustainable.

21 "Under noise pollution the objective was also
22 changed and whereas in the draft report nine questions
23 elicited predominantly poor scores, in the published
24 version the questions were reduced and changed and the
25 objective was said to be achieved.

1 "There were significant changes under other
2 objectives as well, such as using natural resources
3 efficiently and reducing reliance on road traffic.

4 "Finally, the document fails to spell out the
5 indirect consequences of the proposed development, [for
6 example] the water that would be used in the homes of
7 the extra employees, the waste they will generate, the
8 journeys they will make over and above journeys to and
9 from the airport etc."

10 Q. Just pausing, Mr Garland, I wonder if you could clarify
11 a few short matters with me about the conduct of the
12 workshops and the preparation of the reports.

13 A. Sure.

14 Q. How did you become a member of the workshop or the
15 working party?

16 A. I was expected to be invited in my capacity of
17 Uttlesford Local Agenda 21, that is the sustainable
18 development group for the area. But although my
19 colleague Peter Sanders had participated in this
20 capacity for the 25mppa application, no such invitation
21 was issued to me. Instead, I was nominated as the
22 representative of Uttlesford Futures Local Strategic
23 Partnership.

24 Q. I am obliged. How, once you were nominated, were those
25 workshops conducted?

1 A. At our initial meeting we worked with the consultants on
2 the Sustainability Appraisal objectives, the appraisal
3 questions and the scoring categories. The results of
4 the first workshop were fed back us for comment.
5 Adjustments were made at the second workshop, and the
6 resultant draft was distributed again for comment before
7 it was finalised. I suggested a number of amendments to
8 the scores awarded where it seemed that they had been
9 too generous.

10 Q. Were your comments fully taken into account?

11 A. They were not acknowledged, and as far as I can
12 ascertain no action was taken on them.

13 Q. You tell us there had been certain changes from draft to
14 published report. How did those changes arise?

15 A. Well, I think that the changes arose by means of some
16 editorial changes at RPS which was undertaken without
17 the knowledge of those people who attended the workshop,
18 so when they were actually published they were somewhat
19 of a surprise.

20 Q. Right. Any other comments you wish to make in respect
21 of the workshop exercise?

22 A. Well, I can draw attention certainly to some of the
23 surprising changes, and to be more specific.

24 The last draft I saw, I thought had correctly
25 identified a number of significant areas where the score

1 was very poor, indicating that there were serious
2 sustainability issues. These included CO2 emissions,
3 which were predicted to rise by 29 per cent in line with
4 the increased air traffic movements. Also a significant
5 increase in water consumption, which took the demand for
6 water to within 0.17 million litres of the capacity of
7 Three Valleys Water to supply. There were also
8 increases in a range of noise measures. So I was happy
9 that those things had been drawn attention to and had
10 been classified as poor.

11 However, when the final report was presented to the
12 Development Control Committee, in the most negative
13 areas the findings were, as my colleague Peter Sanders
14 has already pointed out, either redescribed by changing
15 the appraisal question or the scoring criteria, or by
16 assessing the data as less significant than in the final
17 draft which was seen by the members of the working
18 party.

19 For example, the appraisal objective for section 4
20 was changed from "reduce greenhouse gas emissions" to
21 "minimise greenhouse gas emissions"; and the response
22 from "air traffic movements to increase by 29 per cent,
23 therefore CO2 emissions will increase by a similar
24 proportion", which assessment attracted a double negative
25 score, ie very poor, this was changed to a claim that

1 the proposed development would lead to "no more or less
2 emissions than recognised in the Integrated Policy
3 Appraisal of the Air Transport White Paper" and a score
4 of 0, or objective met, was awarded to this section.

5 In the case of noise, the nine original appraisal
6 questions had, in the draft, produced six negative and
7 three positive scores. The published version had
8 reduced these to three questions, which produced two
9 zero, objective met, scores and one double plus
10 objective exceeded score.

11 I was not aware that this final report had been
12 published until shortly before the public hearings held
13 by the Development Control Committee. I was not sent
14 a copy, and my objections were thus not recorded in the
15 final copy.

16 The final report, in addition, was not produced in
17 a way that made it easy to read, and to read the
18 findings in relation to the appraisal objectives and to
19 the questions to which they related. As I say, there
20 was no indication in the report of any reservations
21 which members of the working party might have had.

22 Q. Can I come on to the conclusions in this summary and ask
23 Mr Sanders to read those conclusions.

24 A. "The main thrust of the [Sustainability Appraisal] is
25 that, given the nature of the proposal, BAA is doing

1 what it can to make it sustainable and so the objectives
2 of sustainability are being met. To present the case
3 schematically if the proposal results in ten units of
4 damage and BAA reduces this by one unit, then, according
5 to RPS, the sustainability objectives have been reached
6 and for the purposes of the SA the remaining nine units
7 of damage can be ignored. In our contention, while
8 mitigation is to be commended, the nine units of damage
9 are much more important in terms of sustainability than
10 the one unit that is saved.

11 "We submit that in our proofs of the evidence we
12 have demonstrated that the proposed increase in the use
13 of the existing runway is inconsistent with the
14 principles of unsustainable development."

15 Q. Just finally, Mr Sanders, before we leave this summary
16 proof, firstly, can you tell us how the RPS approach
17 compared on the N Tech approached with which you
18 participated?

19 A. Well, in one respect it was rather similar, certainly at
20 the beginning, because it opened with a very
21 straightforward declaration of bias, because N Tech had
22 prepared a draft appraisal, and the sustainability
23 review group then met under the chairmanship of another
24 set of consultants, Stanger (as heard), and the chairman
25 from Stanger opened the meeting by saying that she

1 assumed that we were all in favour of the development,
2 and that all that was needed was to "tweak" the
3 document. And that was the very word that she used, we
4 were just there to "tweak" the document. I rejected
5 this approach, of course, and so did others, and the
6 proceedings were then more open. And it is interesting
7 that these disagreements were at least recorded unlike
8 the RPS report.

9 Secondly, the scoring system was very different.
10 N Tech had five scores, ranging -- they were scoring
11 objectives, but they were ranging from significantly
12 positive alignment to significantly negative alignment.
13 There were just the five of them, significantly
14 positive, minimally positive, neutral, minimally
15 negative and significantly negative. Based on this they
16 identified nine areas of positive alignment with the
17 objectives and six areas of negative alignment.

18 I think that is basically what I would like to draw
19 attention to on N Tech.

20 Q. Anything else?

21 A. Yes, I would just really like to try to identify what
22 I really see as the key difference between BAA and SSE,
23 or perhaps RPS. We believe that a Sustainability
24 Appraisal should quite simply appraise the
25 sustainability of a project. We think that words should

1 have the meanings that they normally have. So the
2 question we ask is this: is the development sustainable?

3 Now, RPS take a completely different starting point
4 and the question they asked is this: given that the
5 development is going ahead, is BAA doing everything that
6 it can to mitigate its harmful effects? And what they
7 are providing, in effect, is not a sustainability
8 assessment, but something rather closer to a mitigation
9 assessment.

10 So one has this rather bizarre outcome that if you
11 really want to find out whether or not this development
12 is sustainable, the last place where you will find it is
13 the Sustainability Appraisal. We find this very
14 misleading and very unhelpful.

15 I have been trying to find out some sort of analogy
16 which might help us to understand this and see the full
17 impact of it. It sounds rather a fanciful analogy, and
18 I hope you will forgive that, but it is meant in
19 complete seriousness. Obviously not every point of the
20 analogy stands up, but we think it does in its
21 essentials.

22 Let us say that King Henry VIII had a matrimonial
23 happiness policy in which he said he was going to do
24 absolutely everything he could to make his wife, whoever
25 she happened to be at the time, happy and contented.

1 That was the object of his policy. But then, of course,
2 he ran into trouble with Anne Boleyn and he decided
3 that, for various reasons, he would have to have her
4 beheaded. And he knew this would lead to trouble, she
5 was a very popular queen, there was even an organisation
6 called the Anne Boleyn Preservation Society around, so
7 he knew he was going to have trouble from this society.

8 So he called in a set of consultants, RPS, and he
9 said, "Will you please carry out a matrimonial happiness
10 appraisal for me, please?" And RPS said, "We would be
11 delighted to do that. We have worked with your Majesty
12 for many years, and we are delighted to do that. We
13 shall do everything in our power to help you to achieve
14 this, and it will be a question not merely of whether or
15 not Anne Boleyn is be headed, but simply when and how."

16 And then they said to him, "As part of this
17 appraisal, could you please tell us what you will do to
18 minimise the Queen's distress and discomfort in all of
19 this?" And he said, "Well, first of all, I am making
20 a priest available before the execution to take her
21 confession." "That is wonderful," says RPS, "that is
22 marvellous."

23 "Next," he said, "I am going to make sure that the
24 axe is absolutely sharp, I do not want a botched job,
25 I don't want her feeling it is going to come down, and

1 that will be that." "Splendid," said RPS. And at the
2 end he said, "I am going to have a member of her family
3 sitting by with a basket ready to collect the head so
4 that they can take it home." RPS said, "That is
5 absolutely wonderful, you are doing everything that you
6 can possibly to meet the objectives of your matrimonial
7 happiness policy."

8 Now, of course, the people from the Anne Boleyn
9 Preservation Society were outraged by this, and said how
10 can it possibly be the case that chopping off Anne Boleyn's
11 head can be in alignment with a matrimonial happiness
12 policy? But of course there was nothing they could do,
13 because Henry was the head of the church, and he was the
14 head of the state.

15 This, fortunately, is where the analogy breaks down,
16 because we can actually bring our case before two
17 inspectors, and we are very pleased to do so. But,
18 I mean, that I think -- as I say I do not want the
19 analogy to be examined in every detail, but I think it
20 establishes the essential point that Henry VIII starts
21 off from the fact that he has to execute Anne Boleyn,
22 and he takes that as his starting point, and then you
23 see what you can do to make things a bit better, and the
24 Anne Boleyn Protection Society are saying: do you have
25 to start off from there in the first place? That

1 I think is the essential difference between us.

2 Q. Sir, is that an appropriate moment to adjourn?

3 MR PHILLIMORE: Before we get our heads chopped off, yes,

4 I think so. We now adjourn until 2 pm. Thank you.

5 (1.00 pm)

6 (The luncheon adjournment)

7 (2.00 pm)

8 Cross-examination by MR PHILLPOT

9 MR PHILLIMORE: Good afternoon, everybody, we are ready to
10 resume. Thank you very much. Mr Phillipot?

11 MR PHILLPOT: Indeed, sir. Now which one of you would like
12 to answer the questions?

13 MR SANDERS: I will answer questions which relate to 1 to 4.
14 My colleague, Mr Garland -- sorry, I am looking at the
15 wrong document here, I want the summary.

16 Q. I did not think that was going to be the most difficult
17 question.

18 A. It is not, I am just getting confused between my own
19 summary and the full document. And 4.3 will be my
20 colleague, with the exception of 4.36, and I shall be
21 responsible for 5. So in other words my colleague is
22 going to be responsible for those matters that relate to
23 the actual conduct of the workshops.

24 Q. In that case I will address my questions to you, unless
25 it is obvious that we are going into the workshops.

1 A. That might be as well.

2 Q. Now we will start with the proof of evidence, and we
3 will work with the main proof for the avoidance of
4 confusion. Page 4 please.

5 A. Yes.

6 Q. Paragraph 3.1.9 identifies the focus of your evidence,
7 which is essentially a critique of the Sustainability
8 Appraisal?

9 A. Correct.

10 Q. And you acknowledge over the page, at 4.2.1, that there
11 is no statutory requirement for such an appraisal to
12 support a planning application?

13 A. That is correct.

14 Q. And if we can take up please, CD/21.1, that is
15 a Sustainability Appraisal, and turn to page 3 in that
16 document please. Paragraph 1.13 and 1.14. Are you
17 familiar with those?

18 A. Which page was that?

19 Q. Page 3, please.

20 A. Yes.

21 Q. If you remind yourself of what they say. 1.13 tells us
22 the local plan does not include any requirement to carry
23 out a Sustainability Appraisal. The scoping opinion
24 from UDC did not make any reference to the need for
25 a Sustainability Appraisal. And it concludes in 1.14:

1 "There is therefore no legal or policy requirement
2 to carry out such an appraisal."

3 And that is common ground between us, is it not?

4 A. It is.

5 Q. It is not, as the document tells us, on an entirely
6 voluntarily basis?

7 A. Yes.

8 Q. So your evidence is therefore not concerned with the
9 legal validity of the application in any sense, is it?

10 A. Not in that sense, no.

11 Q. Or the adequacy of the Environmental Statement, which is
12 a separate document?

13 A. Separate.

14 Q. And I do not understand your evidence to be suggesting
15 that there is no enough material before the inquiry to
16 allow the inspector or Secretary of State to reach
17 a view as to the sustainability or otherwise of this
18 proposal?

19 A. No, what we are concentrating on is the form of the
20 Sustainability Appraisal. I think that if the
21 sustainability appraisal were the only evidence in front
22 of the inquiry, then the answer would be that it was not
23 adequate.

24 Q. It would be a much shorter inquiry and we would all be
25 here for a lot less time.

1 A. I do not wish to give a misleading answer to your
2 question.

3 Q. No, I understand the answer to my question. And, if
4 I may say so, it is a fair answer to the question I put,
5 which is that you are not saying -- there is not enough
6 material to make up the --

7 A. That is correct, yes.

8 Q. And the anticipated impacts of the development and the
9 issues of compliance with planning policy are matters
10 dealt with by other witnesses for SSE?

11 A. Yes, that is correct.

12 Q. Now, I want to look, then, at the criticisms you make of
13 the appraisal. And section 4 of your evidence
14 identifies, I think it is fair to say, three broad
15 criticisms, the first of which, on the bottom of page 4,
16 starting at the bottom of page 4, is what you described
17 as the conflicted position of RPS. That is the first of
18 the criticisms, is it not?

19 A. Yes.

20 Q. Now, were you here when Mr Rhodes gave his evidence on
21 12th June?

22 A. I was.

23 Q. And you will recall he was asked about this in
24 cross-examination by SSE's counsel, was he not?

25 A. That is right.

1 Q. And you will recall that he explained in response to
2 questions that this work was undertaken by a different
3 office under a different, separate instruction. Do you
4 remember that?

5 A. That is correct. And he was saying that although that
6 is a quotation from him -- I mean he is -- at least
7 these are actually his words that are quoted -- that he
8 had not seen them until this inquiry came about.

9 Q. Yes, but the point, you do recall, and I think I have an
10 affirmative answer to this, he explained, and it was not
11 challenged, that that work would say undertaken by
12 a different office under a different instruction. We
13 can check the transcript if you like.

14 A. I will accept that, yes.

15 Q. He also made clear in response to questions he did not
16 have close involvement with it. Do you remember that?

17 A. I will accept what you say.

18 Q. I am grateful. Now, of course to be fair to you that is
19 not something you would have been aware of when you
20 wrote this, that is information that has come out
21 subsequently.

22 A. Of course not.

23 Q. But in fairness, in the light of those matters, it
24 cannot properly be said that he was under any
25 professional conflict, or RPS was under any professional

1 conflict, in that situation; can it?

2 A. Well, here you have a statement that is ascribed to
3 Mr Rhodes himself.

4 Q. Yes, who did not undertake the Sustainability Appraisal?

5 A. No, he did not undertake it, but nevertheless he had an
6 oversight of it, and as we will see when you come on to
7 question my colleague, the draft report was submitted to
8 RPS headquarters, and it then had considerable changes
9 made to it. He is the director who has an overall
10 responsibility for this.

11 Q. Well, let us just --

12 A. These are his words.

13 Q. Let us go to the transcript, then, if you
14 don't -- I will remind you of what he said, you don't
15 have to turn this up, I will just remind you of what he
16 said about this. He was asked whether:

17 "So far as the Sustainability Appraisal was
18 concerned, were you personally closely associated with
19 that?"

20 "No," he said, "I was not closely personally
21 associated with it."

22 You appreciate that, and that was not challenged;
23 was it?

24 A. When you say closely associated, presumably he has an
25 oversight as the director, and as a director -- this

1 document came out of his organisation, and he is
2 concerned, as he says in this statement, to emphasise
3 his close links with BAA. Is he saying that he never
4 saw this before it went out?

