

1 Tuesday, 19th June 2007

2 (10.03 am)

3 Discussion of housekeeping matters

4 MR BOYLAND: Good morning, ladies and gentlemen. The

5 Inquiry is resumed. I hope everybody had a good

6 weekend.

7 Just the usual reminders, of course, about the

8 attendance sheet, everybody should sign that, and

9 that all mobile phones should be switched off or

10 to silent.

11 Any matters before we carry on?

12 MR HILL: Sir, just one very short point on the

13 programme. It will not take any time at all.

14 Can I just thank the programme officer for

15 circulating the programme over the course of the

16 weekend. I see that we have now moved Mr Pratt

17 off to after the adjournment that comes next

18 week. I just wanted to make it plain that we are

19 now working on the basis that he will certainly

20 appear in that time and will not be, as it were,

21 brought forward to fill any gap that might or

22 might not emerge. I hope that is understood. We

23 have just made our own arrangements and I would

24 like Mr Moorcroft to be here when he comes to

25 give evidence. I hope that is understood.

1 MR BOYLAND: That is fine. Could you just make sure
2 that Mr Osborne knows that? Thank you.

3 We have just been handed lists of documents to
4 be used in cross-examination by UDC and SSE. I
5 propose just to carry on with the
6 examination-in-chief at this point and then we
7 will take a short break after that just to pull
8 the documents out before we start
9 cross-examination.

10 So, Mr Humphries?

11 MR HUMPHRIES: Sir, I will introduce Mr Charles in a
12 moment. His summary, I think he is almost the
13 only witness so far that has actually taken the
14 injunction of 1,500 words seriously --

15 MR BOYLAND: No comment at all!

16 MR HUMPHRIES: Accordingly with the result that the
17 summary is very short indeed. What I was
18 intending to do was simply ask Mr Charles to read
19 the last three sections of his proof which deal
20 with mitigation and reasons for refusal and then
21 conclusions. I would imagine that will take
22 about half an hour. I hope that is acceptable.

23 MR BOYLAND: Very well, thank you.

24 (10.05 am)

25 MR JEFFREY GWILYM CHARLES

1 Examination-in-chief by Mr HUMPHRIES

2 MR HUMPHRIES: Mr Charles, first you need to turn the
3 microphone on. Are you Jeffrey Gwilym Charles?

4 MR CHARLES: That is correct.

5 Q. In your full proof of evidence at section 1 you
6 set out your professional qualifications and your
7 experience. The Inspector will have read all of
8 that; no need for me to read it. Have you,
9 however, worked on air noise issues at and in
10 relation to a number of UK airports?

11 A. Yes, I have.

12 Q. Mr Charles, I am going to ask you to go straight
13 to your section 8 and, sir, I am taking it that
14 you and, of course, everyone else will have read
15 the other documents and, therefore, I am simply
16 going to ask Mr Charles to read through those
17 three sections that I indicated.

18 MR BOYLAND: We certainly have read them. I cannot
19 speak for others, of course.

20 MR HUMPHRIES: Of course. Mr Charles, let us start
21 then with section 8, mitigation and controls, and
22 8.1, your introduction, just read from that
23 point, please.

24 A. "The extensive existing mitigation and
25 controls are described in sections 7 and 9 of the

1 ES, volume 2, core document 5. They are a
2 combination of statutory and voluntary measures
3 covering the following matters: (i) restrictions
4 on individual aircraft types; (ii) operating
5 restrictions for individual aircraft; (iii)
6 overall restrictions with respect to noise; (iv)
7 mitigation measures with respect to noise.

8 "In addition to those matters, BAA is
9 proposing further conditions and obligations in
10 association with the G1 proposal which will
11 provide additional controls and help to contain
12 the impact of air noise on the local community.

13 "Existing control and mitigation. The
14 existing controls and mitigation measures arise
15 from international agreements, instructions from
16 the Department for Transport, which has the
17 responsibility for control of aircraft noise at
18 Stansted, and from voluntary actions taken by the
19 airport. I will now summarise the current
20 control and mitigation measures by reference to
21 the following headings: restrictions on
22 individual aircraft types with respect to noise;
23 operating restrictions for individual aircraft
24 with respect to noise; overall restrictions with
25 respect to noise; and mitigation measures

1 obviously with respect to noise.

2 "Restrictions on individual aircraft types
3 with respect to noise. First it is necessary to
4 understand what control measures are in place to
5 avoid operation by the noisier aircraft and to
6 incentivise airlines to use the quietest aircraft
7 for their services at Stansted.

8 "To avoid operations by the noisiest aircraft,
9 the Secretary of State has banned the scheduled
10 operation of aircraft classed as QC16, QC8 and
11 QC4. The airport operates a differential landing
12 charge system to reward those airlines that
13 operate aircraft, which do not exceed QC1 on
14 arrival or departure, and to increasingly
15 penalise those aircraft that are noisier. These
16 measures are in line with best UK practice.

17 "Appendix G to this proof shows the noise
18 certification data for the most common types and
19 those that have operated in the past at Stansted.
20 These illustrate how the noise of the most common
21 types has improved since 2000. The aircraft
22 fleets of the scheduled low-cost carriers
23 responsible for most of the air transport
24 movements from Stansted are dominated by the
25 Boeing 737 and Airbus A319. These are very

1 modern aircraft, which already comfortably meet
2 the latest ICAO Noise Standard, chapter 4. That
3 standard strictly only applies to new prototype
4 aircraft from 2006. The airport has appropriate
5 restrictions on the noise of individual aircraft.

6 "Operating restrictions for individual
7 aircraft with respect to noise. The aircraft
8 operating at Stansted have to comply with the
9 Stansted Airport London Noise Abatement
10 Requirements Notice 2005, which has been issued
11 by the Secretary of State in exercise of the
12 powers conferred on him by sections 78(1) and
13 (12) of the Civil Aviation Act [my appendix H has
14 the relevant extracts]. These requirements are
15 reported in the UK Aeronautical Information
16 Publication, the UK AIP, commonly known as the
17 Air Pilot.

18 "The Environment Statement, volume 2, core
19 document 5, includes an extract from the UK AIP
20 relevant to Stansted Airport which sets out the
21 current Stansted noise abatement procedures. In
22 essence, these introduce operational best
23 practice with regard to landings (for instance,
24 continuous descent approaches, CDA) and with
25 regard to departing aircraft (for example, noise

1 preferential routes, NPRs) and noise limits at
2 eight locations in the local environment for
3 departing aircraft.

4 "The airport monitors by use of a
5 sophisticated noise and track monitoring keeping
6 system, and the performance of airlines and
7 airports are reported regularly to the Airports
8 Consultative Committee. Appendix I to this proof
9 gives extracts from a recent report to the
10 Committee illustrating the performance achieved
11 for the period July to September 2006. I extract
12 in the table 17 below some examples of the
13 statistics reported. Table 17 shows the July to
14 September 2006 results for the monitoring of CDA
15 [continuous descent approaches] on runway 23,
16 which are now well above the 80 per cent target
17 and show significant improvement from 2003."

18 MR BOYLAND: Just before you go on, Mr Charles, can I
19 just clarify that in the first line of that
20 previous paragraph, the text says "track
21 monitoring keeping system". Should I read that
22 as "track keeping monitoring system"?

23 A. Yes, that would make much more sense.

24 MR BOYLAND: I know you hesitated over it when you
25 read it. Thank you.

1 A. Thank you.

2 "8.2.10. Departing aircraft are achieving a
3 high performance in remaining within the noise
4 preferential routes with the worst track keeping
5 still on the route to Dover when aircraft depart
6 from runway 05 (see my figure 1A) [that shows the
7 departure routes]. The level of noise
8 infringements is very small, indicating that most
9 aircraft operate with noise levels less than that
10 specified by the DfT when departing at the fixed
11 noise monitor locations."

12 I show over the page my table 17 which were
13 the results I have discussed in the text there.

14 "The airport has appropriate operational
15 restrictions to minimise noise from arriving and
16 departing aircraft. The airport flight
17 evaluation unit is working with the noise and
18 track working group and the airlines to further
19 improve operational performance.

20 "Overall restrictions with respect to noise.
21 The airport has restrictions on the number of
22 aircraft movements with regard to annual
23 activity. Planning condition ATM1 imposes a
24 limit of 241 ATMs of which no more than 241 [not
25 243,500 as the text says] can be passenger air

1 transport movements, and no more than 22,000

2 shall be cargo ATMs."

3 MR BOYLAND: Forgive me, could you just go over that

4 correction again because I was still looking at

5 the table as you were saying that.

6 A. Yes. Basically I understand the limit is

7 241,000, and you can have cargo movements up to

8 the level of 22,500 and the rest would have to be

9 passenger.

10 MR BOYLAND: I see, yes.

11 A. Or, if you did not have any cargo movements,

12 theoretically presumably you could have 241,000

13 passenger movements.

14 MR BOYLAND: Yes, I am with you. Thank you.

15 A. "The G1 proposal is to vary that condition

16 ATM1 so as to allow 264,000 ATMs of which no more

17 than 20,500 shall be cargo ATMs."

18 So the same comment applies in a way. If you

19 did not have the cargo ATMs you could have 264

20 passenger, as far as I read it.

21 MR HUMPHRIES: No, I think, Sir, that is wrong in

22 fact. We have specified that the amended

23 condition of the overall limit has two

24 sub-limits; one is on PATMs and one is on CATMs.

25 I think I made that clear in opening.

1 A. "Aircraft movements during the night quota
2 period, 11.30 to 06.00, for the summer and winter
3 periods are controlled by the Secretary of
4 State's night noise regime. The airport also has
5 a noise contour night quota period objective set
6 by the Secretary of State at 38 kilometres
7 squared for the area of the 48 Leq 6.5-hour night
8 contour. As discussed earlier, this objective
9 would still be met if the G1 proposal is
10 implemented.

11 "Condition AM1 also sets an overall daytime
12 air noise limit such that the area of the 57 Leq
13 16-hour contour shall not exceed 43.6 kilometres
14 squared. As discussed earlier, if the G1
15 development is implemented, the area of the 57 dB
16 Leq 16-hour contour is forecast to be 33.9
17 kilometres squared subject to the sensitivity
18 cases identified. As I will discuss later, BAA
19 is willing to agree to the imposition of a
20 replacement condition AM1 that appropriately
21 reflects those forecasts.

22 "The airport, therefore, has clear air noise
23 restrictions both for daytime and night-time.

24 "Mitigation measures with respect to noise.
25 There are existing voluntary schemes for the

1 provision of extra sound insulation to domestic
2 buildings and to community buildings. The
3 criteria for eligibility reflect the instructions
4 given by the Secretary of State in the White
5 Paper 'The Future of Air Transport', core
6 document CD/87.

7 "The area of eligibility for domestic
8 buildings takes into account both night-time and
9 daytime noise. My figure 9 shows approximately
10 the current area of eligibility. There are
11 approximately 1,089 properties within the scheme
12 area.