5 Q. Unfortunately, you see, I did not get to ask him the
6 questions in cross-examination. I am looking at what
7 was put by your counsel to him, and he made clear in
8 response to the fact that it was, as he explained,
9 undertaken by a separate office under a separate
10 instruction. The question was put to him whether he had
11 day to day involvement, and he said no.

12 A. But he is the director. He has the oversight.

13 Q. So, so far as you are concerned, because he is the
14 director of -- I am sure he was director of the office
15 which undertook that part of the case, but that
16 connection, as he explained, you think that puts RPS in
17 the position where there is a professional conflict, do
18 you, that is your judgment?

19 A. Yes.

20 Q. I see, I am grateful. Well, we obviously differ on
21 that, but the answer is there on the transcript.

22 Now, taking this issue forward, you say at 4.1.1 on
23 page 5, just above the beginning of paragraph 4.1.2
24 that:

25 "On 20 January 2006 SSE's Campaign Director wrote to

1 UDC's Chief Executive to protest about this appointment,
2 and her letter is attached."

3 And that is your annex 2.

4 A. Yes. Her letter is attached at annex 1.

5 Q. Yes, I think you say annex 1. Did you receive
6 a response to that?

7 A. From Uttlesford?

8 Q. Yes.

9 A. Yes, we did.

10 Q. Can I be provided with a copy of that in due course?

11 A. Yes.

12 Q. Thank you. Now, if you look at that letter in annex 1
13 the second paragraph:

14 "Stop Stansted Expansion urges the District Council
15 to formally notify BAA that in the event of the airport
16 developer submitting a Sustainability Appraisal produced
17 by RPS for the 25mppa application, the District Council
18 will attach no weight to this as a result of lack of
19 confidence in the objectivity of RPS. In addition we
20 urge the District Council to commission an independent
21 Sustainability Appraisal."

22 Did they do what you asked?

23 A. Sorry?

24 Q. Did they do what you asked?

25 A. No.

1 Q. Thank you. Back to page 5 of your proof, please. The
2 flawed conceptual --

3 A. Can I just say that in the letter that we are providing
4 for you, they will give you their -- the Uttlesford full
5 response --

6 Q. I cannot ask you questions about that, I have not seen
7 it.

8 A. No, I am giving you an answer. I am not suggesting you
9 ask extra questions.

10 Q. The flawed conceptual framework of the report. Now we
11 know, and I think you accept this in your evidence, that
12 there is no guidance on preparing such assessments in
13 support of planning applications, is there?

14 A. That is right.

15 Q. And if one goes to CD/21.1, again, please.

16 A. Yes.

17 Q. Page 3, paragraph 1.19 makes the point that there is no
18 specific guidance on the methodology to follow for
19 sustainability appraisals of projects, and different
20 approaches can be taken:

21 "On this basis the approach taken for this
22 sustainability has been developed based on current best
23 practice referring to the ODPM guidance where
24 appropriate."

25 Now, as a statement of general approach, is one you

1 would endorse?

2 A. Yes, I am not quite sure what current best practice is,
3 though.

4 Q. Well, that I suppose is in the eye of those who are
5 engaged in best practice at the moment?

6 A. I think that is right, and there is a bit after circular
7 argument there.

8 Q. We will come on to that perhaps in a little more detail
9 in a moment, because what is at issue in that slightly
10 uncertain situation is the judgment made by RPS as to
11 how to translate best practice and guidance which exists
12 on a separate process --

13 A. Yes.

14 Q. -- to the assessment here?

15 A. That is part of the difficulty, that the guidance is for
16 one process and they are applying it to another.

17 Q. And it involves matters of judgment on what to apply and
18 how to apply it?

19 A. Certainly, that is right.

20 Q. Essentially the difference between you is that you take
21 a different judgment on some of those matters?

22 A. That is right and I think we put forward our reasons for
23 that. We feel that the judgment which RPS applied
24 results in a document which is not particularly helpful.

25 Q. I am sure you don't find it helpful, but I just want to

1 explore -- I don't want to go over this in great length,
2 because there are differences of judgment, and I am not
3 going to persuade to you agree, but I just want to see
4 if we can get some common ground to help with this. Of
5 course, sustainable development does not mean no
6 development, it is said by its very nature, development
7 can be sustainable.

8 A. Of course it can.

9 Q. And just because a development uses natural resources,
10 say, or has an impact on the environment, does not
11 necessarily make it unsustainable?

12 A. No, it does not make it unsustainable in itself, no.

13 Q. As we know, I can give you the reference if you like,
14 but it is established, the Government's aims for
15 sustainable development include the maintenance of high
16 and stable levels of economic growth?

17 A. Certainly.

18 Q. I just want in that context to look, please, at CD/402,
19 which is a document I added to the list over the
20 luncheon adjournment.

21 A. Yes.

22 Q. This is the draft scoring matrix which, as I understand
23 it, was the last draft before the final version?

24 A. Yes, that is a question which my colleague may deal
25 with, because of course he was (overspeaking) --

1 Q. As a matter of fact --

2 A. Yes, as a matter of fact --

3 Q. (Overspeaking) will tell me that is wrong. I just want
4 to look at this approach, the approach that was
5 superseded, in the context of what we have just said,
6 with a worked example. And necessarily it will not be
7 perfect, because what I am going to ask you to do is to
8 assume a neutral sort of control development, and just
9 run it through some of these tests.

10 The development I want to assume is a house,
11 a single dwelling. An eco-home, if you like, for
12 a person who is homeless. So to take a completely
13 different development, taken in a neutral context.

14 Now most of the indicators here will not apply to
15 such a development, but some of the key ones will. Let
16 us look at some of these in the context of what you said
17 in chief. Starting on page 1, and the very first one,
18 1.1: what is the predicted change in potable water
19 consumption? Given that we are looking here at an
20 eco-home there is going to be some water use, but we
21 hope not too much, but that does not get us the minimum,
22 does it? That does not even get us a zero neutral
23 score. That gets us a poor score, because it is a small
24 increase. So that eco-home gets a poor score on the
25 sustainability appraisal in the draft.

1 If one were to go on, and, as I said, unfortunately
2 most of these don't apply, but if you go on to page 4,
3 it is water, and to look at greenhouse gas emissions,
4 which was another example you alighted upon in evidence
5 in chief and I look at 4.3:

6 "What is the predicted change in CO2 emissions
7 ... (Reading to the words) ... used for heating,
8 electricity of the airport buildings."

9 But assume here of the house. We hope that it is
10 going to try and generate as much electricity as it can,
11 but assume it takes some off the grid, and therefore
12 results in some CO2 emissions. Now that, of course,
13 does not get it the minimum, does it, because the
14 minimum requires it to reduce CO2 emissions on this
15 approach?

16 A. Absolutely right.

17 Q. So again it is poor, because it is a small increase, but
18 it is a poor result, even for that eco-home.

19 A. Yes.

20 Q. If we go on, please, to page 7, just to look at the top,
21 this is under the objective of reducing light pollution.
22 10.1:

23 "What is the predicted change of light pollution?"

24 Now, we are hoping it is going to be as little as
25 possible. It is designed in a sensitive way, but look

1 at the minimum. The minimum is minor decrease in light
2 pollution. We can't even get to the minimum stage,
3 because it is going to have some increase, however much
4 it is limited. And so again it is rated as poor under
5 this appraisal. That is right, is it not, Mr Sanders?
6 A. Yes, yes.
7 Q. Well, if a home is needed, this assessment does not help
8 you in trying to make that development more sustainable,
9 or sustainable, because you can't get from the minimum.
10 You are going into poor the whole time.
11 A. Mm-hm.
12 Q. You see, that I think illustrates the difference in
13 judgment between --
14 A. No, because you have not finished. Can I just say a few
15 things at this point, because you have put several
16 questions to me.
17 Q. Please.
18 A. Whether or not a home is sustainable -- whether or not
19 is an airport is sustainable is a question, as we have
20 been saying all the way along, of balance. What you
21 have to do is to weigh up the negative impacts with the
22 positive impacts. In this particular case,
23 although -- I mean, I am not wedded to these categories.
24 In fact, I think that if you turn -- I would much rather
25 use the -- sorry, I will just wait a minute.

1 Q. Sorry.

2 A. Okay. I would much rather use the categories that were
3 used by N Tech in their previous -- where they talked
4 about because they were judging objectives, they had
5 a range of scores which ranged from "significantly in
6 alignment with objectives" all the way through
7 to -- sorry, "significantly positive alignment
8 objectives" all the way through to "significantly
9 negative", and other one was much smaller. In other
10 words, you have to weigh up -- simply by saying poor,
11 I mean there are some things which are marginally
12 negative and other things which are marginally positive.
13 You have to weigh these things up as a whole. And just
14 as you would argue, for example, on an airport, that you
15 believed the positive impacts outweigh the negative, so
16 in the case of this home. The fact that you have this
17 eco-home, and that it is making such strenuous efforts,
18 means the negative scores, although you can say poor,
19 poor, poor, in fact those negative scores, when properly
20 judged, are going to be very, very small negative
21 scores. Some of the -- as it were, the positive one of
22 providing a home for people is a much larger positive.

23 Now, there is something else here as well, of
24 course, and that is something which we have not touched
25 upon in the evidence, and that is that some factors are

1 very much more important than other factors, but
2 nevertheless they appear on the page as if they were of
3 equal importance. So it is not the case -- well, it is
4 not the case that a poor mark on one factor completely
5 counter-balances a good mark on another factor. It is
6 all a question of balance.

7 Q. I do not want to trouble you, but have you finished your
8 answer?

9 A. I think so, yes.

10 Q. Let us come back to that, because, of course, if the
11 decision is taken, well, we need a home, a home for this
12 homeless person, there is obviously a difference between
13 yourself and RPS over what sustainability is trying to
14 achieve, if you are trying to make that development
15 a sustainable development, ie make it as sustainable as
16 possible, then an assessment which means that as soon as
17 you start using a resource you are poor does not tell
18 you very much, does it, in terms of trying to make that
19 development?

20 A. No --

21 Q. Bear with me. In terms of trying to make that
22 development a sustainable development, something that
23 automatically puts you in the poor category, just
24 because it is development, does not tell you very much;
25 does it?

1 A. It tells you a great deal. You see you are saying it
2 puts it into the poor category. I would say in this
3 particular case, in the case of an eco-home, only just
4 marginally in the poor category, it would be, as it
5 were, a faintly poor category. And it would be more
6 than outweighed by the benefits. Sorry, the other point
7 is this: on the RPS analysis, the negative impact
8 disappears completely. You simply say: it has to go
9 ahead, therefore we have to accept it is going to have
10 these poor impacts, let us have a look at the others.
11 It disappears.

12 Q. Well, just by taking the first, because it is most
13 convenient, 1.1, let us have a look. If you have that
14 open in 402.

15 A. Are we still on the same document?

16 Q. Yes, in 402. If you could have that open, and have open
17 alongside it the equivalent matrix in CD/21.1, so we can
18 see how this changes, just as an example of the
19 different approach. So this is appendix 3 in CD/21.1.

20 A. Yes.

21 Q. We see that the question is the same -- what is the
22 predicted change in potable water consumption -- but
23 when we get to meeting the objective, we see in 21.1,
24 instead of having to get a small reduction, impossible,
25 to get the minimum, the minimum is minimising additional

1 water demand through best practice, water efficient
2 design and max --

3 A. Can you go back a bit. We are moving from one document
4 to another and I really want to get your question
5 straight.

6 Q. That is why I want you to have the two open alongside
7 each other.

8 A. They are, yes.

9 Q. If you look at 1.1, to get the minimum score, that is
10 a zero score, effectively neutral?

11 A. Yes.

12 MR BOYLAND: Hang on, Mr Sanders, you need to be looking
13 at --

14 A. I have them both actually.

15 MR BOYLAND: I thought you were turning back.

16 A. I have been told to have both open in front of me --

17 MR PHILLPOT: In the original 402, the one your group
18 complains was taken away, to get the minimum you would
19 have to have a small reduction, so we know that that is
20 impossible for any development. But meeting the
21 objective, in other words trying to make it -- under the
22 different approach -- as sustainable as possible, to get
23 the minimum you have to minimise additional water demand
24 through best practice, water efficient design and
25 maximising use of existing facilities. So, in terms of

1 an approach which helps you to make it as sustainable as
2 possible, that is more helpful, is it not, because it
3 guides you to what you should be doing as a minimum to
4 achieve sustainability?

5 A. I do not see that these two things should be mutually
6 exclusive. I think that you should on the one hand have
7 an eye to the impacts. It is going to be more water
8 used. I mean, let us say that you had so many of these
9 wonderful hose -- we are all making the best use of
10 water, the result could be a devastating impact upon the
11 water supply. So you have to actually put down the
12 impact upon the water supply, and at the same time there
13 is another measure of measurement which is what is being
14 done in order to mitigate that. There you score very
15 well. But by combining the two, by combining the two
16 you lose sight of what is actually happening. You lose
17 sight of the fact that more water is going to be used.

18 Q. If you want to know about the impact, the amount of
19 water that is going to be used, and the mitigation
20 measures, you can go to the Environmental Statement, to
21 the water section, which would tell you?

22 A. Yes.

23 Q. Now, so far as --

24 A. Sorry, what we are trying to do is to work out
25 sustainable, are we not? Is this development

1 sustainable?

2 Q. I think there is a difference between you and RPS,
3 a different of judgment as to what the Sustainability
4 Appraisal should be aiming to do, we have identified the
5 difference between us, we have looked at an example, and
6 frankly beyond that I think we are going into an
7 argument rather than question and answers.

8 A. I think what we are saying is there are two models of
9 doing this, and I would say that this particular model
10 is not one that helps the inquiry. It presents the
11 application in the most favourable light possible, and
12 it ignores, it ignores, some very, very important
13 impacts.

14 I know that my analogy was a little far-fetched, but
15 nevertheless the central point that is being made is
16 valid. In other words, you are concentrating on the
17 confessor priest and the sharp axe, and we are
18 concentrating on the fact that her head gets cut off.

19 Q. I think, Mr Sanders, to be fair, there is a difference
20 between us as to the purpose of the document, and it is
21 not a difference that you and I are going to agree on
22 upon and resolve?

23 A. No.

24 Q. But so far as your judgment is concerned, have you
25 personally prepared any sustainability appraisals in

1 support of development applications?

2 A. No, I have not, no.

3 Q. Have you been asked in a professional capacity to

4 appraise any sustainability appraisals for development

5 applications?

6 A. Well, I was a member of the N Tech.

7 Q. In a professional capacity?

8 A. Not in a profession -- I do not have a professional

9 capacity. I come to this as a layman, and I do believe,

10 as a layman, that when words are used they should be

11 used in their normal meaning. And when I see

12 Sustainability Appraisal, I think I am justified in

13 thinking that should be an appraisal of sustainability.

14 Whether I am a planning expert or not is irrelevant to

15 that point. I just think it is a question of the use of

16 language; sustainability is sustainability, and that is

17 not what is provided in this appraisal. As I say, the

18 last place I would look for an assessment of

19 sustainability of this proposal is this sustainability

20 appraisal.

21 Q. There is a difference of judgment between you, you are

22 not holding yourself out as an expert or a professional

23 in matters of sustainability --

24 A. Definitely not. But you yourself say that this

25 particular model is a question of judgment.

1 Q. I am not saying -- we have confirmed that --

2 A. You have confirmed that (overspeaking) --

3 Q. (Overspeaking) --

4 A. (Overspeaking) I thought that was how you started off,

5 by saying which model you adopt is a question of

6 judgment?

7 Q. And the difference between you is -- there is no

8 criticism -- your amateur judgment against the

9 professional judgment of RPS?

10 A. And I say look at the results of it.

11 Q. We have taken that, Mr Sanders, as far as we usefully

12 can. Let us go on to the third criticism, which is the

13 role of the workshop, and the more detailed criticisms

14 of the report. I think we may be switching to

15 Mr Garland here, but I do not mind who answers the

16 questions as long as I know who is dealing with it. The

17 thrust of the complaint is, I think, actually what we

18 have been going through just now, which is that some of

19 the appraisal objectives, questions and results are

20 different from those original considered during and

21 following the workshops?