13 "The domestic scheme provides enhanced sound
14 insulation by the installation of secondary
15 glazing and sound attenuated ventilators. To
16 date the enhanced sound insulation has been
17 provided to around 400 properties. I am advised
18 that BAA intends to keep the scheme under review
19 to ensure that it continues to meet the guidance
20 set out in paragraph 3.21 of the White Paper,
21 core document 87.

22 "As mentioned earlier, there is also a
23 community buildings sound insulation scheme.
24 This allows enhanced sound insulation to be
25 provided to noise sensitive buildings such as

1 schools exposed to 63 dB Leq 16-hour in 2002.
2 This criterion was set by the Secretary of State
3 in the White Paper in December 2003, core
4 document 87. Within the 63 dB Leq paper for 2002
5 there are no noise sensitive buildings which
6 would qualify for sound insulation.

7 "Consideration of the contours for 25 MPPA
8 case and the 35 MPPA case, my figures 5 and 6,
9 indicates that even in 2014 no noise sensitive
10 buildings are forecast to fall within the 63 dB
11 Leq 16-hour contours.

12 "In the discussion above, I have concentrated
13 on the domestic and community building schemes,
14 but it is important to note that the airport has
15 voluntarily assisted local communities with
16 various improvements. For instance, recently a
17 grant was made which allowed double glazing to be
18 fitted to Great Hallingbury Village Hall. I am
19 advised that the action was well received.

20 "The airport pays £100,000 a year to the
21 Stansted Community Trust Fund and to this is
22 added any monies collected for noise and
23 track-keeping infringements by the airport and
24 monies from the BAA Communities Trust Fund. For
25 instance, in the period 2005/2006 over 55

1 organisations received donations totalling over
2 £200,000. The fund, which is administered as a
3 charitable trust, widely distributes funds to
4 local projects.

5 "The existing section 106 obligation for the
6 planning permission granted in 2003, CD/31,
7 contained a number of provisions relevant to air
8 noise which BAA proposes to roll forward. They
9 are as follows:

10 "From the implementation date, to use all
11 reasonable endeavours to work with the flight
12 operations committee to adopt operational
13 procedures and practice aimed at achieving
14 ongoing improvements in the levels of and the
15 minimisation of the impact of air noise
16 including: the avoidance of the use of reverse
17 thrust between 11.00 and 06.59 consistent with
18 flight safety; the prevention of the use of
19 visual approaches by incoming aircraft except in
20 the event of an emergency or necessity; the use
21 of continuous descent approaches wherever
22 possible consistent with flight safety; the
23 monitoring of the performance of airlines against
24 the noise from arriving aircraft and industry
25 code of practice published by the Department of

1 Transport, local government and the regions in
2 September 2001 and any revisions or replacements
3 thereof; and finally, (v), to regularly review
4 codes of practice from time to time published by
5 the DfT with NATS.

6 "(b) From the date of this agreement to
7 maintain and enhance to the extent that is lawful
8 for STAL to do so the existing voluntary
9 initiatives and controls to reduce aircraft noise
10 and to use all reasonable endeavours to reduce
11 aircraft noise further in both daytime and
12 night-time periods by introducing additional
13 incentives and controls when it is possible and
14 lawful to do so and, in particular but without
15 prejudice to the generality of the foregoing, to
16 review charges with the object of enhancing
17 incentives to the extent it is lawful for STAL to
18 do to reduce the use of aircraft having a
19 certified noise performance which falls within
20 5 EPNdB of the chapter 3 limits as defined by the
21 International Civil Aviation Organisation's
22 annex 16, volume 1, chapter 3, by April 2004.

23 "From the date of grant, unless paid directly
24 to the trust, for UDC to pay to the trust the
25 amount of any penalties received by STAL for

1 off-track flying, such payments to be made to UDC
2 as specified in this paragraph on each
3 anniversary of the date of grant to be
4 accompanied by a statement setting out the
5 details of all penalties received during the
6 preceding 12 months.

7 "Upon request by UDC, to give UDC access to
8 records of STAL relating to penalties referred to
9 in paragraph 11 of this part of this schedule for
10 the purpose of audit by UDC only.

11 "UDC's noise consultant reviewed Stansted's
12 controls against those at other major airports of
13 similar passenger throughput (see core
14 document 15.1) and concluded that for the most
15 part the types of mitigation employed elsewhere
16 are being applied at Stansted.

17 "UDC carried out an audit of the noise
18 management operated by the flight evaluation unit
19 of the airport in June 2005. The audit showed
20 acceptable performance.

21 "In the recent 2005/2006 period, the detailed
22 BAA targets for airlines were set out in the BAA
23 Stansted Corporate Responsibility Report (core
24 document 161): no more than 2 per cent of
25 aircraft departures off-track on the 4,000-foot

1 routes; no more than 1.5 per cent of all
2 departures off-track on the 3,000-foot routes; no
3 more than 5 per cent of aircraft departures to be
4 off-track on each instrument departure."

5 These are given in CD/161, page 11.

6 "The BAA targets for 2006/2007 are: introduce
7 a new noise and track-keeping system; at least
8 98 per cent of aircraft departures on-track on
9 the flight path where they cannot leave below
10 4,000 feet [that should be]."

11 I think there are too many noughts there. It
12 looks like 40,000 feet; I think it is supposed to
13 be 4,000, sorry.

14 MR BOYLAND: I think that might cause a few problems.

15 A. Yes.

16 "A minimum of 99 per cent of aircraft
17 departures on-track on flight routes where they
18 cannot leave below 3,000 feet during the day; at
19 least 95 per cent of aircraft departures on-track
20 on each individual flight path.

21 "These targets are given in the airport's
22 Corporate Responsibility Report for 2005/2006,
23 core document 161 at page 12.

24 "Conclusions on the existing controls and
25 mitigation. The airport is subject to

1 appropriate controls related to the noise of
2 individual aircraft, the way in which they are
3 operated and the resultant combined noise level.
4 The airport has also implemented the appropriate
5 mitigation measures for those affected by their
6 operations in line with best UK practice and the
7 instructions of the Secretary of State. The
8 airport has developed a number of community
9 initiatives including, in particular, its
10 community fund.

11 "Additional control and mitigation. Neither
12 of the reasons for refusals dealing with air
13 noise identified or even indicated what
14 additional mitigation measures ought to have been
15 required. I understand that none were suggested
16 to BAA before the decision was made to refuse
17 planning permission.

18 "I also understand that, despite a number of
19 requests, UDC had not provided any further
20 assistance on this point prior to my involvement.
21 It has also proven very difficult for me to
22 obtain any further assistance from UDC's
23 consultants. I wrote to UDC's consultant on
24 28th February to seek to initiate a discussion of
25 possible supplementary mitigation measures as

1 well as other noise issues. I did not receive a
2 reply until 2nd April and the first meeting only
3 took place on 18th April 2007.

4 "As I have explained, a series of control and
5 mitigation measures are already in place set both
6 by the Secretary of State and by the UDC in
7 granting planning permission in 2003. As the
8 daytime noise levels predicted for the 35 million
9 passengers per year case are less than those
10 considered acceptable by UDC in association with
11 25 million and the noise impacts are so small, no
12 obvious need arises for further controls.

13 "BAA is, of course, always prepared to
14 consider any practical measure that will reduce
15 impact and is pursuing on a voluntary basis the
16 following measures: better track keeping; greater
17 use of CDA approach; improved noise and
18 track-keeping software.

19 "Notwithstanding those matters, in an attempt
20 to reduce the number of matters that are at issue
21 in this Inquiry, I am instructed that BAA is
22 willing to offer additional controls and
23 mitigation measures as set out below:

24 "Conditions. 1.1 Because the predicted
25 57 dB(A) Leq 16-hour day contour at 35 MPPA is

1 well within the limit set by the current
2 condition AN1, BAA is willing to agree to the
3 imposition of a replacement condition AN1
4 providing for a reduced noise contour area. The
5 revised contour should reflect the G1 air noise
6 assessment studies, including the sensitivity
7 tests undertaken. BAA will seek to agree the
8 appropriate contour area with UDC and advise the
9 Inquiry accordingly in due course.

10 "1.2 At no point during the night restrictions
11 regime as announced by the Secretary of State for
12 Transport on 6th June 2006, and which applies
13 from 29th October 2006 until October 2012, shall
14 the area enclosed by the 50 dB Leq 8-hour contour
15 when calculated and measured by the Civil
16 Aviation Authority's aircraft noise contour model
17 2.2 exceed 45 kilometres squared.

18 "Obligations. 2.1 To review and update the
19 boundary of the Stansted Airport noise insulation
20 programme to ensure continued consistency with
21 the guidance set out in the White Paper,
22 para 3.21, and extend the scheme as necessary as
23 a result of the review.

24 "Proposed condition 1.1 would reduce the
25 permitted noise cap to the benefit of the local

1 community. Proposed condition 1.2 seeks to
2 formalise the DfT's objective over the extent of
3 night noise at Stansted. Obligation 2.1 confirms
4 the airport's policy of keeping the airport noise
5 insulation grant scheme up to date. These
6 obligations should help to satisfy some of the
7 community concerns related to air noise."

8 MR HUMPHRIES: That then brings us to your section 9
9 where you briefly review the reasons for refusal.
10 Again, perhaps you would begin to read from
11 section 9.1, which is the introduction.

12 A. "In this section I discuss the reasons for
13 refusal and the issues they raise and, by
14 reference to the analysis set out in sections 5
15 to 8 above, explain why I do not consider that
16 they should be upheld.

17 "Reason for refusal R.90A Noise (1) is as
18 follows. Inadequate mitigation measures are
19 proposed to address the effects of noise on the
20 local community to the detriment of the amenity
21 of the occupiers of buildings in the vicinity of
22 the airport and the cognitive development of
23 primary school children contrary to policies B1W9
24 of the Essex and Southend-on-Sea Structure Plan
25 and GEN2 of the Uttlesford Local Plan.

1 "This reason for refusal is concerned with the
2 issue of mitigation measures. In particular, it
3 is said that inadequate mitigation measures are
4 proposed and that this will result in detriment
5 to: (a) the amenity of occupiers of the buildings
6 in the vicinity of the airport; and (b) the
7 cognitive development of primary school children.

8 "For the reasons I have set out in section 8
9 above, the mitigation measures that are either
10 already in place or are proposed in association
11 with the G1 proposals are more than adequate to
12 address the impacts to which they are predicted
13 to give rise. For the reasons I have set out in
14 section 7 and 8 above, the G1 proposal will not
15 give rise to any material impact on the cognitive
16 development of primary school children.

17 "In summary, I consider that this reason for
18 refusal is not justified.