22 MR GARLAND: Yes, indeed.

23 Q. As we know, and we can look at it if necessary, the

24 appraisal itself explicitly acknowledges that?

25 MR SANDERS: Explicitly acknowledges what, I am sorry?

1 Q. Let us go to page 9 of the appraisal. Paragraph 2.23
2 when you get there at the bottom of the page.

3 A. Yes.

4 Q. "In some instances the appraisal objectives, questions
5 and results are different to those originally circulated
6 for comment either during or following the workshop."

7 So, as I said, that is specifically acknowledged by
8 the appraisal itself.

9 A. Yes.

10 Q. And it goes on to explain why that was done:

11 "The final appraisal objectives, questions and
12 results are those which fully represent the aims and
13 approach of the Sustainability Appraisal in the context
14 of both the Government's pursuit of sustainable
15 development in an integrated way, eg the hard game of
16 balancing economic development with environmental
17 improvements has led to the objective minimised by
18 pollution and the national airport's policy."

19 So you obviously don't agree with it, but it does at
20 least acknowledge that, and explains why it was done.

21 A. Yes, but it does raise the question in my mind as to why
22 the members of the workshop were given another model to
23 work with, and it was not really explained to us that
24 this actually was not the model that was going to be
25 presented to the development control committee.

1 Q. Well, there it is. It clearly reflects the judgments of
2 the authors in producing the final version, they signed
3 it off, it reflects their views. No reason to
4 disbelieve that, have you?

5 A. I do not disbelieve that, but I do wonder why the
6 consultants for RPS who led the workshop led us, if you
7 like, in a direction which they then reversed.

8 Q. Well, I say they have explained that in the document,
9 and I cannot take you any further than what they have
10 said. But the ultimate judgment -- I don't mind who
11 answers this question -- on the sustainability of the
12 proposal here is that which will be reached by the
13 inspectors in their recommendation, and by the Secretary
14 of State in the decision in due course, that is the
15 ultimate judgment on sustainability?

16 A. Indeed.

17 Q. That will be made on the basis of all the evidence that
18 has been presented and tested through this inquiry?

19 A. Yes.

20 Q. Now, that will of course be done against the background
21 of the Government's policy in the white paper,
22 necessarily.

23 A. And against the background of all other Government
24 policies.

25 Q. Yes. But, of course, if one goes, please, to CD/87,

1 page 21 of that document, please.

2 MR PHILLIMORE: Which page was that?

3 MR PHILLPOT: It is page 21, sir. Paragraph 2.1:

4 "This chapter sets out the strategic framework
5 against which the government has reached its conclusions
6 on the future development of the UK's airports. It
7 emphasises the need for a balanced approach recognising
8 both the costs and benefits of air travel, and it sets
9 out a series of key principles against which our
10 decisions have been reached, within the context of the
11 Government's overarching commitment to sustainable
12 development."

13 So the Government's views as expressed in the
14 white paper have been taken within the context of its
15 overarching commitment to sustainable development. That
16 is made clear.

17 A. That is made clear, yes.

18 Q. If you go on, please, to page 24 of this document,
19 paragraph 2.11, under the heading, "Limitations on
20 growth":

21 "The availability of sufficient airport capacity is
22 an important constraint on future growth. Our starting
23 point is that we should make the best use of existing
24 airports before supporting the provision of additional
25 capacity. A sustainable approach entails first making

1 better use of existing infrastructure wherever possible,
2 and this has been a primary consideration in developing
3 our conclusions."

4 Now, of course, if additional capacity is to be
5 created, then that must be the most sustainable
6 approach, must it not?

7 A. I think you were saying the use of existing capacity.

8 Q. If additional capacity is going to be created, that must
9 be the most sustainable approach, must it not?

10 A. Yes, I see. Okay.

11 Q. You accept with that?

12 A. This is exactly the questioning that Mr Humphries put to
13 me yesterday.

14 Q. And you accept that. Thank you very much.

15 A. Wait a minute, I have not completed the answer yet.

16 I will do what the inspectors say, I will give you
17 a plain answer, yes or no, but I am entitled to go on
18 and add my reservations and (inaudible), and that is
19 that that is the general policy within the overarching
20 framework, but within that we now have an application in
21 front of us for the particular use of a particular
22 runway. This is a particular planning application. The
23 Government accepts, and has stated in writing that it
24 accepts, that when a planning authority is considering
25 such an application, it is entitled to take into account

1 the environmental impact, and if those impacts outweigh
2 the benefits the planning authority is entitled to turn
3 that application down.

4 So, in other words, the whole thing has to be
5 sustainable, and it is precisely that, of course -- so
6 you have to judge the sustainability of the proposed
7 development. That is what you are supposed to be
8 appraising, and that is what is not done in this
9 document. This document starts off on the assumption
10 that the development is going to take place. That is
11 precisely the opposite of what the Government is telling
12 us in its evidence on the judicial review.

13 Q. Well, we could go around those houses again.

14 A. I am not going around any houses. I am just making
15 a point directly to you.

16 Q. Well, let us just examine that. If there is going to
17 be --

18 MR PHILLIMORE: Is this actually going to be useful to take
19 this further?

20 MR PHILLPOT: I doubt it, it is my temptation to argue, but
21 I will desist.

22 A. Having been thrown to one lion, I do not --

23 MR PHILLIMORE: Thank you very much.

24 MR PHILLPOT: That is all.

25 MR PHILLIMORE: Mr Stinchcombe?

1 MR STINCHCOMBE: Sir, I have no questions in re-examination.

2 MR PHILLIMORE: Thank you. Thank you both very much.

3 (The witnesses withdrew)

4 MR PHILLIMORE: Okay, thank you very much. Mr Stinchcombe?

5 MR STINCHCOMBE: Sir, I come to my next witness, who has
6 already appeared before the inquiry, albeit as
7 cross-examiner, of course, at the beginning of the
8 enquiry, Mr Brian Ross. Sir, he will be talking to
9 proofs of evidence 4A and B, but you will recall that he
10 has now incorporating into his evidence the evidence
11 that was previously adduced by Mr Peter Forbes,
12 documents 5A and 5B, and will therefore be able to
13 answer questions on those documents also, although for
14 my purposes in chief I will be referring principally to
15 his summary proof of evidence.

16 MR BRIAN ROSS (called)

17 Examination-in-chief by MR STINCHCOMBE

18 MR STINCHCOMBE: Sir, if I can introduce Mr Ross by
19 reference to his main proof of evidence. You are Brian
20 Ross, we know you appear at the inquiry on behalf of the
21 Stop Stansted Expansion. You tell us you have degrees
22 of Bachelor of Commerce and Master of Business
23 Administration with distinction. You are a graduate of
24 the Stanford Executive Programme. You have 25 years'
25 experience with a major UK PLC in operational and

1 corporate finance roles, interrupted by two and a half
2 years in the Prime Minister's office, advising on
3 efficiency matters within government. You tell us you
4 are now semi-retired, and spend most of your time
5 assisting SSE. You also do some part time consulting,
6 providing economic and financial analysis and advice,
7 mostly to clients in the city, including on matters
8 relating to the air transport industry. That is right?

9 A. Correct.

10 Q. Do you have any additional experience or expertise in
11 forecasting?

12 A. Not specifically in aviation forecasting, but, yes,
13 throughout my career I have been involved heavily in
14 forecasting.

15 Q. I am obliged. I wonder if we can start by you taking us
16 through your section 3 of your summary proof, your BAA
17 air traffic projections, after which I will ask you some
18 supplementary questions.

19 A. I will start at paragraph 3.1.1, where we are setting
20 out the importance, the context, really, of the
21 forecasts and the assessment of environmental impacts:

22 "Volume 1 of BAA's Environmental Statement portrays
23 minimal additional environmental impacts arising from
24 the proposed development, but BAA has understated the
25 difference in impacts between approval and refusal of

1 its application. BAA's air traffic assumptions generate
2 the key input data from the Environmental Statement in
3 every topic area. For example noise, air quality,
4 surface access and so on. So these original forecasts
5 are therefore critically important.

6 "The Environmental Statement outputs provide the
7 input data for the health impact assessment and the
8 Sustainability Appraisal, and so if the air traffic
9 assumptions are unreliable then the health impact
10 assessment and the Sustainability Appraisal are also
11 unreliable, and the BAA air traffic assumptions are
12 indeed unreliable.

13 "ES volume 16 [that is the volume entitled air
14 traffic data, CD/19] contains all the key information
15 upon which BAA's projections are based. This is mostly
16 relegated to the appendices in very small print, or
17 indeed in no print at all, in the case of the data
18 tables for appendix A3, which belies their fundamental
19 importance as the basis for BAA's comparisons between
20 the baseline impacts and the projected impacts."

21 Q. Now, before we come on to 3.2.1 and the various
22 passenger projections, can you help me by indicating by
23 way of introduction where in particular you differ from
24 BAA on the passenger forecasts? Where are we looking?

25 A. I think the first point to make, actually, is that our

1 baseline, our starting point, is the Department for
2 Transport Forecast for Unconstrained Demand for the
3 South East. There should not be much difference between
4 us in terms of that starting point. So it is not
5 actually the overall forecasts where we differ, the
6 demand forecasts, it is more in relation to the capacity
7 of Stansted's existing runway, and there is
8 a forecasting dimension to that, because it depends upon
9 your view of how much long haul traffic, for example,
10 would be generated.

11 But the other key difference, of course, is that we
12 do not understand why BAA's forecasts only go so far
13 as 2014. The planning horizon for the regional plan,
14 the RSS, the planning horizon for the east of England is
15 2021, and the planning horizon for the Air Transport
16 White Paper is 2030. So whereas BAA forecasts stop at
17 2014, or in some instances 2015, we look beyond that.

18 Q. Right. Can you read 3.2.1, please?

19 A. 3.271 is commenting on the passenger projections:

20 "Over the past eight years the average numbers of
21 passengers per passenger aircraft at Stansted has
22 increased by 77 per cent. BAA assumes that over the
23 next eight years it will increase only 9 per cent. By
24 assuming such a dramatic slow down, BAA projects only
25 35mppa for 2014. The slow growth in average passengers

1 per aircraft is despite BAA's forecast that long haul
2 flights (ie larger aircraft) will increase from
3 36 passenger ATMs in 2004 to 15,100 in 2014.

4 "BAA has historically underprojected Stansted's
5 growth rate. BAA expects Stansted to handle 29mppa in
6 2010/11, which is 16 per cent more than BAA's projection
7 at the time of the last planning application approved
8 in 2003. BAA's low rate of assumed growth in average
9 aircraft loadings is implausible compared to the
10 projections for other airports."

11 Q. And pausing there, what conclusions would you invite the
12 inspector to draw, or would you draw, from the facts
13 that both Ryanair and Easy Jet have recently changed
14 their fleet and switched to larger aircraft?

15 A. That is absolutely correct, that there has been a surge,
16 if you like, a rapid increase in the number of
17 passengers per aircraft during the time that Ryanair and
18 Easy Jet have been upgrading their fleets; and that is
19 not finished yet, as a matter of fact. When BAA were
20 making these projections, the fleet replacement
21 programme had not yet completed. We accept, actually
22 that the rate of growth -- you know, 77 per cent in the
23 last eight years, it will not grow 77 per cent in the
24 next eight years. Of course, we accept the rate of
25 growth will slow down in terms of the numbers of

1 passengers were aircraft. But we don't believe BAA's
2 figures are realistic. If 35 million passengers
3 per annum were to be permitted, the peak slots at
4 Stansted would be at a premium, and these are the most
5 profitable slots, and they are virtually all controlled
6 by Ryanair and Easy Jet, and we do not believe that
7 Ryanair and Easy Jet would simply resign themselves to
8 being unable to provide more capacity at peak. Our view
9 is that they would look to go for larger aircraft, and
10 Easy Jet, for example, has indeed options for
11 significantly larger airbus aircraft.

12 Of course, apart from Ryanair and Easy Jet, there
13 are a number of other operators at Stansted whose,
14 progressively, average aircraft sizes are increasing.
15 Not just in Stansted, it is happening all over the
16 world. Just finally on that, we are not just looking to
17 2014, of course, we are looking to 2021, and to 2030.
18 So whereas there might be some constraint on the
19 replacement of aircraft at a relatively new -- you know,
20 over the next seven or eight years. If you are looking
21 far beyond that then of course aircraft size would
22 increase.

23 Q. Paragraph 3.2.2?

24 A. Paragraph 3.2.2:

25 "BAA cargo projections. BAA assumes that cargo ATMs

1 will more than double over the next eight years, to
2 22 and a half thousand. Cargo ATMs have reduced by
3 16 per cent over the last eight years. However,
4 assuming that cargo ATMs will double, has the effect of
5 inflating the 25mppa baseline ..."

6 I think strictly the term should be base case:

7 " ... scenario, and it reduces the net environmental
8 impact of 35mppa. It narrows the gap."

9 It narrows the gap between 25 and 35. And
10 especially so because BAA predicts there will be fewer
11 cargo ATMs at 35 million passengers a year than there
12 will be at 25 million passengers a year.

13 The environment impact of cargo ATMs is
14 disproportionate. They tend to be larger, noisier
15 aircraft, and they tend to operate at unsocial hours, so
16 if you overstate the number of cargo ATMs in the base
17 case that has a disproportionate effects.

18 Q. And what is your view as to whether the cargo ATMs have
19 been overstated in the light of the matters you produce
20 in your evidence?

21 A. Well, the facts and numbers are set out in our evidence,
22 and I think I am quite happy to let the inspectors form
23 a view on that.

24 Q. 3.2.3?

25 A. 3.2.3:

1 "BAA projections for non-ATMs. In 2006 there were
2 16,700 non-ATMs, and BAA projects a reduction in
3 non-ATMs to 13,500 in the 25mppa scenario, and to 11,000
4 in the 35mppa scenario. There are slightly different
5 numbers elsewhere in BAA's Environmental Statement,
6 14,000 and 10,000, but not hugely significant.

7 "It is convenient for BAA to assume fewer non-ATMs.
8 Historically, there has not been any planning limit on
9 the number of non-ATMs at Stansted, although they do
10 feed into the noise, air quality, et cetera, baseline
11 projections. But by predicting reductions in non-ATMs,
12 again BA reduces the projected impacts of its expansion
13 proposals. And in this one there is no recourse. If
14 the number of non-ATMs turns out to be higher than BAA's
15 projections despite the obvious impacts, they are not
16 subject to the planning regime, or have not
17 traditionally been. Non-ATMs are ignored in the
18 proposed 260,000 ATM limit. BAA has understated the
19 runway capacity. Even with 264,000 ATMs, today's number
20 of non-ATMs can still be accommodated."

21 Q. Do you have anything additional to say in respect to
22 non-ATMs, or do we move on to the projections?

23 A. Move on to the projections.

24 Q. Do we need to read through the entirety of these
25 projections, or would it be preferable, sir, for Mr Ross

1 to summarise and explain them?

2 MR PHILLIMORE: I am happy with that approach, if you prefer
3 to do that, yes.

4 MR STINCHCOMBE: Mr Ross would you prefer to do it that way?

5 A. Yes, let us just summarise it. Are you leaving it to my
6 discretion?

7 Q. You take us through these projections, and draw the
8 attention to the implications.

9 A. Well, let me try to summarise it. When we get to 2014
10 there is not a huge difference actually between our
11 projection and BAA's projection. We come to
12 39.7 million, whereas BAA says 35, and perhaps 37.5 in
13 its sensitivity. So it is not a huge difference in
14 2014/2015. We do have some more long haul in there, and
15 that is why our figure is higher. We have, I think,
16 14.8 per cent of passengers and BAA has 10 per cent of
17 passengers.

18 I think in terms of the load factor, we are fairly
19 similar. So, of course, a bigger gap opens up when we
20 get to 2021. We have long haul continuing to increase
21 to about -- where are we, as a percentage of
22 passengers -- to 24 per cent by 2021, and it is just
23 under 45 million passengers, 44.6. The load factor
24 increases slightly, 81 per cent in our modelling. And
25 then through to 2030 we project 49.7, that is with long

1 haul increasing to about 32 per cent, which is currently
2 actually the BAA -- or the average for Heathrow, Gatwick
3 and Stansted, or BAA airports in the South East. It is
4 already 32 per cent long haul. And our assumption is
5 actually that Stansted would achieve that average
6 25 years almost from now.