19 "Reason for refusal R.90A Noise (2) is as
20 follows. The absence of a quality of life
21 assessment means that inadequate consideration
22 has been given to the impact of air noise on the
23 culture and leisure activities of nearby
24 communities, although evidence from consultees
25 suggests these impacts are significant. As a

1 result, the effect of the development on local
2 communities is uncertain and no proportionate
3 mitigation measures can be put forward to the
4 detriment of amenity and contrary to policies
5 BlW9 of the Essex and Southend-on-Sea Structure
6 Plan and GEN2 of the Uttlesford Local Plan.

7 "This reason for refusal is concerned with
8 three matters: the absence of a quality of life
9 assessment; (b) uncertainty as to the impact of
10 air noise on culture and leisure activities of
11 nearby communities; and (c) the absence of
12 proportionate mitigation measures to address this
13 uncertain impact.

14 "I understand that the issue of whether or not
15 a quality of life assessment ought to have been
16 undertaken is dealt with in the evidence of
17 John Rhodes. It is not a matter within my
18 expertise.

19 "The appellant's air noise related documents,
20 core documents 5, 21 and 22, delineate the effect
21 of the G1 proposal on the levels of air noise
22 that will be experienced in the wider area,
23 including cultural and amenity locations. As I
24 have explained in section 7 above, the locality
25 is already affected by airport noise and will

1 continue to be so affected. However, the effect
2 of the G1 proposal will not be material as it
3 constitutes a change of between 1 to 2 dB.

4 "As I have explained in section 8 above, the
5 mitigation and controls in place and proposed in
6 connection with the G1 proposal are more than
7 adequate. UDC has not suggested any additional
8 mitigation measures that they consider to be
9 necessary specifically to address its concerns
10 about the effect of air noise from the G1
11 proposal on the culture and leisure activities of
12 nearby communities.

13 "In summary, I do not consider this reason for
14 refusal to be justified."

15 Q. Then section 10, your overall conclusions.

16 A. "The assessment of the effect of air noise
17 arising from the G1 proposal as has been taken
18 and reported in the ES is reliable and accurate.
19 That assessment has been undertaken using the
20 appropriate methodology consistent with the
21 approach taken by the Secretary of State for
22 Transport in the Air Transport White Paper, the
23 guidance in PPG24 and the consistent practice of
24 UDC and other local authorities. It is an
25 approach that has been tested and upheld in a

1 number of major public inquiries.

2 "The results of that assessment show that in
3 respect of daytime noise increase as a result of
4 the G1 development will not be material. The G1
5 proposals will not give rise to any material
6 impact on the cognitive development of local
7 school children or any need for sound insulation
8 improvements to local schools. The results of
9 the assessment in ES show that in respect of
10 night noise again increase as a result of the G1
11 development will not be material.

12 "Stansted Airport is already subject to an
13 extensive array of controls and provides a
14 comparable amount of mitigation to counter the
15 impacts of air noise arising from the use of the
16 airport."

17 Q. You said a "comparable amount of mitigation"?

18 A. I meant "considerable", sorry. This head cold is
19 not helping. "Considerable amount of
20 mitigation." As this is a transcript, I had
21 better read it again:

22 "Stansted Airport is already subject to an
23 extensive array of controls and provides a
24 considerable amount of mitigation to counter the
25 impacts of air noise arising from the use of the

1 airport. In addition, BAA is proposing further
2 conditions and obligations in association with
3 the G1 proposal that will provide additional
4 controls and help to address the impact of air
5 noise on the local community. The air noise
6 effects of the G1 proposal will be appropriately
7 controlled and mitigated by the combination of
8 the existing and proposed measures. Neither of
9 the air noise reasons for refusal is well
10 founded.

11 "In summary, the G1 [and it should read
12 'proposal' not 'proposal'] will not result in an
13 unacceptable degree of disturbance in respect of
14 air noise."

15 MR HUMPHRIES: Mr Charles, thank you very much.
16 (10.38 am)

17 MR BOYLAND: Thank you. Well, as I said, we will just
18 take a short pause now while we and others pull
19 out the documents that are going to be needed for
20 cross-examination.

21 MR HILL: Sir, just before you do that, could I raise
22 three short points on the documents?

23 First, for those of you who have our list to
24 hand, could I add three documents that should be
25 easily found: UDC/1/a, Mr Harborough's brief;

1 UDC/2/c, Mr Mitchell's appendices; BAA/1/a,
2 Mr Rhodes' main proof, the first point.

3 The second point, sir, is could I or someone
4 assisting me during this short break see how you
5 have your document CD/166 arranged? This is a
6 very large document that comprises five
7 lever-arch files, I believe. We just want to be
8 sure -- and the same applies to Mr Charles --
9 that we have this arranged in the same format so
10 that we do not come unstuck when it comes to
11 finding the right page. If there is a problem,
12 then I may have to have the relevant pages
13 photocopied separately so we do not spend a lot
14 of Inquiry time tracking down the correct page.

15 MR BOYLAND: By all means. Incidentally, you have
16 CD/166 on your list. Do we need to hold it or
17 just one particular ...?

18 MR HILL: Well, sir, you do. There are about eight or
19 nine pages within it which we will need to look
20 at, and it is in connection with that exercise
21 that I want just to check and see whether it
22 would not be simpler to photocopy the relevant
23 pages. I do not know how everyone else has got
24 their files arranged.

25 MR BOYLAND: Certainly we will need to co-operate with

1 that.

2 MR HUMPHRIES: Yes. If I may suggest, if it is
3 possible that those could be taken out and
4 copied, I think that would be beneficial. I for
5 one do not even have CD/166. I think I have got
6 it in electronic form but I am unable to read
7 that without a computer.

8 MR BOYLAND: Yes, it is not a great deal of help to
9 you at the moment, is it?

10 MR HUMPHRIES: So this --

11 MR BOYLAND: Sorry, could I just ask people just to
12 check that their microphones if not in use are
13 switched off, please. Move the slide switch away
14 from you.

15 MR HILL: Sir, if we just take a break, I will seek to
16 achieve that in good time.

17 The last of my three points, we discovered in
18 the course of the weekend that something we
19 thought was in Mr Turner's appendices is, in
20 fact, not there. You will recall, sir, that in
21 his main proof there are a series of readings
22 taken from Thaxted Churchyard on 23rd April this
23 year, page 37 of the proof. We thought that in
24 the appendices there was a trace that relates to
25 that period, but we cannot find it. I propose

1 simply to introduce that as a document. It is
2 exactly the same period, the same readings that
3 we already have information for in the Inquiry.
4 If it causes Mr Charles any problems, no doubt he
5 will say so and we will understand that. I will
6 put that in as a Mr Turner -- it will be F, I
7 think, in Mr Turner's series.

8 MR BOYLAND: I am not worried about that. Just to be
9 clear, I recall that we have the data in tabular
10 form, but this is simply a graphical plot, yes.

11 MR HILL: Those are my three points.

12 MR BOYLAND: That is fine. Thank you very much. We
13 will just take a short break, as I said, and pull
14 the documents out. If we try to do it within
15 five minutes or thereabouts, that will be fine.
16 Thank you.

17 (10.43 am)

18 (Short break)

19 (10.51 am)

20 MR BOYLAND: Will you take your seats, please? Thank
21 you. That took a little longer than the five
22 minutes I anticipated and I think we are still
23 waiting for the extract that it has now been
24 decided to make from CD/166. I trust we can
25 carry on without that for the time being. Does

1 everybody else have the documents they need?

2 Good. Thank you.

3 In that case, Mr Hill?

4 (10.52 am)

5 Cross-examination by Mr HILL

6 MR HILL: Thank you very much indeed, sir. We will

7 pause, Mr Charles, when the copies come down from

8 upstairs, but good morning to you.

9 A. Good morning.

10 Q. Could I ask you first of all, please, to take up

11 your proof of evidence, BAA/2/A. Just help me

12 with one or two matters about how you come to be

13 sitting in that seat. If you turn, please, to

14 page 6, you tell us in paragraph 2.1 that you

15 were instructed by BAA on 29th November last year

16 to be its G1 air noise witness at this appeal

17 over the refusal on 13th September 2006 by the

18 Council to grant planning permission for the G1

19 proposals.

20 Of course, the application was determined on

21 29th November last year, not 13th September, was

22 it not?

23 A. That is correct, yes.

24 Q. Have those dates been transposed?

25 A. The dates are wrong, yes. Basically, let me

1 clarify the matter. I was instructed by BAA on
2 13th February 2007, which is what it actually
3 says in the summary of my air noise proof. I
4 apologise that this has occurred. On
5 13th February 2007 and, as you say,
6 "13th September 2006" should have read
7 "29th November 2006".

8 Q. Right, so your instructions only date back to a
9 period of two and a half months prior to the
10 exchange of proofs?

11 A. Yes.

12 Q. I presume from what you tell us that you were not
13 responsible for the air noise chapter of the
14 Environmental Statement?

15 A. That is correct.

16 Q. Might I ask who was, Mr Charles?

17 A. Well, my understanding is that the air noise
18 chapter was developed by the experts at ERCD and
19 the company, BAA.

20 Q. When you say "ERCD" that is the consultancy
21 division of the CAA?

22 A. Basically the ones who produced the contours.

23 Q. So the consultancy division of the CAA plus BAA's
24 own in-house staff?

25 A. Indeed.

1 Q. Was there an individual who took primary charge
2 of the production of volume 2?

3 A. There is a project manager who looks after air
4 noise, yes.

5 Q. Who is that?

6 A. Dr Graham Eyre.

7 Q. Is there any reason why he was not asked to speak
8 to the conclusions of the air noise chapter of
9 the Environmental Statement?

10 A. I am afraid it is a matter I know nothing about.

11 MR HUMPHRIES: Sir, yes, I do not think Mr Charles can
12 help with this. It was never BAA's intention
13 that ERCD would produce a witness. Obviously
14 there was a hope and expectation for a long time
15 that there might not need to be an inquiry and so
16 a consultant was not appointed until fairly late
17 in the day.

18 MR HILL: Well, I am asking Mr Charles about this.

19 MR BOYLAND: Before you go on, Mr Hill, could I just
20 ask you to pull the microphone a little closer to
21 you, Mr Charles. I know it is difficult with the
22 papers you have in front of you. Thank you.

23 MR HILL: I am just seeking to understand,
24 Mr Charles -- you will, I am sure, appreciate
25 this -- the circumstances of your really quite

1 late instruction on the matter, even in
2 circumstances where the matter went to committee
3 in November of last year.

4 A. Indeed. I had to work very hard, very quickly.

5 Q. Well, we will not rub salt in the wounds.

6 Now, as you tell us in your proof, you have
7 had involvement in a number of other airport
8 proposals up and down the country. Indeed, in
9 respect of some of those we have worked together?

10 A. Indeed.

11 Q. Not, however, on the Coventry Airport case, which
12 you mention at paragraph 1.3 and 1.4 of your main
13 proof on page 5.

14 A. That is correct.

15 Q. As you will, I am sure, be aware, a decision on
16 that, the most recent application at Coventry,
17 was issued by the Secretaries of State last
18 Friday.