7 So, and again the load factor was nudged up in our
8 model to 82 per cent, and that delivers a number of
9 49.6 or 7 million, I think.

10 Q. Any further comments in respect of the SSE projections
11 or do we go on to conclusions?

12 A. Well, perhaps just a point in terms of the modelling.
13 When Mr Maiden gave his evidence, he described actually
14 how he and his team at BAA, in the attic, did various
15 iterations in the course of modelling, and they had to
16 make certain judgments. I think it is made clear in my
17 proof that this is not 100 per cent my own work, there
18 is a team within SSE who were heavily involved in doing
19 this work last year, principally last year, and we
20 developed our own model for checking out a number of
21 scenarios. I related very clearly to what Mr Maiden was
22 saying in terms of the various stages of iteration,
23 because modelling in itself does not give you magic
24 answers, it just allows you to do the calculations very
25 quickly when you put in different assumptions. As

1 I say, there is no magic in the model, the magic
2 actually are -- the judgments are involved in taking
3 a view how much long haul will there be, taking a view
4 in terms of aircraft size, taking a view in terms
5 of -- well, we actually did not take a view on the key
6 econometric variables, because we accepted the
7 Department for Transport's overall forecast, so we were
8 not second guessing there.

9 But some of the externalities where you make
10 judgments, such as capacity shortages, and that is
11 a crucial one, the capacity shortages that the
12 Department for Transport would predict in the South
13 East. Capacity shortages, impact of higher airport
14 charges, impact of higher environmental charges, higher
15 government taxation, all of those things, higher oil
16 price, all of those things which could make flying more
17 expensive, would tend to impact more upon short haul
18 than long haul. So we felt fairly confident actually
19 that an assumption that would take Stansted to about
20 32 per cent long haul by 2030 was perfectly reasonable.

21 Q. I am obliged. Your conclusions, then, section 5?

22 A. "BAA has understated the environmental impacts of its
23 proposed development by presenting scenarios for 25mppa
24 and 35mppa, which appear to have been designed to be as
25 close together as possible.

1 "The 25mppa scenario represents a far higher scale
2 of impacts than the scale of impacts today, at (almost)
3 24mppa, and the 35mppa scenario does not reflect the
4 planning approval sought by BAA which is for unlimited
5 passenger numbers.

6 "We estimate that, if the application were approved,
7 Stansted's passenger through put would increase to about
8 40mppa in 2014, about 45mppa in 2021 and about 50mppa in
9 2030.

10 "The higher passenger numbers have obvious
11 implications in such areas as surface access, water and
12 energy consumption, economic effects, employment and
13 housing. They also have less obvious implications in
14 such areas as air noise, ground noise, air quality and
15 climate change impacts because of the larger aircraft
16 which would be used to accommodate more long haul
17 traffic, including more four-engined aircraft.

18 "Because BAA has significantly understated the
19 likely scale of its proposed development and the
20 resultant environmental impacts, the ES is incomplete
21 and unreliable. The HIA [Health Impact Assessment] and
22 SA [Sustainability Appraisal] are also unreliable
23 because they have been based upon the results of the
24 [Environmental Statement].

25 "It is essential to have a full and proper

1 assessment of the environmental (and health) impacts of
2 the proposed development because only then can
3 a judgment be made as to whether these are acceptable.

4 "However, it is clear from the evidence submitted by
5 SSE and others that, even on the basis of 35mppa, there
6 would be very significant adverse impacts if the
7 proposed development were approved and overall these
8 impacts would be wholly unacceptable."

9 MR STINCHCOMBE: Thank you very much, Mr Ross. If you stay
10 there my learned friend will have some questions for
11 you.

12 MR PHILLIMORE: Thank you. Mr Humphries?

13 Cross-examination by MR HUMPHRIES

14 MR HUMPHRIES: Mr Ross, good afternoon.

15 A. Good afternoon.

16 Q. Mr Ross, you started, in answer to questions, by saying
17 that you did not have experience in aviation
18 forecasting, but you then went on to say that you were
19 heavily involved in other forms of forecasting. Were
20 those other forms of forecasting related to predictions
21 of passenger throughput or air traffic movements at
22 airports?

23 A. Not directly, but can I say a little more?

24 Q. Well, if you don't I will ask you, so you might as well
25 get on with it.

1 A. Could I perhaps take my jacket off first of all. I have
2 a sense that Mr Humphries is going to make me hot under
3 the collar.

4 Q. I am very ill-judged.

5 A. Actually one area of business which I was very closely
6 involved in and actually is very similar in terms of the
7 economic drivers is the hotel business internationally,
8 where the PLC I worked for was the world's largest hotel
9 operator. Trying to predict demand for room nights in
10 various countries around the world, and where to provide
11 capacity, is so similar to the type of work that
12 Mr Maiden does.

13 Q. Mr Ross, obviously hotels are interested in forecasting
14 room occupancy rate, but you will understand from
15 Mr Maiden's forecast that he obviously has to look at
16 a number of things, including future fleet mixes,
17 capacity constraints, hourly capacity constraints at
18 airports, load factors, pax per PATM, all of those
19 things. We could spend a long time on this or a short
20 time. Can you simply agree with me that you don't have
21 any experience or expertise in that type of forecasting?

22 A. I am sorry, but I will not agree with you because the
23 principles are entirely the same. In terms of the
24 econometrics of the model, the key drivers are GDP, and
25 country by country, route -- it is exactly the same.

1 But if I can just make one other point. One of the
2 lessons I learned in forecasting, many years ago, is
3 that when you try to be too clever about it, and try to
4 get into too much detail, that is where your forecasts
5 often tend to go wrong. And it is better, frankly, to
6 try to take a higher level strategic view of the
7 forecast, especially when you are taking a ten year view
8 or beyond.

9 Q. That is why I press you on this point, because you point
10 you made was that in your own SSE forecasting you had
11 not taken into account the economic factors, which is
12 the one area where you do have some experience?

13 A. No.

14 Q. You said you preferred to rely on the DfT for that.

15 A. Yes, because the DfT did the econometric modelling and
16 I just did not feel that we needed to second guess that.
17 We took a view of it, had the DfT made reasonable
18 assumptions, and broadly we thought yes.

19 Q. Now, the next introductory point, you said your
20 forecasts were based on the DfT forecasts for the South
21 East. Again, if we look at your proof of evidence,
22 SSE 4, we can see that in fact the forecasts are not
23 based at all on the DfT's forecasts as far as Stansted
24 is concerned.

25 A. Correct. I said, and I think actually you repeated it

1 correctly, we had based our forecasts on the DfT's
2 forecasts for the South East.

3 Q. Correct.

4 A. The DfT's forecasts for Stansted cannot really be looked
5 at. The only ones I think you can be referring to are
6 from the consultation document. I am not sure.

7 Q. Now, as far as what you describe as your model is
8 concerned, I mean, there may be an Excel spreadsheet
9 that multiplies PATMs by pax PATM, but there is not any
10 modelling beyond that, is there?

11 A. It is an Excel spreadsheet, yes.

12 Q. I thought it was. That is not modelling, that is
13 multiplication.

14 A. Oh no, I promise you it is modelling. I promise you it
15 is modelling. And I do not claim the credit for having
16 built the model. Let us not debate this here and now.
17 As you know, we have invited or suggested that outside
18 of this meeting it would be useful to have a discussion
19 with Mr Maiden to understand his forecasting. We are
20 absolutely happy to reciprocate and share models in
21 terms of meeting minds.

22 Q. Now in your proof at paragraph 2.1.1, you tell us that
23 SSE's forecast on the air traffic -- SSE's evidence on
24 the air traffic forecasts relating to the proposed
25 development was originally set out in volume 1 of SSE's

1 response to UDC, that is CD/201?

2 A. Yes.

3 Q. That is now superseded by this submission which
4 incorporates more recent data. We do know, don't we,
5 certainly in relation to the CD/201 version of your
6 forecasts, that that was not accepted by UDC and its
7 consultants, who endorsed BAA's forecasts as being
8 reasonable and robust?

9 A. Yes.

10 Q. There are a number of fundamental features, are there
11 not, to your own forecasts. I am going to ask you about
12 them all, but let us just identify them first of all.
13 In relation to passenger throughput, obviously the
14 important features are PATMs and pax per PATM.

15 A. Yes.

16 Q. You also look at long haul?

17 A. Yes.

18 Q. And cargo, you look at tonnage and CATMs?

19 A. Yes.

20 Q. So we will examine those. You look at non-ATMs?

21 A. Yes.

22 Q. And then, by that methodology, you produce some overall
23 forecasts in terms of passengers and ATMs, and we will
24 look at those. But those things, I think, are the basic
25 building blocks by which we get to the end result?

1 A. Yes.

2 Q. If there is something else, I am not going to hold it
3 against you, but I think I have identified the main
4 building blocks of the structure. So let us start by
5 just considering passenger throughput and forecasts of
6 passenger throughput, and we will start by looking at
7 PATMs, okay? The 25mppa case, we know that
8 condition ATM1 at the moment allows 241,000 ATMs, of
9 which not more than 22,000 must be CATMs?

10 A. Yes, that is the present condition.

11 Q. That is the present condition. Now, in your
12 paragraph 3.1.4 --

13 A. Yes.

14 Q. -- you say that:

15 "... BAA presents us with a baseline derived from
16 exploiting its current planning consent for 241,000 ATMs
17 and 25mppa to the full, wherever possible."

18 Can we agree that as far as ATMs is concerned, that
19 is not right; the 25mppa case assumes 180,000P ATMs and
20 22,000 CATMs, in other words the forecast has assumed
21 that a lot fewer ATMs would be used than permitted,
22 thereby widening the gap between 25 and 35?

23 A. No, I am sorry.

24 Q. You don't accept that?

25 A. I do not accept that. That is the phrase -- the phrase

1 "wherever possible" is key here. And if you are only
2 allowed 25mppa, it is inconceivable, frankly, that you
3 could ever have more than 180,000 PATMs. Indeed 180,000
4 is on the high side.

5 Q. All right. So we can agree, can't we, that the
6 assessment does not take advantage of the full permitted
7 number of ATMs?

8 A. Because it can't.

9 Q. Well, it could if aircraft were smaller, but that has
10 not been assumed.

11 A. Well, assume hypothetically it is -- well, yes, in
12 theory.

13 Q. The fact that, in the forecasts we have assumed that
14 lower number of ATMs as a matter of fact accentuates the
15 difference between the 25 and the 35 cases, in other
16 words it makes the impacts greater than would have been
17 the case if we had assumed the full permitted number
18 of ATMs?

19 A. No, I am sorry, that is absolutely not correct, because
20 you have assumed 180,000 PATMs. In 2014 you will not
21 require 180,000 ATMs to shift 25 million passengers.
22 You will require far fewer than that.

23 Q. And where is that dealt with in your evidence?

24 A. I am looking for it, I am not sure it is directly in our
25 evidence, but I am sure it is our modelling. No, you

1 must be able to derive it in our evidence because it is
2 clearly the number of passengers per aircraft divided by
3 25 million.

4 Q. It is a new point; is it not?

5 A. No, it is not a new point. It may not be absolutely
6 explicit, but let me have a look. Yes, I do see it, it
7 is in our evidence. If you look in table --

8 (Pause).

9 I am sure it is in here, Mr Humphries, and it can
10 certainly be derived from here even if it is not
11 explicitly stated. But it is simply 25 million divided
12 our projected number of passengers per PATM and it is
13 less than 180,000.

14 Q. All right.

15 A. Actually, if you give me two minutes I will find it. It
16 is in SSE 201 -- sorry, CD/201. It is explicitly
17 stated, on page 15 of CD/201 you will see the table 4.5
18 at the foot of that page, and it shows PATMs 161,500.

19 I apologise it is not explicitly repeated in our
20 evidence, but as I say it can easily be derived.

21 Q. Sorry, what am I supposed to be looking at?

22 A. Sorry. If you look on page 15 of core document 201.

23 Q. Yes.

24 A. If you look at table 4.5 at the foot of the page, there
25 is the column which gives the headings, and then there

1 is the column which says "Existing Planning
2 Consent 2014", and you see the number there, 161,500.

3 Q. I see.

4 A. Thank you.

5 Q. That, of course, is based, is it not, on your forecast
6 of passengers per PATM?

7 A. Yes.

8 Q. Which is why I described earlier your approach not as
9 modelling, but as mathematics. All you have done to
10 arrive at that number of PATMs is take the 25mppa divide
11 by your figure for pax per patten, and as a matter of
12 multiplication that gives you a number of PATMs. But
13 there is no forecast, there is no modelling that led to
14 that level of pax per PATM. It is multiplication.

15 A. That is not quite how we did it, actually. Of course
16 the fixed number is 25 million.

17 Q. Yes.

18 A. The variable numbers are either the number of ATMs or
19 the number of passengers per ATM.

20 Q. Yes.

21 A. And the one we varied was the number of ATMs, and the
22 final result was the number of passengers per PATM, that
23 was the derived calculation at the end. So the
24 forecasting assumption was the number of PATMs.

25 Q. How did you forecast that number of PATMs?

1 A. Because we took the view --

2 Q. Can I see the model that forecast --

3 A. I already indicated to you, I am perfectly happy that we
4 reciprocate with Mr Maiden and share models and explain
5 how they both work. I am very happy to do that.

6 Q. I think the trouble is that Mr Maiden's model is
7 a highly commercially valuable model that has been used
8 and involves vast numbers of parameters, whereas yours,
9 as we have just agreed, is a small Excel spreadsheet.

10 A. Well --

11 Q. Not much (overspeaking) --

12 A. Actually it is not a small Excel spreadsheet, but with
13 respect, and I do not mean to be rude --

14 Q. Let us not banter words (overspeaking) --

15 A. (Overspeaking) --

16 MR PHILLIMORE: One at a time, please.

17 A. Please, let me finish. I hope you will not take this as
18 rude, but Mr Maiden's models have not really been that
19 successful in the past.

20 MR HUMPHRIES: Mr Maiden's models have been very successful
21 in the past. How did you forecast 161,500 PATMs?

22 A. The starting point -- was it the starting point, just
23 about. We started actually -- and this can be dull for
24 those of us here who are not desperately into modelling
25 and forecasting, but the starting point was to use the

1 BAA sensitivity case for 37.5mppa, and was to take all
2 of those aircraft types, and at that time actually we
3 had to assess and research the seating capacity for each
4 of these aircraft. We then took a view on how much long
5 haul traffic there would be. Now, if we are speaking
6 about 2014, which I think is what you are speaking about
7 presently, we took a view that 14.8 per cent that of
8 traffic would be long haul. Now you say -- you are
9 saying that is far too high, or BAA are saying. You
10 think it would be ten per cent. Fine, we made
11 a judgment. Three or four years ago your judgment was
12 that it would be 17 per cent by 2010.

13 Q. Mr Ross, what you have just done is confirmed the point
14 I originally put to you, which you denied, which is that
15 what you have done to arrive at the PATMs is simply
16 arrive at a pax per PATM and then divide that into
17 25 million. Your answer is telling me that you looked
18 at our fleet mix and the numbers of seats. You applied
19 then a 80 per cent load factor --

20 A. No, sorry, either I am not explaining myself very well
21 or I am speaking too quickly or in a bad accent. That
22 is not how we did it. We took a view on the long haul
23 proportion of passengers at Stansted -- please let me
24 finish this. In taking that view we were guided by
25 number of parameters, including the Department for

1 Transport forecasts, the Department for Transport
2 forecast that long haul will increase by 4.6 per annum,
3 much faster than short haul.

4 We were also guided -- I am sorry -- we said, well,
5 look, five years ago BAA thought it was going to be
6 17 per cent in 2012. 2012. Now they think it will be
7 10 per cent in 2015. We took a number between the two,
8 and that is coincidence rather than intentional, but we
9 took a judgment on long haul, and as I say, bearing in
10 mind also some of these external factors, like what
11 happens if there is higher environmental taxes, what
12 happens if the oil price is higher, what happens if
13 Stansted Airport charges are higher? Did
14 14.8 per cent -- that is what it turned out -- seem
15 reasonable? We thought yes. Now having taken that
16 figure, the rest, of course, is derived by arithmetic,
17 really, because the rest is short haul or charter, which
18 is relatively small these days. The rest falls out of
19 the model almost.