19 A. That is correct.

20 Q. That was the application to expand from 1 million
21 to 2 million passengers per annum?

22 A. In effect, yes.

23 Q. No doubt the documentation will find its way into
24 the Inquiry at some stage but I am sure you have
25 already become aware that the Secretaries of

1 State have followed their inspector's
2 recommendation and dismissed that appeal and
3 refused planning permission?

4 A. That is correct.

5 Q. On various grounds including noise impacts?

6 A. Indeed.

7 Q. So we ought to note in the margin, as it were,
8 that on that inquiry your evidence was not
9 accepted by the inspector?

10 A. No, I think that would be totally wrong. My
11 evidence was accepted and my evidence as usual
12 indicated what impact there was. And the
13 Secretary of State took the view that the impact
14 that I did delineate -- because there was no
15 argument about the contours and the like, that
16 was purely accepted -- was such that he did not
17 think it was mitigated by the other matters,
18 i.e. the need for passenger activity at Coventry.
19 I understand they seem to feel that everyone in
20 Coventry should go to Birmingham Airport
21 apparently to fly from.

22 Q. Well, we do not need to get into the details of
23 that. Perhaps you can just confirm in terms of
24 extra PATMs involved at that inquiry, I think the
25 forecasts were 11 per day up to a capacity of 16

1 per day?

2 A. I cannot confirm that figure but I can come back
3 and confirm it in writing.

4 Q. Well, in due course we will put the documentation
5 into the Inquiry ...

6 A. I have got the papers somewhere.

7 Q. ... as it is the most up-to-date decision of the
8 Secretary of State on an airport related matter.
9 Does that sound about right, though, 11 PATMs
10 per day extra? (Pause) We can probably get it
11 copied over the luncheon adjournment if you are
12 really struggling to think. (Pause)

13 A. Well, we can work it out, I think, the two of us.
14 If it is 11 aircraft movements a day and
15 approximately 100 people per aircraft, so it is
16 about 1,000 extra passengers a day ...

17 Q. Do not worry, Mr Charles, I do not want you to
18 have to go through any complicated arithmetic.

19 A. Well, it is not complicated. If you multiply it
20 by 365 you should see whether that is a million
21 passengers. If it is, then your figure is right.
22 If it is not, it is wrong.

23 Q. Why do we not put the document in and then the
24 inspectors will not have to speculate?

25 A. Indeed, if you wish me to discuss it, it would be

1 useful if you put the document in.

2 Q. No, I thought it might be very much uppermost in
3 your mind, Mr Charles.

4 A. Unfortunately not, I am afraid. The prospect of
5 having a nice chat with you was plenty for me to
6 worry about, rather than Coventry on Friday, I am
7 afraid.

8 Q. I shall take that as a compliment.

9 Can we turn on, then, please, to some matters
10 of approach, some matters of very general
11 approach. I wonder if you could take out your
12 copy -- no doubt well thumbed and dog-eared -- of
13 PPG24. Do you have that?

14 A. Yes, I have the document.

15 Q. Turn, please, to paragraph 10. Do you have that
16 now, Mr Charles?

17 A. Indeed.

18 Q. Sub-heading "Development Control on Noisy
19 Development". One sees about three sentences
20 into that paragraph a passage which I think has
21 already been referred to at this Inquiry:

22 "Local planning authorities must ensure that
23 development does not cause an unacceptable degree
24 of disturbance."

25 Yes?

1 A. That is correct.

2 Q. Whether the degree of disturbance is acceptable
3 or unacceptable in any given case is a matter of
4 judgement, is it not?

5 A. That is correct.

6 Q. I will just check, is this the documentation
7 arriving just as I am getting to a critical
8 passage of cross-examination? Perhaps we should
9 allow it to be circulated.

10 MR BOYLAND: We have just received the plot of the
11 measurement at Thaxted Churchyard, as you
12 mentioned, and what I take is the extract from
13 CD/166.

14 MR HILL: Thank you very much. If everyone has got
15 those, to avoid confusion may we call the Thaxted
16 plot "UDC/3/e" and the other clip we may as well
17 call "CD/166A" or "extract", sir, as you wish.

18 MR BOYLAND: Actually, "166.1" would be more logical.
19 That is the format that has been followed, I
20 think.

21 MR HILL: "166.1" it is. Sorry, Mr Charles.

22 You just confirmed to me not a controversial
23 proposition that whether the degree of
24 disturbance is acceptable or unacceptable in any
25 given case is a matter of judgement?

1 A. That is correct.

2 Q. Indeed, acoustic consultants, environmental
3 health officers, planners practising in the
4 development control sphere will have to exercise
5 their judgement in a variety of cases by
6 reference to their experience, yes?

7 A. I presume so, yes, and to ...

8 Q. And assisted by whatever devices, whatever
9 metrics exist to permit objective assessment of
10 the noise impacts of a proposed development, yes?

11 A. Indeed. You will have to take into account any
12 policy advice and all those matters which
13 planners take into account.

14 Q. In some cases, a formula or other metric may
15 provide the complete answer; in others there is
16 no appropriate metric; and in others there may be
17 a range of techniques that one wants to bring to
18 bear, yes?

19 A. Indeed, in the generality, yes.

20 Q. Yes. I want, as you might anticipate, to descend
21 from the general to the particular and consider
22 what it is that is being assessed in this case,
23 in the case that the inspectors have to
24 deliberate upon and write recommendations about.

25 I am keen to focus on what is important; I am

1 sure you will understand that.

2 Can I ask you, do you understand the concept
3 of a fallback position in the planning context?

4 A. I believe so, yes.

5 Q. Can I just put it to you in this way, as the
6 position upon which an appellant or applicant can
7 realistically fall back as a matter of law if he
8 were to be unsuccessful in his appeal? Does that
9 correspond in broad terms with what you had in
10 mind, Mr Charles?

11 A. Partially, yes.

12 Q. We will see whether there is any significance in
13 the "partially". I asked Mr Rhodes about this
14 and you may have seen it on the transcript on
15 Tuesday, 12th June 2007. I do not know whether
16 you have been through the transcripts?

17 A. I apologise, I have not.

18 Q. Well, he confirmed that in this case the fallback
19 position is the 25 MPPA at 2014 case, i.e.
20 202,000 ATMs. No surprises there. Does that
21 accord with the approach that you have taken to
22 this matter?

23 A. Well, I have not specifically considered the
24 fallback situation. I, as you know, considered
25 two cases: the 25 MPPA case in the future and 35.

1 Q. Yes. I am sure you have done the right thing in
2 considering the 25 MPPA case and the 35.

3 A. Excellent. I am sure that is recorded in the
4 transcript.

5 Q. If that is what you have done, you have done the
6 right thing. The 25 MPPA at 2014 case, which
7 involves 202,000 ATMs, does it not, Mr Charles?

8 A. That is right.

9 Q. Yes. I do not want to waste time looking at
10 things that are not central. That is central.
11 The key assessment for this Inquiry is a
12 comparison of the effects between 264,000 ATMs as
13 proposed and 202,000 ATMs in the fallback
14 position?

15 A. That is correct.

16 Q. Yes. Certainly I know that SSE have looked at
17 other figures, but for the purposes of BAA's case
18 it amounts to an additional 62,000 ATMs per year,
19 yes?

20 A. That is correct.

21 Q. Or about 170 additional movements per day on
22 average, yes?

23 A. That is right.

24 Q. This is described in the Environmental Statement
25 as the primary assessment case, correct?

1 A. That is correct.

2 Q. If any reference is needed for that, I will not
3 take time looking at them but in volume 2,
4 page 7, paragraph 5.4.2 is a good example, and
5 the whole of section 10.2 is headed "Primary
6 Assessment".

7 If we look at your proof we can see that that
8 approach has been followed through.

9 A. That is correct.

10 Q. At page 14 of your proof, paragraph 6.1.6, we see
11 the reference there to the primary assessment
12 case examining the air noise impact of the G1
13 development by reference to the air noise effects
14 of the 35 case compared to the 25 case, and there
15 we have got the figure of 202,000 at 2014/15 and
16 not the permitted 241,000. So you are consistent
17 as between your proof and the ES.

18 A. Excellent.

19 Q. Anything else, bearing in mind the primary
20 assessment case, is necessarily of secondary
21 relevance and interest comparing the 2004,
22 et cetera, other matters?

23 A. That would be my understanding.

24 Q. Yes. In particular, the comparison with the area
25 within the 57 dB Leq 16-hour contour generated by

1 the 232,500 ATMs which were the basis for the
2 25 MPPA planning permission in 2003 because that
3 area, the area defined by that contour, is not
4 achievable in the context of 25 MPPA in the light
5 of the change in fleet mix?

6 A. Well, the significance of that as far as I
7 understand is slightly greater than just the
8 numerical values. My understanding is you took
9 me earlier to the question of balance and
10 judgement and as far as I understand it the
11 planning officer for the UDC achieved a balanced
12 judgement and, as a result of that, he defined a
13 particular contour area based on the 252,500
14 movements ...

15 Q. You defined the area or, rather, BAA defined it,
16 did they not? Not UDC?

17 A. Well, sorry, BAA provided, as always, the
18 technical information and UDC used that technical
19 information because they knew it was correct.
20 And they set a contour limit, what in my
21 terminology I call a sort of noise budget for the
22 airport. And they set it at 43 point something
23 or other kilometres squared.

24 Q. Yes, do not trouble yourself to track down the
25 correct term. I think we all know what you mean.

1 A. So it has relevance in the extent that that is
2 what was deemed to be acceptable at that time.
3 Now, it obviously may not be acceptable at this
4 time, but it was in 2003.

5 Q. Yes, I understand the way you put that. It may
6 not be acceptable now and, of course, I imagine
7 you heard Mr Harborough give his evidence on that
8 some days ago?

9 A. I am afraid, no, I have not been here most of the
10 time.

11 Q. Well, I am not asking you, Mr Charles, as the
12 noise witness to explore matters of how the
13 balance should be struck.

14 A. Excellent.

15 Q. Indeed, when I was referring you earlier to the
16 need to take a judgement, I was, in fact,
17 confining that judgement to a judgement which
18 could properly be taken in its entirety by a
19 person such as yourself giving noise evidence
20 from an expert perspective in a case such as
21 this.

22 A. I am sorry, I misunderstood you.

23 Q. No, do not worry. But it is because that contour
24 area is now history that the 25 MPPA case in the
25 ES has been developed as the primary assessment,

1 is it not? That is the reason why. One has had
2 to look at this again and see what the realistic
3 fallback position is and what would actually
4 happen at 2014 if this appeal were not allowed?

5 A. That is what BAA have done, yes.

6 Q. Yes. You will understand that from the
7 perspective of Uttlesford District Council and
8 its officers and those who live within its area,
9 it is a matter of some rejoicing that 25 MPPA can
10 be achieved with a smaller impact in terms of a
11 16-hour Leq contour than was feared in 2002. No
12 one wants to have a greater impact than is
13 required, does one?