20 Q. Well, it would with a model like that. Can we look at
21 35mppa and the 35mppa case. The application is to raise
22 the number of ATMs to 264,000, of which not more than
23 243,500 would be PATMs, and 20,500 CATMs?

24 A. Yes.

25 Q. I do not understand, but I ask you to confirm it, that

1 the SSE is calling evidence to support any other limit
2 than the one that BAA is proposing?

3 A. No.

4 Q. Thank you. Now, let us move on, then, to passengers
5 per PATM, and the SSE approach has relied on, as I read
6 the proof, and I have tried to read it quite carefully,
7 four factors. One is to examine recent growth in
8 passengers per PATM at Stansted. Secondly, to make
9 comparison with other airports. The third factor is
10 assumptions about fleet mix, and then finally there is
11 an extrapolation of data forward to a future date. Are
12 those, in broad terms, the four factors that have been
13 taken into account when you have looked at passengers
14 per PATM?

15 A. You see now that is -- I guess that is the way we
16 presented it, but as I explained two or three minutes
17 ago, the most fundamental difference between us is on
18 the assumption of long haul.

19 Q. Okay, but that is one of the factors?

20 A. Yes. These other points were factors, yes.

21 Q. I mean, one only has, for example, to look in your
22 summary which you read out, and you can begin to see
23 some of them. Look, for example -- and I just take this
24 by way of examine -- at page 2 of the summary,
25 paragraph 3.2.1, "Passenger Projections", and we can see

1 the first two bullet points relate to past experience
2 and changes to the future predicted experience.

3 A. Yes.

4 Q. The last one in paragraph 3.2.1 relates to comparison
5 with other airports, so my third point was fleet mix,
6 which you have agreed with me, and the fourth point was
7 simply that that data was simply extrapolated?

8 A. No, actually I can understand why you take that view,
9 but no. These comments here actually were written after
10 the event. In a sense, just to demonstrate that the
11 numbers that can come out of our tuppence ha'penny model
12 were not actually all that unreasonable. These were
13 trying to put some context to it. These were not the
14 inputs, these were the outputs, really, after the event.

15 Q. Did these factors play any part in the judgment that you
16 reached?

17 A. No. Not consciously, no.

18 Q. That is helpful, thank you. We can probably agree,
19 therefore, just looking at some of them, why it would
20 have been right that they played no part in your
21 forecasting.

22 A. Okay. Well, I wonder why -- sorry, you must ask the
23 questions.

24 Q. It is my burden, unfortunately. We know, don't we, and
25 we can probably go through this fairly quickly now, that

1 in relation to recent growth in passengers per PATM,
2 there are particular reasons at Stansted why there has
3 been very dramatic growth in recent years?

4 A. Yes. Although it is not just -- we went back eight
5 years, I think, we refer to eight years. We went back
6 20 years actually, and it is not just the last eight
7 years, it is consistent, and of course it is not just
8 Stansted. But if you are trying to say that Easy Jet
9 and Ryanair have moved to larger aircraft, yes, of
10 course, that is true; and that has created a sudden step
11 change. It has accelerated the thing over the last few
12 years.

13 Q. And of course, because Mr Maiden is aware of what has
14 happened to the fleets of those two airlines, and indeed
15 knows about their advance ordering of other aircraft and
16 their fleet replacement programmes, he has taken those
17 things into account, has he not, in his forecast?

18 A. Up to a point, actually, but there are two key
19 differences here which emerge from his evidence. On
20 short haul -- this is nothing to do with long haul --
21 the first is that he took no account of the fact that
22 Easy Jet did have options for substantially larger
23 aircraft, to swap some of their A319 orders into A320
24 orders, aircraft that will carry about 230 passengers
25 rather than 156. And bear in mind we are not just

1 looking at 2014; our model does not stop at 2014, for
2 reasons I have explained earlier. So this is more of an
3 issue in terms of when you start to look to 2021 and
4 beyond, and to the extent to which Easy Jet and Ryanair
5 might have changed their fleets again. So that is
6 a factor which Mr Maiden had not taken account of.

7 You will also recall that the way in Mr Maiden did
8 his numbers, and actually we picked this up, and we were
9 muddling it and the numbers looked very strange, and it
10 was the mix between the two major types of aircraft at
11 Stansted, predominantly Stansted is 737/800s, which hold
12 189 passengers. The alternative are the much smaller
13 airbuses, which Easy Jet uses, with 156. The proportion
14 of those right now is about three to one. Mr Maiden
15 assumes that there will be far more airbuses and far
16 fewer 737s, and that changes quite significantly the
17 average numbers of seats and so the average numbers of
18 passengers per aircraft. And that came out, I think,
19 Mr Humphries, in Mr Maiden's evidence.

20 Q. Yes, and Mr Maiden is entirely correct on all of those
21 things. He has extremely good market data, he talks to
22 the airlines all the time, you have absolutely no
23 evidence to suggest he is wrong on any of those things,
24 do you?

25 A. Well, I am sorry, let me just quote the numbers to you,

1 and remind you that Mr Maiden has not all been right in
2 the past. If I quote the numbers to you, the baseline
3 which he used was a baseline of 91 per cent of 737s and
4 2 per cent A319s.

5 MR BOYLAND: Could you just do this slowly for me so I can
6 get a proper note?

7 A. I am sorry. The numbers he started with -- and this was
8 the actuality in 2004.

9 MR HUMPHRIES: These are the actual figures?

10 A. Yes. 91 per cent of the short haul aircraft were 737s
11 and 2 per cent were A319s. By the time we get to the
12 25mppa case, Mr Maiden assumes 52 per cent only are 737s
13 and 29 per cent are A319s. Now, Ryanair is two thirds
14 of the business. Ryanair is completely 737/800s.
15 Easy Jet is about 19 per cent.

16 Q. Easy Jet are replacing Boeing 737s, are they not, with
17 airbus 319s?

18 A. Yes, but when Easy Jet has replaced them all, that will
19 account for about 19 per cent. Everyone else that I can
20 think of -- Ryanair, Air Berlin, or charter people who
21 are using bigger ones -- they are on at least 737 size.
22 And so how can that drop to 52 per cent? It makes no
23 sense.

24 Q. Could we look at CD/135, and I have just realised you
25 have seen me looking around for a document that

1 the number I had put on the list, or a number I had
2 taken out of the box myself, was wrong, it should be
3 CD/135 that I want to look at, not 134, could you just
4 have that, please?

5 A. I have it.

6 MR PHILLIMORE: Mr Humphries, will you look for a moment to
7 take a break, please.

8 MR HUMPHRIES: Of course, sir.

9 In CD/135, Uttlesford asked SH&E to comment on some
10 aspects of SSE's forecasts, and on page 2 of the
11 document as we have it, starting at paragraph 1.5, they
12 comment on passengers per ATM. We can all read through
13 the document and see what they say, but there are
14 a number of points, are there not? Firstly, recent
15 growth in pax per PATM is exceptional because of the
16 replacement programmes of Ryanair and Easy Jet. I think
17 we agree on that?

18 A. Yes.

19 Q. Secondly, we can see this in paragraph 1.9, the general
20 industry view is that aircraft of this size will
21 continue to dominant short haul fleets of airlines in
22 Europe for many years. Do we agree on that?

23 A. Yes.

24 Q. The next point, 1.10, the fact that 80 per cent of the
25 seat capacity provided at Stansted is very unlikely to

1 experience any increase in aircraft size. And that this
2 will act as a major constraint and break on any further
3 increase in average numbers of seats per PATM. Do we
4 agree on that?

5 A. No, we don't agree on that. It says here 60 per cent
6 and 20 per cent; it is actually higher than that, it is
7 about 85. But, no, we don't agree on that, for the
8 reasons I have already said. And please bear in mind
9 again that SH&E are only looking to 2014.

10 Q. Okay. So certainly BAA and SH&E agree on this, but, the
11 inspector can record, SSE takes a different view on this
12 factor?

13 A. Yes, in fact the inspector can record rather more. We
14 spoke to SH&E afterwards, because we did not understand
15 some of their analysis. They agreed with us that long
16 haul had been underestimated, and in fact if you look at
17 the SH&E report -- I will take you there if you
18 like -- but their estimate was that long haul would be
19 I think they said between 3 and 4 million passengers by
20 2014; and as it happened we were 5.9.

21 But let me just explain one other thing the
22 inspector might find of interest. We then asked SH&E if
23 they would do some work for us, because Uttlesford did
24 not want to use them any further, and we felt it was
25 wrong that they had stopped in 2014. SH&E thought long

1 and hard about it and felt there could potentially be
2 a conflict of interest, and in fact recommended instead
3 that we used Alan Stratford & Associates, which is what
4 we did.

5 But SH&E had a very limited remit. They also,
6 incidentally, and this is true, but perhaps
7 unbelievable, when they worked out the number of
8 passengers per ATM, they divided their numbers by the
9 total number of ATMs, including cargo. Incredible but
10 true.

11 Q. And their view was that the forecasts of passengers
12 per ATM were reasonable?

13 A. Sorry, are you saying SH&E?

14 Q. SH&E's view that BAA's forecasts were reasonable?

15 A. SH&E is limited -- yes, yes. All of these points -- the
16 answer is yes. We honestly -- I think I have tried to
17 shortcut the answer by saying that we really felt that
18 SH&E had not been allowed to do a thorough enough job.
19 We wanted them to do further work on it and we had
20 reservations about the work they had done it was so
21 limited.

22 Q. Mr Ross, you may have had reservations. They did the
23 work. They obviously felt they had done the work
24 professionally. Uttlesford were satisfied with the
25 work. We have agreement on these things in the

1 statement of common ground between Uttlesford and BAA,
2 don't we?

3 A. Absolutely. I am here to defend the forecasting mark
4 which SSE did.

5 Q. Sir, that is a convenient moment.

6 MR PHILLIMORE: Thank you very much. It is 3 35. We will
7 adjourn until 3.50, thank you.

8 (3.35 pm)

9 (A short break)

10 (3.52 pm)

11 MR PHILLIMORE: Thank you very much. The inquiry has now
12 resumed. Mr Humphries?

13 MR HUMPHRIES: Mr Ross, the second factor which you have
14 told us, very properly, was not used as part of the
15 judgment leading to your passenger per PATM forecasts,
16 but against which you have checked them, is comparison
17 for the figures for other airports and we can see this
18 most graphically in your proof at table 3.

19 A. Yes.

20 Q. I want to ask you briefly about two of the figures
21 there. The first one is Heathrow, and Mr Maiden was
22 asked about the figures for Heathrow, and he explained
23 in his evidence there were particular reasons why the
24 passengers at the ATM at Heathrow were expected to rise
25 very dramatically, related to the ATM constraint at

1 Heathrow.

2 Can we, on this one, agree that Heathrow may not be
3 a good guide to Stansted?

4 A. We can agree that there are -- the points Mr Maiden made
5 were entirely fair, and he has since me a slightly lower
6 figure for Heathrow. I cannot remember, but it is less
7 than 180 now.

8 Q. So, can we agree that when looking at whether the growth
9 at Stansted is appropriate, looking at the forecasts for
10 Heathrow is not a particularly good guide?

11 A. No, let me explain why I don't agree with that.
12 Heathrow already is doing a very significant proportion
13 of long haul, over 40 per cent, I cannot remember the
14 exact figure. Again, bear in mind where we start from,
15 and it is the Department for Transport forecasts for
16 unconstrained demand in the South East. Now, the
17 Department for Transport's view is that by 2014, there
18 will be somewhere around -- it was 200, but they have
19 trimmed it to around 195 million.

20 Now, Mr Maiden has done the analysis on the
21 assumption that there is no third runway at Heathrow,
22 there is no mixed mode(?) at Heathrow, there is no
23 additional capacity at Gatwick. And so all of that
24 indicates a lot of pressure upon Stansted. Indeed, that
25 is the essence of the white paper's support for allowing

1 maximum use at Stansted.

2 If you take that number of 195 million and you put
3 85 or 87 into Heathrow and 44 or 45 into Gatwick, you
4 spread it around, and you have more demand, far more
5 demand at Stansted than 35 million. In particular, you
6 have long haul unsatisfied, and that is how you get to
7 this figure.

8 Q. Mr Ross --

9 A. Sorry, I am almost finished, but I think it is important
10 that we understand how we get these numbers. If
11 Stansted starts from almost a zero base on long haul --

12 Q. Mr Ross --

13 A. Please let me finish, I am answering the question.

14 MR PHILLIMORE: I think the question that you put to Mr Ross
15 was that Heathrow was not a good guide, and I think he
16 is still answering that.

17 A. I am answering the question. Stansted starts from
18 a virtually zero base on long haul. Heathrow is
19 starting from a 40 per cent base, and so the potential
20 to increase long haul is much higher at Stansted than at
21 Heathrow. So the scope for more passengers per aircraft
22 on average is far higher at Stansted than at Heathrow.

23 MR HUMPHRIES: Now, I want to ask you about the long
24 haul -- I will be coming on to that with you at
25 Stansted, but I wanted to see if we could agree that the

1 reason, at Heathrow, why there is the growth forecast,
2 is because, due to the ATM constraint there, which is
3 beginning to bite already, that is forcing a growth in
4 aircraft size at Heathrow, because it is constrained by
5 the condition in a way that does not apply in our
6 forecasts for Stansted.

7 A. Do you know, you are going to think I am being contrary,
8 but honestly I don't agree with that either. Please let
9 me explain why, it is simple arithmetic. Heathrow is
10 constrained to 480,000 ATMs per annum, two runways,
11 240,000 each. And there are no cargo flights at
12 Heathrow or they are negligible. Your proposal is
13 243,000 on the Stansted runway. And in that sense the
14 ATM constraint is broadly comparable.

15 Q. Obviously we don't agree with that -- you don't agree
16 with us, and we don't agree with you. Let us pass on
17 from that. Luton --

18 A. Mr Humphries, I am sorry, but it is simple arithmetic
19 and we don't need to fall out on simple arithmetic.

20 Q. Mr Ross, I am sure we will not fall out at all, we just
21 disagree. Luton. I just want to understand with the
22 Luton figures how they have been derived. The footnote
23 to the table gives the source as the Draft Luton Interim
24 Masterplan. We have that at CD/226. I just want to
25 make sure I understood what you have done with the

1 figures. Could you look at that, please.

2 A. Yes. CD?

3 Q. 226.

4 A. I have it. I have the non-technical summary.

5 Q. Yes. It is plated in little white on black blocks about
6 two thirds up the left hand margin. If you can turn to
7 page 5.

8 A. Yes.

9 Q. Again, this may be a conversion factor, and I am just
10 not quite sure what you have done here. Looking at this
11 data, and looking at 2006 in table 1, if I -- and this
12 is my maths, so it is almost bound to be wrong, but if
13 I work out for 2006 on that mppa basis, and the ATMs,
14 the figure I get 124.3, which is close to your 122.2.

15 A. Yes.

16 Q. But when I look at 2014, and I look at the 21mppa and
17 the 156,000 ATMs, I get 134.6.

18 A. Yes.

19 Q. Now obviously that, I assume, is not the way to do it,
20 or you have done something else.

21 A. Yes, yes. If you look at the simple table for Luton, if
22 you see at the top of table 1 for Luton it says
23 "Passengers and Associated ATMs". If you look at the
24 footnote at the bottom, they show that they include
25 aircraft positioning.

1 Q. I note that.

2 A. You then have to go -- and I can take you there if you
3 like -- into the CAA data, and see how many aircraft
4 positioning movements there were at Luton in 2006, and
5 you then have to go and try and find how many aircraft
6 positioning movements were predicted in 2014. Perhaps
7 the footnote should have made clear that point, but that
8 is the difference between the numbers. And Luton
9 actually has a lot of aircraft positioning, because, as
10 you may know, it is a restricted site. Actually it
11 might just, so that the inspectors and everyone else is
12 clear, it might just been worth if I just show
13 you -- I am sure I have the CAA figures here. Excuse
14 me. I am looking at CD/209. If you turn to table 3.1,
15 this is CD/209, and it is the CAA statistics for 2006.
16 On table 3.1, if you are looking at the same page I am
17 looking at, this is the table which gives the breakdown
18 between the number of movements, air transport, air
19 taxi, and so on. Are you with me?

20 Q. You need to tell the inspectors, not me. It does not
21 matter what I see.

22 MR PHILLIMORE: We have it.

23 A. As I say, we don't need to fall out about arithmetic.
24 In any event, I just wanted to point you to the
25 positioning flights at Luton, where you will see 6,300.

1 And then there is local movements, 3,000. Because Luton
2 is a restricted site, they cannot park the aeroplanes
3 there easily overnight. There is a lot of positioning
4 movements at Luton, a far higher percentage. Now that
5 should be -- I do not have a calculator to do the
6 adjustments right now, but that should reconcile the
7 numbers. If it does not, then somebody will have their
8 head chopped off within SSE.

9 MR HUMPHRIES: Well, there is no need to go to quite those
10 lengths. For 2006 that would that would explain the
11 small discrepancy between 122 and 124. But of course
12 for 2014 the table has 145, whereas just looking at the
13 masterplan would give us 134?

14 A. Yes.

15 Q. Now if that is explained by positioning movements, that
16 implies some absolutely vast increase in positioning
17 movements by, I do not know, three, four, or five times,
18 in order to raise the passengers per annum?

19 A. You are ahead of me in arithmetic, but it is about
20 7 per cent. I think that is probably about right.
21 I agree it is not as high as seven per cent in 2006, but
22 it is about 7 per cent, the difference between the
23 number you quoted to me, 135-ish or 145-ish, is about
24 7 per cent.

25 Q. Certainly that figure looks odd. If we do compare

1 Stansted, however, with the forecasts for Gatwick, which
2 is currently of about the size that we are forecasting
3 Stansted will grow to --

4 A. Yes.

5 Q. -- the growth in passengers per PATM becomes very much
6 closer, does it not?

7 A. It is very close to Gatwick. I mean, these are the
8 numbers, and you say: well, what is the explanation?
9 And I think my view would be that Gatwick is a mature
10 airport, already has lots of long haul, and Stansted is
11 playing catch-up so far as long haul is concerned. And
12 so that is why you would expect Stansted to be higher
13 growth per PATM?

14 Q. Certainly, if Stansted, in the next seven years, did not
15 achieve the levels of long haul that Gatwick currently
16 has, you would expect Stansted's pax per PATM to be
17 behind those at Gatwick?

18 A. It is not quite as simple as that. Stansted starts from
19 a much stronger position in relation to short haul.
20 Because Ryanair and Easy Jet are based here, they use
21 pretty large aircraft for short haul operations. They
22 fill them very, very full, much more so than the
23 operators of short haul out off Heathrow and Gatwick.
24 Stansted starts from a higher position actually on short
25 haul, so when Stansted starts to get a reasonable share

1 of long haul, the PATM number will go up beyond Gatwick.
2 I am not saying it will go beyond Heathrow, until who
3 knows when, but these are just the trends you would
4 expect to happen.

5 Q. But this is the point, and maybe we are beginning to
6 isolate here the difference between us. The difference
7 in passengers per PATM, and therefore the difference
8 between us in overall passenger numbers in 2014/15, is
9 very much driven by the view you have taken on long
10 haul, as indeed you told me earlier?

11 A. Yes, that is the key -- that is the biggest single
12 difference between us.

13 Q. Right. Now, let us turn, then to talk about long haul
14 and the long haul percentage.

15 A. Yes.

16 Q. Now, on the one hand, the ACC have told us that long
17 haul will be less than BAA has forecast. On the other,
18 SSE and SH&E have indicated that long haul will be
19 higher than BAA has forecast?

20 A. Yes.

21 Q. So for what it is worth, the inspectors can at least
22 record that BAA's forecasts are within the extremes of
23 forecasts by other parties?

24 A. That is fair.

25 Q. Now, in order to take on board the concern raised by

1 SH&E, BAA did carry out for those impacts which are
2 driven by air traffic movements and fleet mix, a fleet
3 mix sensitivity case?

4 A. Yes.

5 Q. And the fleet mix sensitivity case assumed a heavier
6 fleet mix than in the primary assumptions, and SH&E
7 regard that fleet mix sensitivity as being robust.

8 A. The second version of it, do you mean?

9 Q. The version in the Environmental Statement.

10 A. Sorry, I will take your word for it. I certainly know
11 that when you did some revisions to push up the long
12 haul further they were reasonably happy with that.

13 Q. Yes, and in relation to that, the fleet mix sensitivity,
14 which had the same number of ATMs, but just allowed the
15 size of aircraft to grow, and then obviously allowed,
16 for the purposes of the exercise, the number of
17 passengers to grow, ended up with about 37mppa, which
18 gets closer to your own 2014 forecast?

19 A. Actually it does. And interestingly, when we got the
20 information from Mr Maiden two weeks ago or a week or so
21 ago, to show what assumptions BAA had made in the number
22 of seats per aircraft, we put these into our model
23 actually, just to see how it came out, and, yes, it
24 comes to 37.5 million, as 78 per cent load factor.

25 Q. Now --

1 A. Let me just finish that point, because it really almost
2 reconciles your approach and our approach at 2014,
3 because if you push that 78 per cent to 80 per cent, you
4 create almost an extra 2 million passengers. 37.5 plus
5 2 million is 39.5. We say 39.6 or 7. It is so close to
6 our number at 2014. So, really, the only difference
7 between us -- actually there are a few bits where we
8 disagree with the number of seats per aircraft, but
9 essentially it is the load factor at 2014, where you
10 assume pretty low when you go to the sensitivity.

11 Q. So if the inspector wants to understand the implications
12 of your figures and your approach in terms of air noise
13 and those other impacts which are relevant to fleet mix,
14 the Environmental Statement contains that data?

15 A. Not quite. So far as air noise --

16 Q. Because --

17 A. Sorry, so far as air noise and air quality is concerned
18 it is pretty marginal, frankly, at 2014.

19 Q. I do not want to debate with you what the differences
20 are, that is not for you, that is for others, but if the
21 inspector wants to have an understanding of what
22 a heavier fleet mix, consistent with SSE's case means,
23 that has been assessed in the Environmental Statement?

24 A. Not quite, but I take your point, it is pretty close to
25 it.

1 Q. It is pretty close to it; it would give a --

2 A. In 2014, though, Mr Humphries, which is very important,

3 I think. It changes significantly when you go past

4 2014.

5 Q. We will come to that. Now, of course, the fleet mix

6 sensitivity leads to a higher number of passengers than

7 BAA's proposed passenger condition, and therefore that

8 constraint would bite. But purely in terms of ATMs and

9 fleet mix, that has been considered, has it not, in the

10 ES?

11 A. Well, no argument about the total number of ATMs. That

12 is a fixed number in both our models. Passenger ATMs

13 243,500. Now, the types of they aircraft, there is not

14 a huge argument between us, frankly, at 2014, so far as

15 passenger aircraft are concerned, between our figure and

16 your sensitivity case. There is not a huge argument

17 between us.

18 So where do the differences arise? Of course beyond

19 2014 the gap widens between us. Not just in passengers,

20 but aircraft. And the differences arises, of course,

21 also on cargo aircraft, where we think you have

22 over-egged it, frankly, and on non-ATMs, which we think

23 you have under-egged, frankly.

24 Q. I am coming to those things. Now, as to whether your

25 long haul forecasts are right or not, we can see what

1 they are in table 5 on page 8 of the proof. We can see
2 that you get, from the lower half of the table on the
3 right hand side, 7.3 per cent long haul ATMs, and
4 14.8 per cent passengers. There is no explanation, is
5 there, in the proof of evidence, nor so far as I can
6 find in any of the other documentation, to explain why
7 it is you consider those figures appropriate?

8 A. You mean the 5.9 million?

9 Q. The figure that ends up with 5.9 million. You refer in
10 4.1.1 and 4.1.2 to your modelling and we have discussed
11 precisely what that model is.

12 A. Now, I have tried to describe to you how we arrived at
13 it, which was the starting point of the DfT forecasts
14 for unconstrained amount in the South East, including
15 long haul.

16 Q. Yes, but as we agreed before that forecast does not help
17 us by getting to any figure for Stansted?

18 A. Well, I suppose the best way of describing it is we get
19 to Stansted almost by the process of elimination, to
20 say: well, what can Heathrow take care of? What can
21 Gatwick take care of? What can Luton take care of?
22 That is really the way we do it. Bear in mind that
23 Luton -- actually we did this forecast before Luton said
24 they weren't going to do the replacement runway, so
25 Luton is going to struggle actually to do long haul.

1 Q. Obviously at the end of the day, the inspector will have
2 to form a view, as will the Secretary of State, on what
3 weight he can place on your judgment on the long haul
4 percentage, and the number of long haul passengers, in
5 the light of the other evidence from the professional
6 modellers such as Mr Maiden and indeed Miss Condone?

7 A. Yes.

8 Q. And frankly you and I, debating your judgment on this,
9 I suspect will not move things forward.

10 Can we turn, though, to the last --

11 A. Sorry, sorry. It is not entirely judgment. Essentially
12 it is the Department for Transport's judgment. Really
13 that is -- of course, there have been elements of our
14 judgment, but the overarching set of numbers that we
15 have been working with are the Department for
16 Transport's judgment. And, with respect, I think their
17 modelling and the manpower they put into it is may be
18 even more sophisticated and intensive than Mr Maiden's
19 efforts. So it is the Department for Transport's
20 modelling. That is what we have used as the overarching
21 set of numbers for 2015, actually we have it, not just
22 for 2014, and then 2020, rather than 2021, and 2030.
23 The Department of Transport produces these forecasts for
24 those years, for the South East, for long haul. We
25 start with that, and then you say: right, what can

1 Heathrow do? What can Gatwick do? What can Luton do?
2 And then you add City, Norwich, Southampton, South End,
3 altogether perhaps do about ten. You are left with
4 a set of numbers. And, yes, you say there is an element
5 of judgment in it, but it is not judgment in the dark.
6 It is judgment in a pretty straight context.

7 Q. Mr Ross, I don't really want to go over things. I think
8 we have already agreed, have we not, the DfT figures did
9 not give you forecasts for Stansted. That is SSE's
10 work.

11 A. I don't need to repeat what I have just said.

12 Q. Okay. Now, we can see, can we not, in table 5, by
13 looking in the top part of the box, that by 2014 the
14 overall average PATM figure which SSE derived was
15 163.4 passengers per PATM.

16 A. Yes.

17 Q. Now, can we just go to the advice you received from
18 Alan Stratford & Associates on this, this is SSE 5, and
19 this is now part of your evidence?

20 A. Yes.

21 Q. We need to look at table 3.3, which is towards the back.
22 Before we look at the figures, we just need to make some
23 slight clarification to the table itself. The first
24 three columns with numbers, that say "25mppa, 35mppa,
25 35mppa upper" are all BAA forecasts. They are the BAA

1 5 million case, the 35 million case and the third one is
2 the fleet mix sensitivity, so you just need to note that
3 because it is not quite obvious. Therefore the dividing
4 line at the top of this table just needs to be moved
5 over to the right a little.

6 But then the next column of numbers, 35mppa, 2014,
7 then for 2020 and 2030, are the
8 Alan Stratford & Associates figures, Mr Forbes' figures,
9 and we can see that Mr Forbes, for the 35mppa case,
10 2014, having gone through all his evidence, comes to the
11 view that the appropriate figure for passengers per ATM
12 is 146 to 152.

13 A. Yes.

14 Q. Now --

15 A. Yes, it is less than our number, that is the point,
16 isn't it? Significantly less.

17 Q. Yes. So the advice you received, as I understand it,
18 from the consultants who I think were described earlier
19 as auditing your work, in effect, was substantially less
20 than your own figure for pax per PATM.

21 A. Yes. Actually, they were not auditing our work.

22 Q. Don't place any weight on that, I just --

23 A. Let me perhaps explain the context. I think we were
24 concerned that people would say, when they looked at our
25 numbers, the forecasts that emerged from SSE, I think

1 people would say, "Well, SSE would say that, wouldn't
2 they?" In fact, I think Uttlesford District Council
3 officers said that to us.

4 So clearly there is a bit of a -- well, we were
5 concerned about that, frankly, coming to this inquiry on
6 that basis. I mentioned earlier that we actually went
7 to SH&E in the first instance, knowing that Uttlesford
8 were intending to bring them to the inquiry, and we
9 said, "Will you work for us, and will you look beyond"
10 and so on. Anyway, they, for whatever reason, said no
11 and recommended Alan Stratford as a leading consultancy.

12 What we were trying to get was a genuinely
13 independent view and if we ask for an independent view
14 we mean exactly that. Any consultant who has worked for
15 SSE is given a completely free hand and assurance that
16 we will exert no editorial control over their work and
17 that occasionally causes us some less than joined-up
18 thinking, if you like. This morning, when Riki Therivel
19 spoke, she made a number of points in her evidence which
20 are not points that I would not have made, frankly, but
21 that is the price you pay if you ask for someone to give
22 you an independent view.

23 Q. Mr Ross, it is not a criticism.

24 A. No, no, I am just explaining in the context. I am not
25 embarrassed by it, I am just saying it is different.

1 Q. I am sure you are not, but the independent view that you
2 received, as we can see, was a range of passengers
3 per PATM which is between the BAA 35mppa case, which we
4 can see in the second column here, 144, and lower than
5 the BAA fleet sensitivity case at 154. In other words,
6 the advice you received from the independent consultant
7 was marginally higher than the BAA figures?

8 A. Yes. Well the numbers -- the range is, what, 36.3 to
9 37.7 -- is that the number we are looking at?

10 Q. Well, I was looking at the passengers per PATM?

11 A. Oh I see, fine. Fine, yes.

12 Q. I will come to the total passenger figure later for
13 reasons that I will explain, but we can see the
14 passengers per PATM figure there very close to, and
15 within the range of, the figures used by BAA.

16 A. At 2014, as I say, there are not these huge arguments
17 between us -- between any of our forecasts.

18 Q. Now I am going to come back to -- I am telling you this
19 so that you are aware of it -- I am going to come back
20 to the overall figures in the overall forecasts, but
21 I want to now leave the PATMs and the pax per PATM
22 debate and just look at cargo for a moment.

23 We know in your proof -- this is SSE 4 -- in
24 paragraph 3.2.11, you start dealing with cargo. In
25 3.2.16, again you are dealing with the differences in

1 BAA's forecasts. We know, don't we, from the BAA
2 forecasts that the number of -- sorry, the cargo tonnage
3 is the same in the 25 million and the 35 million case?
4 A. Yes.
5 Q. That, of course, is in itself unsurprising, is it,
6 because, whatever the figure is, you would expect it to
7 be the same in the 25 and 35 cases?
8 A. We don't take issue with that.
9 Q. The reason for that is, of course, there is no --
10 A. As far as --
11 Q. -- cargo constraint.
12 A. We don't take issue with it.
13 Q. The only change in cargo in BAA's forecasts between the
14 25mppa case and the 35mppa case is that in the 35mppa
15 case BAA has forecast that the number of CATMs would be
16 somewhat lower by 2,000 movements, because, with
17 a larger fleet and more belly hold, there would be more
18 belly hold cargo?
19 A. We don't take issue with that.
20 Q. Indeed, you tell us in 3.2.16 that that is quite
21 plausible, indeed on your own forecasts of more long
22 haul, it is perfectly plausible, is it not, that there
23 would be even more cargo carried belly hold in the
24 35mppa scenario, because they are bigger aircraft with
25 a bigger belly?

1 A. Yes, and in fact if you follow our forecasts through,
2 there is more long haul in there than -- yes, you will
3 get more belly hold.

4 Q. Yes. Now, we can agree, therefore, that in terms, first
5 of all, of cargo tonnage, there is no narrowing of the
6 gap between the 25 and the 35 case. The cargo is
7 exactly the same in both cases, yes?

8 A. In tonnage terms, yes.

9 Q. And in terms of CATMs, there is no narrowing of the gap
10 because you have said that the reduced number of CATMs
11 in the 35 case is plausible.