14 A. I would hope they would be pleased about it. I
15 know that BAA would be pleased about it too.

16 Q. Good. I am sure everyone would be delighted if
17 we could draw a line there, but there is no
18 evidence, is there, Mr Charles -- and do draw my
19 attention to it, if you have some -- that the
20 District Council, officers or members, was
21 sanguine about the levels of noise impact that
22 were being predicted in 2001, 2002?

23 A. I am afraid I am assuming --

24 Q. If you cannot help me, then do not worry.

25 A. I do not understand the word "sanguine".

1 "Pleased about it" or --

2 Q. Well, "entirely untroubled".

3 A. Well, they definitely were not entirely
4 untroubled. It was a balanced judgement, and
5 always with the inevitable noise which happens
6 with airports, judgement has to be made.

7 Q. Just so we understand why, I am just trying to
8 test your views on this and how you have come to
9 reach your conclusions, just turn back with me to
10 paragraph 2.6 of your proof; this is at the foot
11 of page 6, where you tell us that you have taken
12 into account the technical information provided
13 by the Council. Forget BAA for the moment, but
14 when the previous planning permission was granted
15 in May 2003 -- we know Mr Turner was not
16 instructed in respect of that application -- what
17 did you have in mind when you wrote you had taken
18 into account the technical information provided
19 by the Council in relation to the May 2003
20 permission?

21 A. Basically, I had in mind the -- what I thought
22 was a very good officer's report to committee,
23 which went through all the issues, discussed the
24 noise issue, discussed the May recommendation,
25 and I presume that is CD27.

1 Q. I see. If you mean the report to committee, then
2 I can follow the point.

3 A. Let me just check. Yes.

4 Q. I am sure you are right about CD27 being the
5 report to committee.

6 A. Yes. That is what I was referring to, because I
7 often find with these matters that actually, if
8 you get hold of a good planning officer's report,
9 it lays out all the issues in front of you quite
10 neatly. And in my case, time was not of the
11 essence, so --

12 Q. It was of the essence, I should think.

13 A. -- a nice summary like that was very useful.

14 Q. You mean time was of the essence, Mr Charles?

15 A. Probably.

16 Q. I am not going to pour any more salt on those
17 wounds. But the point I am trying to understand,
18 and I think you have helped me with it, is you
19 were not referring to a specific technical report
20 of the sort that we have in this case, because
21 Bureau Veritas have audited each step of the
22 track. You were not referring to that, you were
23 referring to the committee report, CD27?

24 A. Yes, because, I mean, that helpfully gave details
25 of the advice that the UDC had received, I

1 believe from -- is it TRL have advised on matters
2 at that stage?

3 Q. They advised on forecasting, I believe.

4 A. I think they had advised on other matters, from
5 the text that I read.

6 Q. There we are. You had not looked beyond the
7 committee report?

8 A. No, no, that is the document that I had looked
9 at.

10 Q. That is what I wanted to be sure about, not
11 looked beyond the committee report.

12 Of course, whether you were here or whether
13 you read it on the transcript or whether you are
14 subsequently going to read it on the transcript,
15 Mr Harborough explained that in 2002, officers
16 were prepared to accept advice from your
17 consulting that the economic gains associated
18 with the 2001 application were sufficiently
19 important to justify the environmental impacts of
20 expansion to 25 MPPA. You understand that part
21 of the history?

22 A. Well, yes. That was one of the things they took
23 into their balance that they tried to strike.

24 Q. It is clear, I imagine, from reading the later
25 committee report that the balance has been struck

1 in a different way today, and that is why we are
2 here, is it not, Mr Charles?

3 A. Indeed.

4 Q. And you are not, as the noise witness of BAA,
5 seeking to open up matters of how the planning
6 balance should be struck, are you?

7 A. No, I am hoping the week with Mr Rhodes has
8 resolved all those matters, so we can just stick
9 with boring old decibels.

10 Q. Boring old decibels, Mr Charles? Your meat and
11 drink for 40 years.

12 A. Now you know why I think it is boring.

13 Q. Now, the consequence of the points we have just
14 been through, just to draw a line under this
15 matter, is the only figure that can be relied
16 upon as the proper and lawful starting point --
17 the baseline for assessing the incremental impact
18 of this proposal -- is the 202,000 ATM figure we
19 looked at a moment ago, which is the basis of
20 your primary assessment case?

21 A. That is my understanding, yes.

22 MR HILL: Now, I am going to come on to some other
23 matters. Sir, I am conscious that although we
24 paused, it was not exactly to put our feet up and
25 take a break. Ought I to be keeping an eye open

1 for a convenient opportunity for you take a
2 mid-morning adjournment, or would you like me to
3 press on? I am entirely in your hands.

4 MR BOYLAND: Certainly we were conscious that it had
5 not been a break for most people, or at least for
6 some people, and we will take a break at some
7 stage, possibly a little later.

8 MR HILL: Fine.

9 MR BOYLAND: I think most people seemed to manage to
10 get coffee during the break, apart from us.

11 MR HILL: I am sorry, sir.

12 MR BOYLAND: So in about 15 or 20 minutes, if there is
13 a convenient point, that would be helpful.

14 Incidentally, I did not ask you for an overall
15 time estimate. Can you give me some indication?

16 MR HILL: Sir, I think very broadly, three to four
17 hours.

18 MR BOYLAND: Very well. Thank you.

19 MR HILL: If it is any comfort, I was passed a cup of
20 coffee, but I have not been able to drink it.

21 MR BOYLAND: That is no comfort at all.

22 MR HILL: Now, Mr Charles, we have looked at the
23 baseline; thank you for your help with that. I
24 now want to look at the nature of the assessment
25 which has been undertaken and just to recap --

1 this material will be familiar to everyone -- the
2 assessment in the ES is confined to a comparison
3 of the 16-hour Leq contours for impacts between
4 0700 and 2300 hours and a separate analysis for
5 the night-time and the shoulder periods. That is
6 right, is it not, in broad terms? I am not
7 trying to trap you in that, I am just trying get
8 the ball rolling on assessment.

9 A. There are other things in the ES, as you are
10 fully aware.

11 Q. Yes, yes.

12 A. It definitely includes the ones you mentioned.

13 Q. Good. Now, can I ask you turn to volume 2, CD5,
14 and you can help with interpretation of one
15 passage. I assume you have familiarised yourself
16 thoroughly with this document, even though you
17 had nothing whatsoever to do with its production,
18 and where you have had any doubts or queries to
19 raise, you have raised them with the appropriate
20 personnel?

21 A. I hope I have, yes.

22 Q. Can you turn, please, to page 2 of the document,
23 and paragraph 213, and it is the last sentence I
24 am interested in, because that defines the scope
25 of what has been examined in this volume. The

1 study area is defined in this volume as the
2 extent of the future 54 dB Leq noise contour,
3 yes?

4 A. Yes, I read that.

5 Q. Where do I find the 54 dB -- or the future
6 54 dB -- Leq noise contour, just to be sure that
7 I have my own eye on the right study area? I
8 would expect to find a diagram of the study area
9 in a document such as this to support a reference
10 such as that.

11 A. Yes. (Pause) I think, from what I recollect, it
12 was regulation 19. Let me have a look.

13 Q. Before we go to the regulation 19, and this is of
14 course the environment statement chapter, and the
15 study area for this chapter -- I am not trying to
16 trap you, but I have been through all the various
17 diagrams, and I am not sure whether I have the
18 right one. I certainly draw your attention to
19 figure 17.

20 A. It is at figure 16.

21 Q. Figure 16.

22 A. Figure 16 says it is the 35 million case, summer
23 average data on the 54 Leq contour.

24 Q. Right. So is that the study area?

25 A. That is the study area, as defined in that bit of

1 the text of the ES, yes.

2 Q. So figure 16 comprises, as defined on that plan
3 within the black line, the area in respect of
4 which noise impacts of this development are being
5 considered in the environmental statement, yes?

6 Is that right, Mr Charles?

7 A. That is what the text says.

8 Q. Well, I know what the text says, but if the text
9 is wrong, then I am relying on you to advise me.
10 Is that the area in respect of which the noise
11 impacts have been examined for the purposes of
12 this volume of the environment statement?

13 A. My understanding is if we take the ES document
14 that we are looking at, that only deals with that
15 area, as far as I understand it.

16 Q. Sorry, so CD5 only deals with that area?

17 A. Yes, because the table is the LA Max criteria to
18 do with locations within that.

19 Q. Thank you. Now, did you want to refer me to some
20 part of the regulation 19 response, which extends
21 the scope of the study area?

22 A. Well, at the request of the local authority, I
23 believe further information was provided.

24 Q. Indeed.

25 A. And that has day contours, which go down to 54

1 for easterly and westerly operations -- a subject
2 which Mr Turner has always been very keen on --
3 and the area is probably -- extends slightly
4 farther on some of those. It does, yes. If you
5 look at figure 5 in the regulation 19 response
6 document, you will notice that the 54 line goes
7 down basically to Eastwick Lodge, the Harlow
8 North site, so --

9 Q. There is a small extra area included.

10 A. Yes, and similar at the other end, I think.

11 Q. Yes.

12 A. North of Thaxted, there would be.

13 Q. So a small extra area included as a result of
14 assuming 100 per cent modal split.

15 A. I think that was the reason, yes.

16 Q. But otherwise, I think we can draw the line there
17 in terms of the area that has been studied for
18 the environmental assessment, yes?

19 A. Yes, we can.

20 Q. Then of course we have your proof, and obviously
21 one has read that and the documentation that
22 accompanies it, but as I understand it, your
23 analysis does not go further than the 54 contour,
24 is that right? Your analysis in the proof, that
25 does not extend beyond the 54 contour?

1 A. In effect, that is correct, because my table 13,
2 which I provided to help Mr Rhodes, basically
3 says less than 54 in lots of cases, so it does
4 not really go much farther because there is not
5 any information available.

6 Q. I am going to ask you about that in a moment, but
7 I wanted to be sure that I had accurately
8 understood the scope of your proof and the places
9 where it adds to the material in the environment
10 statement. Thank you for that help. Good.

11 Now, could you please take up Mr Mitchell's
12 appendices, UDC/2/c.

13 MR BOYLAND: Before we go on to that, I have just
14 spotted something which perhaps we can clarify
15 now, just before we go on.

16 MR HILL: Of course, sir.

17 MR BOYLAND: Just going back to the volume 2 of the ES
18 and the figure 16 we were looking at previously;
19 figure 16, you have it. The --

20 A. I think I have the point.

21 Q. Yes, the drawing title refers to average day of
22 54 dB. On the contour, just above the word
23 "Sawbridgeworth" it is marked 57. Am I to take
24 it that that is an error?