12 A. I understand the point. It is not illogical.

13 Q. Now, of course, I know that your case is that the cargo
14 tonnage, and therefore the number of movements to carry
15 it, will not grow as fast as BAA has forecast, and
16 Mr Maiden has given his explanation for his forecast,
17 but if you were right -- if you were right -- the effect
18 of that is simply that the impacts of the cargo
19 movements would be deferred somewhat.

20 A. Well, okay, let me just pause. Your final step actually
21 isn't quite right. It is not just the 600,000 tons that
22 we think is ambitious. We think, if you like, it is
23 unambitious to assume that it is going to take
24 22,500 CATMs to handle that. So both issues. We think
25 600,000 is too high and we think 22,500 is too high.

1 Q. Well, that is the 25 case.

2 A. That is the 25 case. But if you are saying to me,
3 proportionately does it seem logical that if you could
4 handle 35 million passengers in 2014, and so you had
5 aircraft going to a greater choice of destinations,
6 especially long haul, that you could handle the same
7 volume of cargo with fewer ATMs because you would put
8 more into the belly of the aircraft, yes it does. All
9 of that. So the relative point there we don't have any
10 difficulty with. It is just that to say that 22,500, we
11 just think that is way too high.

12 Q. But if that view was correct -- I mean obviously we
13 don't share it, but if that view was correct -- then
14 what that would demonstrate is that in its, for example,
15 air traffic forecasts, BAA would have overpredicted
16 impacts, because you say the same amount of cargo --

17 A. On the base case --

18 Q. -- would be carried with fewer movements?

19 A. No. In the base case, BAA would have overpredicted
20 impacts -- that is exactly what we said BAA has done.
21 BAA has inflated the base case.

22 Q. Yes, but when one is looking at the 35mppa contours, if
23 your view is that 600,000 can be carried on fewer
24 movements, then the logic of that is that the contours
25 would be, very slightly, smaller?

1 A. Yes.

2 Q. We would have overpredicted?

3 A. No, I understand your point. Of course that is correct.

4 Of course that is correct in 2014.

5 Q. All right. I am going to come to post-2014 --

6 A. Just please let me give a full answer to the point. As

7 the years go by, it becomes less implausible that you

8 could do 600,000 tons of cargo. So I think that is the

9 first point.

10 There is a second point here. There is a view
11 amongst many within SSE -- and let me just avoid ducking
12 this and say that it would be my view also -- that it is
13 in BAA's mind to come back, and it would not surprise us
14 if BAA come back for another section 73 -- if you got
15 this approval you would come back in three or four
16 years' time with a section 73 and you would say, "Please
17 can we swap 10,000 cargo ATMs for passenger ATMs", and
18 you would say, "No more impact on the community, quieter
19 aeroplanes, the only issue is surface access and it
20 would be an extra couple of million" or whatever. It
21 would be so easy for you to sacrifice 10,000 cargo ATMs
22 that you don't need and transfer them into 10,000
23 passenger ATMs.

24 Do you know, I make that point with no hard
25 evidence, but perhaps just -- if you followed BAA, as

1 many of us have done, over the years, you sometimes
2 almost get into the mind of BAA and that is the
3 conclusion we have reached.

4 Q. I will resist the temptation to go there with you.

5 Non-ATMs. Now, in relation to this, we know that
6 the latest CAA data is that there are some -- for 2006
7 some 16,600 non-ATMs?

8 A. Yes.

9 Q. Mr Maiden told us that that was down from over 20,000
10 a few years ago.

11 A. You have to go back a long time to get to 19,000. The
12 number of non-ATMs has been rising over the last three
13 years.

14 Q. Mr Maiden has forecast the number of non-ATMs to fall in
15 the future. He has again in the transcript set out his
16 reasoning and I know you don't agree with that, but are
17 we able to agree at least that as the airport grows with
18 a single runway, there will come to be greater pressure
19 on the slots, particularly the most valuable time slots?

20 A. Yes. But, again, I don't think there is a huge
21 difference between us here. Mr Maiden's view -- well,
22 the view in the proof of evidence and the view in the
23 BAA planning application is that the maximum capacity of
24 the runway is 274,000 movements. That is ATMs plus
25 non-ATMs. 264,000 ATMs plus 10,000 non-ATMs.

1 So in the Environmental Statement everything has
2 been assessed on the basis of 274,000 movements. Now,
3 I may be wrong, but I think Mr Maiden
4 acknowledged -- I am sure I am not wrong. He
5 acknowledged that actually the capacity was probably
6 about 280,000. Now if it is 280,000 and there are
7 264,000 ATMs, there remains capacity to handle 16,000
8 non-ATMs. The only reason, I think, why Mr Maiden felt
9 that the non-ATMs would decline is because there would
10 not be capacity. We think there would be.

11 Of course, the other key point here is that, even
12 for 2014, if the Air Transport White Paper policy is
13 implemented with regard to night flights -- I think it
14 is paragraph 14 of CD/87, if you want to check it - then
15 there would be no limit to the number of night flights,
16 and so the capacity of the runway would be significantly
17 higher than 280,000 and there would be no capacity
18 constraint that would limit non-ATMs to 10,000.

19 Q. Would it be fair to say that, in that -- I mean you take
20 a different view from Mr Maiden and the inspectors at
21 the end of the day will have to form a judgment -- but
22 in that you have had very little regard to the time at
23 which those slots are available. Of course there is
24 a theoretical number of movements during the day, but
25 many of those slots are at less economically attractive

1 times, which is one of the reasons why one of the
2 principal general aviation operators at Stansted has
3 recently left.

4 A. Of course I accept that point, but let us be honest.
5 General aviation at Stansted -- and we can look it up if
6 you want -- but it is absolutely negligible already.

7 Q. Obviously, again, one of the principal NATM contributors
8 at the moment is positioning flights and, again, as the
9 airport fills up, it becomes less and less easy to use
10 important slots, or less and less attractive to use
11 important slots, simply to move aircraft from one
12 airport to another with no passengers in.

13 A. Again, I have to say to you: we have heard this before,
14 frankly. We say, why, four years ago, didn't you apply
15 for a total movement limit rather than just a limit
16 on ATMs? I am sorry -- I am sorry -- but if non-ATMs
17 were going to always decline, why didn't you say four
18 years ago, "Please can we have permission to go 264,000
19 total movements", or whatever, instead of keeping the
20 non-ATMs out of any control?

21 Q. Now, in paragraph 3.2.22, you make a further point,
22 which is that many business jets are noisier than modern
23 short haul commercial passenger aircraft.

24 A. True.

25 Q. Can we agree that whereas in 2004 there were still a few

1 old Chapter 2 aircraft, Ancon noise class 7 aircraft, by
2 2014 business jets are Ancon noise class 3. In other
3 words, they are as quiet as the quietest aircraft?

4 A. Sorry, I am not a noise expert. By some margin I am not
5 a noise expert. But having lived in this area 22 years
6 I have complained twice -- I do not live under a flight
7 path. Twice in my life I have complained about noise.
8 The first time I did not get any answer or feedback.
9 The second time when, about two years ago, at 1.20 in
10 the morning I was convinced it was a jumbo going over my
11 house, I got the response it was a Gulf Stream 4. I
12 didn't believe it and checked it with our noise experts,
13 who told me actually that a Gulf Stream 4 business jet
14 on landing at 1.20 in the morning can sound like a jumbo
15 jet.

16 Q. Yes. Mr Ross, I think we are slightly at
17 cross-purposes. It is my fault. Whereas in 2004, and
18 I think still may be the case, there are a very few
19 noisier business jet aircraft, when you look at the
20 future fleet mixes for 2014 those have all long been
21 phased out and they are all quieter business jets?

22 A. I honestly don't know. I don't know these numbers
23 sufficiently well.

24 Q. Let us move on. Can we then come on and deal -- we are
25 not that far from the end. We are just going to look at

1 the overall passenger forecasts first and then just look
2 at the forecasts beyond 2014, all right?

3 Let us go back to your proof at table 5. Your
4 overall forecast for 2014, you told us, was
5 39.8 million?

6 A. Yes.

7 Q. Can we just see how that compares with Mr Forbes'
8 overall figures. You remember we need to look at SSE 5,
9 table 3.3.

10 A. Yes.

11 Q. Now, we need to make, Mr Ross, a slight correction to
12 Mr Forbes' table, for reasons that I will explain.

13 A. Yes, I think I know what you are going to explain.

14 Q. For whatever reason, and it doesn't matter, he has
15 applied his passenger per PATM figure to 248,250 PATMs
16 rather than 243,500. Now, I have had a go at it and
17 accept the figures from me for the moment and I can be
18 corrected.

19 A. Yes.

20 Q. I think if we apply the lower end of his passenger per
21 PATM range, 146, to the correct number of PATMs, that is
22 243,500, we get 35.55mppa, and if we apply the upper end
23 of the range, that is 152, to the PATMs we get 37.01.

24 We can see, therefore, two things. Mr Forbes'
25 analysis is actually pretty close to Mr Maiden's own

1 forecast.

2 A. Yes, for 2014.

3 Q. For 2014.

4 A. Yes.

5 Q. And it is materially lower than your own forecast?

6 A. Yes, a bit lower than our own forecasts.

7 Q. Right. Let us now go beyond 2014. This is your own
8 figure. You start that section in your own proof, SSE4,
9 at section 4.2 and we get your projections in the
10 summary table on page 12.

11 Now, what has happened here in table 8 on page 12 is
12 that you have kept the number of PATMs constant from
13 2014 through 2021 and 2030. You have pushed up the load
14 factors very slightly from 80 to 81 and then 82. You
15 have pushed up the passengers per PATM from 263, which
16 was already significantly higher than Mr Forbes'
17 figures, to 183 and then 204?

18 A. Yes.

19 Q. Now, there is in analysis, or proper basis, is there,
20 for those passenger per PATM figures; they are again
21 simply figures that you have produced and then applied
22 to the PATMs?

23 A. Well, I have answered that question so many times and
24 said that it is just completely untrue. But if you want
25 me to agree that Mr Forbes' forecasts are not as high as

1 ours -- about 90 per cent, I think, perhaps of our
2 numbers -- I agree that without hesitation, and simply
3 say again that we had genuinely invited Mr Forbes to
4 give an independent view. When his analysis arrived
5 that was his analysis and we felt it should be submitted
6 to the inquiry, and it broadly -- not completely -- but
7 it comes to numbers which are -- in 2014 there is not
8 that much between all of us anyway, if we take your
9 sensitivity case. You don't have a forecast for 2021,
10 nor does SH&E, and we tried to get forecasts for 2021
11 and 2030 --

12 Q. Now --

13 A. -- and it does not completely endorse our numbers, but
14 it comes fairly close, in terms of forecasting orders of
15 magnitude --

16 Q. Now, if we --

17 A. -- and we were content with that.

18 Q. Fine. If we do the same thing with Mr Forbes' table
19 3.3 -- we adjust for the number of PATMs -- I will give
20 you the figures for 2020. Instead 40.8 and 42.2, we
21 would get 39.9 and 41.4.

22 A. Yes.

23 Q. And for 2030 we would get 43.3 to 44.8. Now --

24 MR PHILLIMORE: Sorry, Mr Humphries, can you just repeat
25 those figures, please?

1 MR HUMPHRIES: Of course I can, sir. It is in that table on
2 page 10 of SSE 5. The column 35mppa (2020), the
3 penultimate row, the figures in mppa would change from
4 39.9 to 41.4 and for the next column on its right, 2030,
5 the figures would be 43.3 to 44.8.

6 Now, we can see, obviously, the differences between
7 the figures. The one thing I am sure we can agree,
8 though, is that all of those figures are significantly
9 in excess of BAA's proposed 35mppa condition?

10 A. Yes. Just before you jump to that stage, you will see
11 what Mr Forbes did, and I don't know, quite honestly,
12 whether it was a conscious decision or whether he simply
13 was not aware that BAA had offered a condition to limit
14 the PATMs to 243,500. He may have been aware of that --
15 I do not understand why he would not have been, he had
16 all the documents -- but he may have simply assumed in
17 a sense what I say: that BAA will come back at some
18 stage, perhaps in a few years' time, and say, "We will
19 trade off 10,000 cargo ATMs for passenger ATMs", and he
20 has assumed five.

21 Just as you can trim these numbers if you remove
22 that assumption, of course you can increase them if you
23 make the assumption 10 rather than 5. Now, I have made
24 that point probably too quickly, sir, I am sorry.
25 Perhaps you want to move on beyond 35?

1 Q. Yes. Obviously that would involve another application,
2 but in that context it would be important to recognise,
3 as you note in your own evidence, that because cargo
4 movements involve some of the largest and heavier
5 aircraft, if those movements were replaced by PATMs,
6 then in air noise terms, once again the impact would be
7 less than has been assessed?

8 A. Absolutely, Mr Humphries, but I think you know and
9 I know that one of the key issues at this inquiry --
10 because you had fairly generous permissions last time,
11 air noise is not a big issue for you, you think, and
12 surface access is a very big issue for you, and if you
13 can salami-slice the surface access by coming back in
14 two or three years' time for a variation of 10,000
15 cargoes for 10,000 passengers, that helps cross the
16 river in two jumps.

17 Q. Let us -- you are trying to tempt me, aren't not, into
18 these things. I am not going to be tempted.

19 We can agree, can't we, these figures we have looked
20 at, both your forecasts and indeed Mr Forbes' beyond
21 2014, all go well beyond the proposed 35mppa condition?

22 A. Well, it is only a proposed condition. It is up to the
23 inspectors at the end of the day. You can propose
24 a condition which -- we have argued this one to death
25 already.

1 Q. But my understanding is that if permission was to be
2 granted to lift the existing mppal condition, then SSE
3 would want to see a condition as proposed at 35mppa in
4 order to place a control, or a limit, on impacts which
5 are passenger throughput driven?

6 A. I don't think we have said that.

7 Q. Well, certainly Mr Sanders said that that was not SSE
8 policy and that they were still discussing it. Other
9 witnesses have said --

10 A. Yes, I think Mr Gardner said that a 35mppa condition
11 would be better than no condition. I think he said
12 that, didn't he?

13 Q. Yes, Mr --

14 A. But please understand, Mr Gardner is giving evidence at
15 our request but he is an independent planning consultant
16 and that is his view.

17 Q. Well, yes.

18 A. But we have argued this one to death about the 35mppa
19 condition and, frankly, our view on this is set out in
20 the letter I think to yourselves of 20th or
21 27th March -- somebody will correct me -- and one of the
22 key points we make is the point about salami-slicing,
23 that you should set out what you really mean by "full
24 use"; you should do a proper environmental impact
25 assessment for full use; then we should judge the case.

1 Q. Certainly if you thought you were right about your
2 forecasts, and you thought throughput would rise about
3 35mppa, that would be a perfectly good reason for the
4 inspectors to recommend, and the Secretary of State to
5 impose, a 35mppa condition. Ultimately they would --

6 A. You won't draw me on this. You were at the same meeting
7 as I was with the inspectors on the afternoon of
8 6th July. We made it clear that when the time came,
9 when the inspector invited us formally to put forward
10 conditions without prejudice, we would respond to that
11 request. The inspector, I recall, used words to the
12 effect, "Well, consider yourself formally invited now",
13 and we undertook explaining the fact that we would try
14 to develop our conditions during the August break and we
15 would submit them in early September. We will do that.

16 It will then say, I imagine, whether we will see
17 a cap -- on a without prejudice basis -- a cap as the
18 lesser of two evils. I really do not know what view we
19 will take. I can tell you there are mixed views on
20 that, because unless somebody said, "Well, here is a cap
21 for the next 50 years", what difference does it make?
22 It just means that you salami-slice and salami-slice and
23 salami-slice and we never get to see the whole picture.

24 In a sense, there are many who believe it is much
25 better that BAA should stop misleading us, stop only

1 taking us a few years ahead, puts its cards on the
2 table, what it means, what its ambitions are for this
3 runway, assess it properly, and let's all take an honest
4 view of it.

5 MR BOYLAND: Mr Ross, forgive me for intervening. The
6 difficulty that I have, and Mr Phillimore has, is that
7 we have to put a recommendation to the secretaries of
8 state whether to allow the appeal or to dismiss it. If
9 we recommend that it be allowed, we also have to
10 recommend any conditions that should be attached. It is
11 not open to us to say that BAA should go back and do it
12 differently. We have to deal with what we have before
13 us. Can you help us with that?

14 A. Yes, we will help with you that in due course.

15 MR BOYLAND: Thank you.

16 MR HUMPHRIES: Mr Ross, can I just try in a slightly
17 different way one final time. You will understand, I
18 hope, the reason that I ask these things. Is there any
19 part of your evidence which is seeking to justify any
20 other cap than 35mppa if the Secretary of State decides
21 to vary the existing cap?

22 A. No, not to my knowledge.

23 Q. Thank you. Sir, that is the end of my questions.

24 MR PHILLIMORE: Thank you very much, Mr Humphries.

25 Mr Stinchcombe, are you able to give me any idea of how

1 long your re-examination might take?

2 MR STINCHCOMBE: 15 minutes, sir.

3 MR PHILLIMORE: In that case, can I invite you to go ahead,
4 please.

5 Re-examination by MR STINCHCOMBE

6 MR STINCHCOMBE: Yes, sir. Mr Ross, you started your
7 cross-examination by indicating your experience as
8 a modeller and forecaster.

9 A. Yes.

10 Q. I am obliged. It was put to you that the exercise that
11 you had undertaken in preparing your evidence was not
12 modelling or forecasting, but multiplying.

13 A. Yes.

14 Q. Can you just explain to us what you have done, what
15 inputs you have incorporated, and what the rationale for
16 your exercises have been?

17 A. Can I say, first of all, that I would not describe
18 myself as the modeller in the sense of being the person
19 who built the model. It was a team of people within SSE
20 and I think they are named in my main proof, the
21 principal people who assisted in this.

22 The first task was to recreate what we understood to
23 be the BAA model, perhaps in more simple terms, but to
24 recreate it. We based it on the 37.5mppa sensitivity
25 case. Then we relied upon the Department for

1 Transport's forecasts for the South East to guide us in
2 terms of the type of demand as split between long haul
3 and short haul.

4 The spreadsheet -- if I say the spreadsheet or the
5 model, the series of spreadsheets -- I don't really know
6 too much about the technicalities of these things, but
7 this was far too big to be emailed around, and that was
8 one of the difficulties actually, of having to put it on
9 disc and transfer it between us. Sorry, does that
10 explain what you wanted me to explain?

11 Q. It begins to start. We will go through it step-by-step.
12 You say you tried to recreate the model that BAA used?

13 A. Yes.

14 Q. Now, you had seen a number of forecasts produced by BAA?

15 A. Yes.

16 Q. To what extent did those forecasts find verification in
17 the real outcomes when tested against history?

18 A. Well, BAA's forecasting history has consistently
19 underprojected demand for Stansted by quite some way.
20 I think they are about 25 per cent ahead of the
21 forecasts that they were working with just three or four
22 years ago. On long haul it is slightly more awkward,
23 actually, because BAA has blown one way and then blown
24 in the opposite direction, and so we have had this very
25 major change in BAA's view between the long haul

1 forecast they submitted five years ago and the long haul
2 forecast they submitted last year. We don't understand
3 why they should take such a radically different view,
4 because in the intervening years the Department for
5 Transport forecast has said long haul is going to grow
6 faster, and these other externalities I explained
7 about -- air passenger duty, or taxation, environmental
8 pressures, oil price; all of these will impact more upon
9 the short haul carriers than long haul. So why should
10 it have gone down when it should have gone up?

11 Q. Well, let us come on to long haul in just a little
12 while. Let's go through the way you tested this model
13 by the inputs you put in. So far as econometrics were
14 concerned, what was the basis of your modelling?

15 A. In that sense we did not second-guess the DfT
16 econometrics, and there are only two issues in there,
17 actually, and I think BAA do it separately. They do GDP
18 growth -- and DfT actually don't do it just for the UK,
19 but for different continents -- and they do growth and
20 disposable income. There is an elasticity between
21 disposable income growth and the demand for air travel.

22 Now, frankly, we are not capable of building a model
23 that is that clever, so we were inclined just to take
24 the DfT's analysis.

25 Q. So you take DfT's model. It was put to you that you did

1 not take anything that was focused on Stansted, rather
2 it was South East unconstrained demand. How did you
3 deal with the South East unconstrained demand?

4 A. As I explained, perhaps not very well, almost by the
5 process of elimination. We said, we know what Heathrow
6 can do -- BAA has told us what Heathrow does, what
7 Gatwick does, we know the constraints, so where does
8 this traffic go?

9 Fundamentally, Mr Maiden reckons that only
10 2 per cent of Heathrow's unsatisfied demand would
11 overspill to Stansted. We think that is ridiculous.

12 Q. Why do you think that is ridiculous?

13 A. Well, where else does it go? Does it just cease? We
14 thought these assumptions for overspill were very, very
15 low.

16 Q. Right.

17 A. I know you have to make a judgment whether people decide
18 they are not going to fly, or whether they go to some
19 other airport, but Stansted -- well, as I say, we
20 thought the 2 per cent overspill was just nonsense.

21 Q. Having undertaken the exercise that you did, did you
22 seek to verify the outcomes that you came up with?

23 A. Well, yes, in the sense of just basic reality checks --
24 did it seem right and compare to how were other airports
25 moving -- and we did not just look at UK airports, or

1 the three or four that are shown there, we looked quite
2 widely. Then somebody pointed out -- I think it was
3 Mike Clasper(?), the chief executive of BAA -- in
4 an interview to analysts one day, which I was watching,
5 he said that there were airports in the world today
6 doing 200 passengers per ATM. We subsequently checked
7 on that, and Mr Maiden confirmed there were about five
8 airports in the world today already doing more than 200
9 passengers per ATM.

10 If you think, actually, we are doing a forecast to
11 2030, which is almost 25 years from now -- you go back
12 25 years and if somebody had said, "Stansted is going to
13 be handling 140 passengers per aircraft by 2007", people
14 would have thought you were mad.

15 Q. So what factors -- just identify them for me -- did you
16 use as your reality checks?

17 A. Well, compared with UK airports, compared with other
18 large airports around the world, and then we did this
19 particular exercise of looking at those airports that
20 did more than 200.

21 But also, I have to say, there is a bit of
22 extrapolation. I think I said earlier we did not
23 extrapolate, but you do look, actually, when you sort of
24 come up with predictions at how do they look compared
25 with past trends. So that is a bit of a reality check.

1 Q. I just want to ask you about one other possible reality
2 check, just to see whether I have understood this
3 evidence correctly, and seek your clarification upon it.
4 You have also, as I understand it, having received
5 further information from Mr Maiden about the number of
6 seating on aircraft assumed within his fleet mix, and
7 you retested your work, but with those inputs?

8 A. Yes.

9 Q. What did that tell you?

10 A. It pretty well reconciles, actually, if you take the
11 higher load factor. When BAA got to 37.5 million they
12 have only used a load factor of 78 per cent and we think
13 that is miles too low. The Department for Transport
14 white paper uses words to the effect, "Shortage of
15 airport capacity, demand, the need to maximise use". If
16 there is not enough capacity, why would planes be
17 leaving with 22 per cent of their seats empty? It does
18 not seem logical.

19 Q. So what, then, are the principle differences between
20 your modelling and BAA's modelling?

21 A. We have done it long haul.

22 Q. Long haul, that is the first one. Let us just make
23 a list of them and then we can go through each of them
24 quickly. Long haul?

25 A. Yes. BAA basically says that short haul aircraft will

1 remain static in size over the next eight years. In
2 fact, I think, if you work through the numbers, it
3 actually becomes smaller, because the long haul is what
4 pushes up the average. We just think that that is not
5 realistic.

6 Q. Just before we leave that, any view from any other
7 aviation experts on long haul?

8 A. Well, SH&E. On that point at least they agree with us
9 that BAA's long haul forecasts are too low.

10 Q. And what difference would long haul make to these
11 projections?

12 A. Don't ask me to quantify it right now, but that is the
13 sort of difference --

14 Q. What implications does a higher number of long haul
15 mean?

16 A. It means more passengers per aircraft on average and it
17 means lower capacity on the runway.

18 Q. So long haul is the first one, and what else? What are
19 the other differences between your projections and --

20 A. Well, I mentioned this. BAA's assumption that short
21 haul aircraft remains static in size to 2014, and
22 actually I think declines slightly. But it is after
23 2014, of course --

24 Q. Let us go on to that, then. Just go through them slowly
25 for me, just so I can understand them.

1 A. Okay, sorry.

2 Q. You have the difference in long haul, difference in
3 short haul, and then you have long term after 2014?

4 A. Just before you go on to that, of course, we have
5 covered the differences in that we think that the BAA
6 cargo aircraft assumptions -- 22,500 by 2014 -- we think
7 it is -- the politest way I can put it is to say hugely
8 ambitious.

9 Q. The cargo is hugely ambitious.

10 A. Cargo.

11 Q. Anything else?

12 A. Non-ATMs, where we think BAA are wrong to assume they
13 will decline.

14 Q. Anything else at present --

15 A. No. That is up to 2014.

16 Q. So we have long haul, different sizes of short haul,
17 cargo and non ATMs up to 2014, and the inspectors have
18 all the evidence on that and can look at their notes.

19 A. Yes.

20 Q. 2014 post, why is that relevant, in your view, to look
21 at?

22 A. Everybody quotes the regional plan to us, which is a
23 plan through to 2021. It just seems logical that the
24 planning horizon for this planning application should be
25 at least 2021. Why would you stop doing your forecasts

1 at 2014 unless you were trying to under-state the
2 impacts and the level of growth?

3 2030, as I explained, again is logical. It is the
4 planning horizon for the white paper, it is the time
5 where you are supposed to put a masterplan in, and BAA
6 has forecasts that go to 2030.

7 Q. How do you know that?

8 A. We just found that out three weeks ago with Mr Maiden's
9 evidence. But they have been very careful not to say
10 anything beyond 2014. I think my views as to why they
11 have done that are already clearly made.

12 There is one other point of course. There are many
13 people who have great doubts as to whether BAA will ever
14 build a second runway here and, even if so, whether it
15 will be built within anything like the timescale that
16 BAA suggested. It will get put back, put back, put
17 back, put back. Louise Condon from Yorkshire Aviation
18 two weeks ago told us that in the view of Stansted
19 Airlines there was enough capacity on that runway to
20 cope with unconstrained demand through until 2019 or
21 2020. That was her evidence.

22 Now, I think it is very unlikely that we would see
23 a runway at Stansted, even if ever, but certainly before
24 2019 or 2020. So this application is not for 35 million
25 passengers at all. This is full use -- is full use --

1 that is why you have to look beyond, really. It is
2 trying to get the truth and trying to get the facts on
3 the table and consider the application properly.

4 Q. Just one final matter, just again for clarification.
5 You have made it clear that SSE are going to take a view
6 over the course of the summer as to what, if any,
7 without prejudice conditions they will be proposing to
8 the inspectors. But you were asked a question earlier
9 in your cross-examination as to whether SSE had called
10 any evidence to support any other limit. Can you
11 remember that question?

12 A. Yes.

13 Q. Can you explain SSE's position in the light of --

14 A. Well, it is inconceivable that anything higher than 35
15 could be approved, because BAA has accepted that they
16 haven't done the environmental work on that. So unless
17 we adjourn this inquiry for six months or whatever, and
18 BAA use that opportunity to go and redo their
19 Environmental Statement, and do it properly and fully,
20 as they should do, and then come back, or come back with
21 another application, it is just impossible as matters
22 stand to approve any more than 35 and -- that is an
23 inappropriate way to deal with this whole application.

24 Q. I am obliged. Sir, I have no further questions.

25 MR PHILLIMORE: Thank you very much, Mr Stinchcombe.

1 Questions from THE INSPECTORS

2 MR BOYLAND: Just a couple of points to clarify things with
3 you, if I may, Mr Ross. First of all, I think
4 I understand you to take the view that there is no
5 question that the 25mppa figure level will be reached at
6 some stage -- I am not concerned about when -- and
7 I think I understand you to take the view that, if there
8 were a condition limiting it to 35 or anywhere in
9 between, again, that that would be reached?

10 A. Yes.

11 MR BOYLAND: If such a limit were reached, is it
12 your -- sorry, I will put it this way. How realistic,
13 or how likely, do you think it is that if there were
14 such a limit and it had been reached in terms of
15 passenger numbers, that airlines would as a result of
16 that move towards smaller aircraft, thereby using
17 more PATMs for the same number of passengers. Is that
18 a likely scenario in your view?

19 A. No. No, I don't think that is at all likely,
20 particularly because they will want to maximise their
21 peak slots. No, I think that is -- they would move
22 towards smaller aircraft?

23 MR BOYLAND: I am just asking you whether you think that is
24 likely. I am not suggesting that it is desirable or --

25 A. No, no. The reverse would happen. All the indications

1 are that the reverse would happen -- the pressures on
2 minimising impacts and so on and efficiency and costs
3 and oil price and everything.

4 MR BOYLAND: So with the number of passengers pushing up
5 against a limit -- whatever it may be, 25, 35, 30, it
6 does not really matter for this purpose -- with
7 passengers limited in that way, if aircraft sizes were
8 to continue to increase then the number of air transport
9 movements would tend to go down?

10 A. Yes.

11 MR BOYLAND: Thank you very much, that is all.

12 MR PHILLIMORE: Mr Ross, you referred to the SACC forecasts
13 in your re-examination. Is there anything else you want
14 to say about those forecasts on the basis of what you
15 have read and heard about them?

16 A. Well, clearly they take a different view on long haul to
17 the view that we take. They project the numbers will be
18 lower than BAA's forecasts, because of Stansted's poor
19 track record in the past in attracting long haul. We
20 just don't take that view.

21 The reference I was making -- the ACC actually, you
22 may recall when I asked Louise Condon to clarify aspects
23 of her forecast, it was the final page of her proof of
24 evidence, volume number ACC 11, the very final page,
25 where unconstrained demand for Stansted, according to

1 the ACC, was 50.7 million passengers in 2030. Now in
2 a sense that bears out the point we are making. We are
3 not arguing here about the fact that there is a demand
4 for this level of throughput; it is whether Stansted has
5 enough capacity. It is ACC 11 and it is the final page
6 actually.

7 MR HUMPHRIES: I think it is table C3.

8 A. It is the final page, isn't it? Anyway, that is what
9 I was referring to, that is where the 50.7 figure comes
10 in. "Unconstrained demand realistic" -- actually
11 "unconstrained optimistic" is 61.5 million.

12 MR PHILLIMORE: I have no further questions. Thank you very
13 much, Mr Ross.

14 A. Thank you.

15 (The witness withdrew)

16 MR PHILLIMORE: Just before we finish this evening, we have
17 received document CD/412, which I believe has been put
18 in by the Council. Ms Busch, I don't know if you want
19 to say anything about that?

20 MS BUSCH: Yes, simply just to highlight the fact that it
21 has been put in and to ask you to read it. I think the
22 implications are pretty obvious and, if not, they will
23 be spelt out at some stage during the course of the
24 inquiry, obviously in closing submissions if not
25 beforehand.

1 MR HUMPHRIES: I still don't know what it is.

2 MR PHILLIMORE: Sorry. It is BAA G2/1 (as heard) scoping
3 paper, dated April 2007. I understand it will be
4 distributed, so hopefully there will be a copy for you.

5 Is there anything else for this evening? Thank you
6 all very much. The inquiry is now adjourned, for those
7 who are attending, until 10.00 am tomorrow morning.

8 (5.15 pm)

9 (The Inquiry adjourned until 10.00 am on Thursday,

10 19th July 2007)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I N D E X

1		
2	PROFESSOR RIKI THERIVEL (re-called)	3
3	Cross-examination by MR HUMPHRIES	3
	(continued)	
4	Re-examination by MR STINCHCOMBE	56
5	Questions from THE INSPECTORS	69
6	MR PETER SANDERS (called)	73
7	MR PAUL GARLAND (called)	73
8	Examination-in-chief by MR STINCHCOMBE	73
9	Cross-examination by MR PHILLPOT	90
10	MR BRIAN ROSS (called)	117
	Examination-in-chief by MR STINCHCOMBE	117
11	Cross-examination by MR HUMPHRIES	129
12		
13	Re-examination by MR STINCHCOMBE	183
14	Questions from THE INSPECTORS	193
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