25 A. I believe that is an error and it is 54.

1 Q. So it looks much larger than the 57 contour?

2 A. That is right. I will check over the break, but
3 as far as I understand, exactly 54.

4 MR BOYLAND: If that could be checked and you could
5 find out, that would be helpful, thank you.

6 Sorry to interrupt you.

7 MR HILL: No, no, that is entirely understood, sir.

8 We have spotted other points of that nature,
9 Mr Charles, but I think we had also reached the
10 conclusion that that should be 54, although the
11 inspector is absolutely right, it is not shown
12 with the 54.

13 MR HUMPHRIES: Yes, I can help you a little with this,
14 sir, and I will have it copied for you. On

15 8th September last year, BAA wrote to
16 Mr Mitchell. I have the letter here, pointing
17 out some corrections. One of the points said is
18 figure 16, 35 MPPAs, 54 contour; this was dealing
19 with the list, but there were a few --

20 MR BOYLAND: Yes, now that you mention it, I recall
21 that.

22 MR HUMPHRIES: -- minor errors, and I am sorry, sir,
23 if they have caused any confusion.

24 MR BOYLAND: It is only me that is confused, really.

25 MR HILL: Thank you. Mr Charles, have you tracked

1 down your copy of UDC/2/c?

2 A. Sorry. (Pause)

3 MR HILL: If you are having trouble finding it, maybe
4 this is the moment for our short break.

5 MR BOYLAND: In that case, yes, let us take a break
6 now. It is just after 11.30 am. We will adjourn
7 until 11.45 am.

8 MR HILL: If you cannot find it, Mr Charles, ask us
9 and we will provide you with a spare.

10 (11.32 am)

11 (A short break)

12 (11.47 am)

13 MR BOYLAND: Thank you, ladies and gentlemen. The
14 inquiry is resumed. Mr Hill.

15 MR HILL: Thank you very much, sir. Mr Charles, have
16 you been assisted with the provision of UDC/2/c
17 during the short adjournment?

18 A. Indeed.

19 Q. Good. Could you turn in that document, please,
20 to appendix 1, which the inquiry has, map 1,
21 which the inquiry has had occasion to look at
22 before, but I am not sure whether you have been
23 here when we have looked at it. You can see on
24 that map -- rather faintly -- a black line
25 showing the 57 dB Leq contour for the 2004 summer

1 average day, which essentially reaches up to
2 Thaxted in the northeast and down just short of
3 Sawbridgeworth in the southwest. Do you pick
4 that up?

5 A. Yes, indeed.

6 Q. One notes that is of course the 57 contour. It
7 is probably fair, for the purposes of this
8 question, just to allow you to refer back to
9 figure 16 in the environmental statement,
10 volume 2 -- do not put volume 2 too far out of
11 reach, because we will have to come back to it on
12 a number of occasions -- obviously a map on a
13 different scale, but that shows the study area as
14 we saw earlier, extending between Thaxted in the
15 northeast and towards Great Sampford beyond. Do
16 you have that figure 16?

17 A. Yes, indeed.

18 Q. So it goes a little way further in a
19 northeasterly direction, but maintaining its
20 broad width and it extends a little bit further
21 in a southwesterly direction towards
22 Sawbridgeworth. You have probably picked that up
23 as well.

24 A. That is correct.

25 Q. This map in Mr Mitchell's appendices is an

1 attempt to show the location from which
2 representations have been made on this
3 application from some sources, local amenity
4 groups, individual representations in cluster
5 form and town and parish councils. It does not
6 go to the district level or the county level,
7 which one has to look at on paper, but it
8 attempts to show broadly the areas from which
9 objections on air noise have been received. You
10 can, I am sure, pick up that general point from
11 the key, yes?

12 It is right, is it not, that the vast majority
13 of areas which have raised air noise as ground
14 for objection to this application are excluded
15 from the area which is described as the study
16 area, for the purposes of the environmental
17 statement?

18 A. That is correct.

19 Q. Just looking at that picture in a little more
20 detail, what BAA tell us in the environmental
21 statement at volume 2, page 19, paragraph 9.2.10,
22 that as part of what are described as "voluntary
23 mitigation measures" BAA have sponsored mobile
24 noise monitors to assess how much noise is being
25 experienced at a variety of locations.

1 As I understand the position -- I am sure you
2 can correct me if I am wrong -- requests come in
3 to BAA saying, "We are being disturbed by noise.
4 Can you please put up a noise station or a
5 monitoring station so we can see what are the
6 levels, how bad is this, what are we being
7 subjected to?" essentially.

8 I think, as I understand the position --
9 correct me if I am wrong -- BAA look at that.
10 They do not automatically say yes, but if they
11 think that it is a justifiable request, then they
12 have tended to accede to it and there have been a
13 number of these mobile noise stations set up at
14 areas of complaint.

15 A. Yes.

16 Q. That is your understanding too. You refer to one
17 in your proof of evidence at Sudbury, where that
18 exercise has been undertaken, I believe,
19 obviously well, well outside the study area for
20 the environmental statement, over to the
21 northeast.

22 We also have in the inquiry documentation a
23 report undertaken at Much Hadham, which you may
24 have seen, which I think is CD171. I think that
25 was done in a similar way, and in your

1 appendix I, you have the minutes of a meeting of
2 the consultative committee, where similar
3 arrangements are being discussed at Ware and at
4 Epping Upland.

5 A. That is correct.

6 Q. So if we just pick up those places very quickly
7 on the plan, we proceed to Sudbury; Much Hadham
8 nice and clear, out towards the west of the study
9 area. Hopefully you can pick that up. For some
10 reason or other, it does not have a blob on it,
11 although Much Hadham Parish Council I think are
12 rule 6 parties, but it does at least enable one
13 to see where it is. Ware is almost obscured, but
14 you can see the W and the A just to the southwest
15 of Much Hadham, yes? Epping Upland is, if one
16 extends the centreline of the runway through
17 Harlow and beyond, it is some mile or so south of
18 Harlow, correct?

19 A. That is correct.

20 Q. So all areas where BAA has been prepared to erect
21 noise monitoring equipment at its expense to
22 consider complaints; areas for which complaints
23 have been frequent and areas well beyond the
24 study area of the environmental statement, yes?

25 A. Yes. (Pause)

1 Q. Have you looked at the reports that have been
2 made into those various investigations?

3 A. I have looked at the Sudbury and Much Hadham
4 reports. I have not looked at any other reports
5 that I am aware of; not recently, at least.

6 Q. Very well. The Much Hadham one is, as we have
7 seen before the inquiry, as CD171. I do not know
8 whether this Sudbury one has made it into the
9 inquiry. I am not sure that it has. Is that
10 something that you could help us with?

11 A. Yes, I have a copy.

12 Q. That would be much appreciated, thank you.

13 Now --

14 MR BOYLAND: Are you asking for a copy to be
15 submitted?

16 MR HILL: Please, sir, yes. Thank you.

17 Now, can I move on then to two general heads,
18 all in this context of issues arising beyond the
19 immediate study area, or the study area for the
20 environmental statement: that is noise impacts
21 experienced by local communities and noise
22 impacts affecting cultural and leisure
23 activities, to group them together for the
24 purpose of these few questions.

25 Can you turn to your proof, please. I think

1 that plan, the map in Mr Mitchell's appendices,
2 is worth keeping close by you, because it is a
3 useful reference point. Back to your proof,
4 please, paragraph 3.8. This is really just
5 clarification, to be helpful. Page 9, 3.8 at the
6 top of the page:

7 "You are advised that the issue of quality of
8 life assessment is addressed in the evidence of
9 this inquiry [Mr John Rhodes]. To assist
10 Mr Rhodes, I have extracted from the available
11 technical information the noise levels currently
12 experienced by local communities and I have also
13 extracted the information related to the future
14 noise levels with and without the development,
15 which is the subject of this inquiry. I include
16 within this proof the information provided to
17 Mr Rhodes."

18 I just want to understand, we have had
19 Mr Rhodes and we have seen his evidence and have
20 asked him about it, what is it that that passage
21 refers to that you have extracted in a particular
22 form and handed to Mr Rhodes as well for his
23 comment?

24 A. It is basically my table 13 on page 36.

25 Q. I see. So it is the same as that one, so that

1 when you say, "the noise levels currently
2 experienced by local communities". That is why I
3 group them together. Your table 13, as you say,
4 is on page 36. We will have a look at that,
5 page 36. We have a subheading, have we not,
6 after paragraph 7.2.53, "Noise Levels at Cultural
7 and Leisure Locations" and you say in 5.2.54:

8 "In response to concerns raised over noise
9 levels at cultural and leisure locations, I
10 prepared table 13 to indicate the daytime 16-hour
11 Leq values in the wider area. As cultural
12 information is only available down to the
13 54 value, in many cases I have had to report less
14 than 54. The table has been provided to
15 Mr Rhodes, whose evidence addresses this matter."

16 Just a couple of points of clarification:
17 table 13 starts on page 36 and runs over through
18 most of page 37, and contains a list of
19 23 locations. As one can see, some are
20 relatively close to the airport: Hatfield Forest,
21 Great Hallingbury Church, Hallingbury Park. Then
22 on the next page, Stansted Hall Parkland,
23 Elsenham Park, Great Eastern Conservation Area,
24 Tilty, Broxted, Thaxted; further away then, the
25 Dedham Vale, Stour Valley at Alphamstone, Albury,

1 Snape, Sampford -- I think that should be
2 Canfield rather than Carnfield -- High Roding,
3 Stebbing, Gestingthorpe, Braughing and Chrishall.

4 How was that list of places in table 13 drawn
5 up, Mr Charles?

6 A. I drew it up based on the information I saw at
7 the time, which I think again was probably
8 assisted by Mr Harborough's officer's report,
9 where he listed different areas. And therefore I
10 tried to consider some of the areas that he had
11 listed, where he had received representations,
12 but it was a sort of draft list, and that is what
13 I produced.

14 Q. I see. Well, I just want to understand its
15 evolution. Then we get to paragraph 7.3, the
16 subparagraph there. That is a wholly new
17 subject, is it not, underneath the table, that we
18 are then on to the night-time noise.

19 A. Night-time, that is correct.

20 Q. So just help me, where do I find the impacts on
21 these areas assessed by reference either to the
22 predicted noise levels, or in some other way?
23 Where do I find that analysis? I have looked in
24 Mr Rhodes' proof of evidence and I struggled to
25 find it, I must say. Can you help me with that,

1 Mr Charles?

2 A. I am afraid I cannot help you any farther. I
3 produced the table, as I was asked to do, and
4 that was it. I believe Mr Rhodes has dealt with
5 the generality of the quality of life and the
6 other areas, but I am not -- I was not here for
7 the week when he gave evidence.

8 Q. No, but I am sure you have seen his proof of
9 evidence, which has been in the public domain for
10 a couple of months.

11 A. I have seen bits of it, yes.

12 Q. Well, I hope you have seen the bit that relates
13 to noise, Mr Charles, yes?

14 A. I have seen some of it, yes.

15 Q. Well, perhaps you would like to take it out. It
16 is one of the documents I put on my extra list,
17 BAA/1/a. It need not take us very long, because
18 his proof does not dwell on noise for any
19 excessive amount of time. It is section 9, and I
20 think there are nine pages, beginning at page 38.

21 A. I will have another copy.

22 Q. Sorry?

23 A. I have been provided with a new copy. I have
24 lost the last one.

25 Q. Well, if you want your copy that has all the

1 careful annotations in the margins, then I am
2 very happy for you to find it, so you do not have
3 to start from scratch.

4 A. No, this is the section that I --

5 Q. You have had this section?

6 A. -- have seen, yes.

7 Q. Yes. Well, just take a moment to flick through
8 it. We have planning policy, we have approach.
9 Then there are a number of subheadings Mr Rhodes
10 turns to at page 40: effects already taken
11 account; effective other restrictions; page 43,
12 population numbers, and then four scale of
13 effects. There is this little point about
14 Hatfield Forest that you will be familiar with at
15 the bottom of page 46. Then we wind up at
16 page 47.

17 There is nothing in here, is there, that takes
18 forward the exercise on cultural and leisure
19 locations that you start in your proof of
20 evidence, but then hand over to him to complete?

21 That is right, is it not, Mr Charles? There is
22 not any further reference to your table 13.

23 A. I do not see anything else in section 9, no.

24 Q. No. When you saw his proof of evidence, and you
25 have indicated you have seen it before, did you

1 raise this with him, as to what had happened to
2 the analysis that was promised by your proof?

3 A. No.

4 Q. Why was that?

5 A. I think Mr Rhodes and myself were completely
6 buried as to producing our own proofs.

7 Q. So it has fallen between two stools, has it?

8 A. To some extent, yes, but however, I mean, I have
9 provided the technical information in my proof
10 and I think the generality of the discussion
11 about these other areas was a matter which
12 Mr Rhodes was going to address.

13 Q. Well, that gets us so far, does it not,
14 Mr Charles? You set up a table with 23 locations
15 specifically identified under the heading of
16 "Cultural and Leisure Activities" having gone
17 through the process of seeing where concerns had
18 been raised, and that analysis has simply not
19 been completed, has it?

20 A. Well, the numerical values are there. The
21 discussion about what do they mean, as they are
22 all less than 54, I would have thought it would
23 probably be quite clear what it means.

24 Q. No, you have done your bit, but you have handed
25 it to Mr Rhodes to complete the exercise,

1 obviously looking at it in a broader sense. I
2 imagine that was what was intended, because he is
3 not a noise expert.

4 A. Yes.

5 Q. And investigating further as to conditions on the
6 ground and how significant these various points
7 were. That exercise has not been completed, has
8 it?

9 A. I cannot find it in section 9, no. (Pause)

10 Q. Now, I just want to see something more of the
11 context for these issues about impacts beyond the
12 study area and beyond the 57 Leq contour in
13 particular. You have no doubt heard much about
14 the oft-praised BAA report of consultation that
15 was published in April 2006 and is CD26 on my
16 list. Could you take that out? I think you can
17 put Mr Rhodes' brief of evidence to one side.

18 (Pause) Do you have that? Report of
19 consultation: this is BAA's own consultation, is
20 it not, with the community? You have seen this
21 document before, Mr Charles?

22 A. Yes, I have seen especially the air noise
23 section, which is -- is it table 20 on page 30?

24 Q. I am really interested in the document more
25 broadly than that, but this is BAA attempting to

1 identify what issues are regarded as important,
2 yes, by local stakeholders and others?

3 A. Yes. It is reporting on the consultation they --
4 the public consultation they took.

5 Q. Yes, but the point of that was to inform BAA as
6 to what was important and what needed to be
7 addressed, was it not?

8 A. I presume that was the reason of doing it, yes.

9 Q. And could you just turn with me to a couple of
10 references. This is a long document and it goes
11 on for 108 pages. I have no intention of
12 trawling through every reference, but look at
13 page 105, please, at the end, just under the
14 heading of "Noise Abatement Measures" or the
15 question raised about it. Do you have page 105?

16 A. I have it in front of me.

17 Q. We have just two references there, Much Hadham
18 Parish Council, start on the bottom of 104 and go
19 up to the top of 105, and we have there reference
20 to the 57 Leq noise contour. Much Hadham Parish
21 Council is saying they appreciate noise measure
22 levels used by the DFT should not be used for
23 estimating the community who will be adversely
24 affected by noise:

25 "This level represents an average taken over

1 16 hours, consequently it irons out peaks. The
2 level does not therefore record the frequency and
3 intensity of sound. As Mr Terry Morgan has
4 acknowledged at the meeting at Much Hadham, it is
5 the peaks which cause annoyance, and not an
6 average."

7 And then below that, National Trust:

8 "National Trust has limited expertise in noise
9 abatement. However, it cites across the country
10 aircraft noise is becoming a serious nuisance in
11 places valued for their tranquillity, for
12 example, the Dedham Vale. Such places require
13 better protection in the form of carefully
14 thought out flight paths and substantially higher
15 fines for those who go off route."

16 So this is two examples of noise issues,
17 issues of importance, raised by parties well
18 outside the study area, who are raising areas of
19 concern well outside the study area of the
20 environmental statement; Much Hadham and the
21 Dedham Vale being well outside the study area,
22 yes?

23 A. Yes. I mean, the National Trust, unfortunately,
24 the forest is in the contours.

25 Q. I understand that, but that point is about the

1 Dedham Vale, is it not?

2 A. It is definitely not Dedham Vale, no.

3 Q. No. But there is no response to this type of

4 issue and the impacts being reported in these

5 places in the environmental statement or in your

6 evidence, is there?

7 A. Not --

8 Q. There is nothing about Much Hadham or Dedham

9 Vale?

10 A. Not specifically addressed like that, no.

11 Q. No, no. Then perhaps it is helpful to touch

12 briefly on the scoping opinion, CD24. Sorry, I

13 am getting it the wrong way round. Most

14 cross-examiners mention the core document number

15 but then forget to tell anyone what it is, and I

16 have done it the other way round: CD24 it is, for

17 those who are following the core document

18 references. Do you have that, Mr Charles?

19 A. I have a 24 and a 24.1.

20 Q. 24 is what you want.

21 A. All right, thanks.

22 Q. Seeing what was being raised. You have seen this

23 one before?

24 A. I do not think I honestly have, no.

25 Q. Well, we will not dwell on it long. Air noise

1 comes up at the bottom of page 3 and goes over to
2 page 4, a variety of things to look at, the
3 principal case assumptions, a whole series of
4 inputs, matrices, sensitivity testing; top of
5 page 4. Then there is the reference to contours
6 and we go down to 50 and 54; 60 are now contours;
7 44 and 47, contours to indicate where air noise
8 would exceed ambient noise levels in rural or
9 tranquil areas around Stansted.

10 We have helicopter GA traffic, consideration
11 of effect on the public realm as well as homes,
12 schools and hospitals and one sees in the
13 right-hand column the impact on the public realm,
14 including:

15 "Local parks, markets, places of worship,
16 sports pitches, public green space, village halls
17 should be included in the EA. Monitoring should
18 be undertaken from a number of sites in and
19 around the Hatfield Forestry and other open space
20 in the surrounding area. Impact should be
21 understood as part of the QLA."

22 I do not need to ask you about that, and then
23 reporting formats in the columns below that. So
24 there is an indication, is there not, there of
25 the breadth of study that the local planning

1 authority were interested in, certainly not an
2 assessment confined to within the 54 contour,
3 yes?

4 A. Well, in the section to do with appropriate
5 metrics, it sort of indicates what technical
6 things should be included, does it not, and my
7 understanding is that is -- all that lot has been
8 included in the documents produced by BAA. This
9 is -- all that documentation is in CD5 ...

10 Q. So it is your understanding, is it, that
11 everything in that schedule has been included in
12 the environmental statement?

13 A. Under appropriate metric reporting formats.

14 Q. Yes. Well, obviously there are some harder and
15 softer issues here, are there not?

16 A. Well, on hard issues, if we are both using it in
17 the same way, those issues have all been reported
18 on, I believe. If you take the soft issues,
19 which is the narrative, then similarly, if that
20 is what you are saying, that some of the
21 narrative has not been completed.

22 Q. Well, perhaps you could help me. Where is the
23 monitoring undertaken at the sites in and around
24 Hatfield Forest and other open spaces in the
25 surrounding area?

1 A. Well, you mentioned some monitoring sites and I
2 do not know what agreement they came to on where
3 to monitor, because this is the UDC saying what
4 their scoping opinion is.

5 Q. It was their attempt --

6 A. So presumably, they have worked --

7 Q. -- to set that to assist with the scoping of the
8 environmental statement.

9 A. Logically, they would have worked with the BAA in
10 collecting the information they needed, and my
11 understanding when Mr Turner was giving his
12 evidence, he agreed that we had provided all the
13 information he needed. In fact, the one meeting
14 I had with him, one of the first items I had,
15 which I have because of other airport inquiries,
16 was to check that there was no missing hard or
17 technical information, and the answer was, "No,
18 there is not".

19 Q. You are telling me it is there. Now, I must have
20 missed it then, Mr Charles. Just to help me, if
21 it is there, then we can move on, and just help
22 me, for example, with that issue, the second of
23 the points under the consideration of the effect
24 on the public realm. This goes back to the point
25 that we were looking at a moment ago, the

1 inchoate exercise in your proof.

2 A. Well, my understanding is the only monitoring I
3 am aware of in Hatfield Forest is that done by
4 Mr Stigwood. I am not aware of any other.

5 Q. Right. What about in other open spaces in the
6 surrounding area? Is there anything you want to
7 draw my attention to there that I might have
8 missed?

9 A. Well, you mentioned the other survey in Much
10 Hadham and Sudbury, but I think they are earlier
11 than this, some of them, so what I suggest is I
12 can probably try to get over the lunchtime a list
13 of where monitoring has been undertaken and the
14 dates, to see how it relates to the point you are
15 asking, if that would help.

16 Q. Very well. Thank you very much. That is
17 helpful, thank you.

18 Now, can we then turn from pre-application to
19 post-application and an indication again from the
20 documentation in front of us of the scope of this
21 issue, the impact in noise terms upon the
22 communities who live and recreate in areas
23 affected by the airport.

24 All I want to do is just see, with you,
25 Mr Charles, how your material, both in the

1 environmental statement and in your proof,
2 engages with the concerns that are expressed by
3 other parties to the inquiry, even if they are
4 only parties in the sense of having made
5 representations that are before the inspectors.
6 I do not want to do this at great length, but I
7 do think it is important that we just touch on
8 some of the material that otherwise is going to
9 go, I suspect, unconsidered on the floor of the
10 inquiry.

11 For that purpose, can you take up the extracts
12 from CD166, which is in a formidable seven lever
13 arch files in its original form. Sir, I think we
14 will all be pleased that we have this extract
15 rather than the set of lever arch files.

16 MR BOYLAND: I think we will.

17 THE WITNESS: I only need the extract?

18 MR HILL: You only need the extract. Obviously, we
19 have just dipped our toe in a sea of
20 representations from a variety of parties.

21 MR BOYLAND: This is CD166.1?

22 MR HILL: 166.1, sir, yes.

23 And perhaps you could have Mr Mitchell's
24 useful map out so we again get a flavour for
25 this. Unfortunately, these have not been copied

1 in precisely the order in which I wanted to come
2 to them, because there are different files for
3 different purposes: there are statutory
4 consultees and then there are parish councillors
5 and then there are individuals who were not
6 consulted, but felt inclined to write in
7 nonetheless.

8 I just want to see what it is that has been
9 raised as a concern by some of the parties who
10 have taken the time and trouble to make
11 representations on this application. Can we turn
12 then, please, in the middle of this clip -- there
13 was not time for pagination -- to the Culm Stour
14 Countryside Association, a Mr Simon Ward, there
15 is a consultation response from Mr Ward, who is
16 chairman of that association, and it comes about
17 halfway, nine pages in. Do you have that,
18 Mr Charles?

19 A. I have the letter, yes.

20 MR BOYLAND: There is an email and then a copy.

21 MR HILL: That is so, sir. Yes, there is an email,
22 then there is a copy which goes with that. If
23 you look at Mr Mitchell's plan, so that one can
24 identify where the River Culm is, and that goes
25 essentially from Halstead down towards

1 Colchester. Then the Stour is more familiar
2 perhaps as the Essex Suffolk County boundary,
3 which runs clearly on the map from Sudbury --
4 although its source is higher than Sudbury --
5 down to the Stour Estuary at Manningtree,
6 Mistley. You pick up that sort of general swathe
7 of country, yes?

8 One notes that Mr Ward writes just south of
9 Sudbury. If we look at this document, the
10 association, we are told, has four primary
11 concerns. This is page 2 of the main text. The
12 first of those is aircraft noise and pollution.
13 Obviously, this has been written by a layman, but
14 a consultee on the application, and one sees
15 there reference to an anxiety about more planes,
16 more aircraft, more movement flying over this
17 area of, as he says, "mainly rural and beautiful
18 countryside". The inspectors will, I am sure,
19 become familiar with that area, if they are not
20 already:

21 "Already at certain times, there can be
22 continuous aircraft noise for more than an hour
23 or two, particularly in the area to the northeast
24 of the airport out towards Sudbury. They can be
25 heavily concentrated at times."

1 The second paragraph:

2 "Say a four mile circle around Sudbury, one
3 can see five or six aircraft flying through the
4 air at various heights; at times, up to
5 15 aircraft."

6 Down at the bottom of the page, getting the
7 main thrust:

8 "Anyone living in this area is very much aware
9 that the number of aircraft flying overhead has
10 increased considerably over recent years, leading
11 to an intrusive increase in aircraft noise and
12 pollution."

13 So plainly a concern arising from numbers of
14 aircraft over-flying that part of the country,
15 yes?

16 A. Yes.

17 Q. And that is an area that simply is not engaged
18 anywhere in the environmental statement
19 documentation, is it, in terms of the stretch of
20 the country that is being over-flown?

21 A. Not specifically addressed, no.

22 Q. No. Then if we turn, please, to the next
23 response, which is from Katherine Blake, project
24 manager for and behalf of the Dedham Vale AONB
25 and Stour Valley JAC. The area of outstanding

1 natural beauty has a joint advisory committee,
2 and this is immediately after --

3 MR BOYLAND: I am not sure if ours in the same order
4 as yours.

5 MR HILL: It should be immediately after the end of
6 the Culm Stour letter. It is just a one-page
7 document, sir. I hope they are the same order.

8 MR BOYLAND: Yes, I am sorry, I turned two pages over
9 at the same time.

10 MR HILL: It is just one page, and one sees that this
11 organisation comes under the umbrella of Suffolk
12 County Council. The address is care of Suffolk
13 Country Council and that is where the email comes
14 from. The project manager there is responding on
15 behalf of the Dedham Vale AONB and the Stour
16 Valley Joint Advisory Committee, and it has some
17 statutory remit. Then the second paragraph:

18 "Objecting to the proposed variation of
19 addition ATM1 in respect of air traffic
20 movements, Dedham Vale and Stour Valley have been
21 affected by aircraft noise associated with
22 inbound and outbound aircraft from Stansted.
23 There needs to be serious consideration given to
24 studying the impact of aircraft noise on
25 nationally designated areas and tranquil areas,

1 and consideration to mitigating the impacts
2 before a further raise in air traffic is
3 permitted."

4 Now, perhaps no surprise about that, and of
5 course, you in your list at table 13 had
6 identified the Dedham Vale as a location that was
7 worthy of further consideration and handed it
8 over, as it were, to Mr Rhodes, but there is no
9 further reference to these impacts anywhere in
10 the evidence that BAA have submitted. Is that
11 right?

12 A. I think on the noise matters, that is correct.

13 Q. Then lastly, for the statutory consultees, for
14 those with a statutory remit, English Heritage,
15 which is the next letter, I hope, in this clip.
16 I only need to go to a small passage in this. We
17 only need look at the noise section of the
18 response, section 6 at the foot of un-numbered
19 page 3:

20 "The most extensive effect on the historic
21 environment arises from the airport. Is that
22 caused by noise, generated by air traffic?"

23 And then the reference to BAA's contention
24 about the G1 development:

25 "The image is not consistent with the evidence

1 presented; a degree of ambiguity in respect of
2 the ES and where matters are presented in the ES;
3 57 contour increasing."

4 And we are going to come back to that in a
5 later passage of cross-examination. The last
6 paragraph:

7 "The assessment indicating that nowhere would
8 there be an increase of noise of more than 2 dB,
9 although this difference is below the threshold
10 taken in PPG24 as being generally acceptable, it
11 is difficult to reconcile this with the
12 experience of noise within this rural area. The
13 additional noise generated by the increased use
14 at Stansted will inevitably further degrade the
15 character of the area already within 57 Leq
16 contour."

17 So then a question mark being raised by
18 English Heritage about the extent to which the
19 environmental statement adequately captures what
20 is felt on the ground, yes? Is that a fair
21 summary of what is being said there, concerns
22 about the extent to which the environmental
23 statement adequately captures the effects as they
24 are felt on the ground, Mr Charles? Yes?
25 A. I would not find that from the text that you read

1 out in section 6.

2 Q. Oh well, very well.

3 A. In section 6, they appear to be considering the
4 Leq contours and talking about the number of
5 people within them and then they mention that the
6 increase would not be more than 2 dB.

7 Q. Yes. As I said, we will come back to that.

8 A. And then they come back to the point, as you say:

9 "It is difficult to reconcile this with the
10 experience of noise within this rural area."

11 And that is in the same sentence as the 2 dB,
12 which is a change between -- was believed to be
13 the change between 1 and -- sorry, 25 and
14 35 million, exactly about 1 dB in reality, but I
15 do not -- therefore, the words you used, I do not
16 find from that section.

17 Q. Very well.

18 A. But as everybody has the section I am sure they
19 can read it themselves.

20 Q. They can read it, yes. Let us move on. Let us
21 move on to the parish councils, and again, I do
22 not want to go through all these. There are
23 many, many, many parish councils who have
24 responded to consultation on this application,
25 and the inspector has those in their entirety.

1 It would have been unnecessary to have reproduced
2 them all here. There is a whole lever arch file
3 of them.

4 This is a flavour, no more: Farnham Parish
5 Council I hope you have as the next page in the
6 clip. Farnham we might just pick up, if you look
7 at the contour on Mr Mitchell's map -- just
8 checking to see whether it is easier, given the
9 number of blobs, to look at this on the map in
10 the environmental statement. It is easier, and I
11 will direct you there. Yes, perhaps it is
12 easier.

13 If you have figure 16, which is the study area
14 plan, there are two new blobs to pick up Farnham,
15 I think. If you look at the A120 northern bypass
16 at Bishops Stortford; do you have that? It loops
17 round to the north of Bishops Stortford. Farnham
18 is just about a mile or so to the north,
19 northwest of the central part of that A120
20 bypass. Do you have that?

21 A. Yes, I have it, yes.

22 Q. And broadly west of Stansted, Mountfitchet. Is
23 that clear on your map, sir?

24 MR BOYLAND: Yes, we have it, thank you.

25 MR HILL: So well outside the study area and a fairly

1 detailed response, but at the bottom of page 1 of
2 2, one reads:

3 "The parish of Farnham, even with current
4 aircraft movements, is now experiencing a degree
5 of disturbance and annoyance, becoming more
6 evident in the Farnham Green area, with aircraft
7 taking off in a southwesterly direction and
8 flying westwards. This area also experiences
9 significant annoyance from aircraft when they are
10 following the landing route and traversing
11 Farnham Parish from the southwesterly direction
12 in order to land at the southwesterly end of the
13 runway. The noise from both these flight paths
14 has become increasingly annoying and noticeable
15 in the last two years. Any further increase in
16 ATMs will obviously exacerbate the situation."

17 So concern there again expressly registered
18 about increased ATMs, but an area which is not
19 addressed in any part of the statement, so far as
20 I can find. Is that right?

21 A. That is correct, yes. I think so. Can I just
22 check my table 13? No, I did not pick up
23 Farnham.

24 Q. And then two more parish examples only: Hatfield
25 Heath Parish Council, Hatfield Heath, a location

1 that some of us may be familiar with, lying just
2 outside the study area. It is just beyond and to
3 the southeast of the bulge in the 54 dB Leq
4 16-hour contour on figure 16, so just outside.
5 Hatfield Heath was one of the areas identified in
6 your table for further consideration.

7 Looking at the consultation response from the
8 parish council -- I assume from the clerk -- the
9 main block of text in the middle of the first
10 page, you see a sentence beginning:

11 "School lessons, recreational meetings,
12 religious services, domestic tranquillity
13 frequently interrupted due to this noise,
14 particularly in the summer months. We are
15 reconciled to the currently approved increase to
16 25 PPA, which in itself is around a 20 per cent
17 over today's traffic. To go beyond that will
18 impose a dramatic reduction in the quality of
19 life for residents of Hatfield Heath and
20 surrounding communities."

21 So a very clear, clearly expressed concern --
22 and they go on, of course -- by Hatfield Heath
23 Parish Council, not addressed or indeed engaged
24 with by your evidence or in the environmental
25 statement, yes? That is right, is it not,

1 Mr Charles?

2 A. Yes, these people are -- the letters you have
3 been referring to for the last 20 minutes are
4 people opposing the application, right --

5 Q. Yes, yes.

6 A. -- and they are raising matters of noise and
7 other matters in support of their objection.

8 Q. Yes, but they -- yes.

9 A. This is not totally unsurprising.

10 Q. Yes, but they are not oddball individuals. They
11 are --

12 A. No, I am not suggesting in any way they are
13 oddball individuals, but clearly one would have
14 expected them to have raised noise.

15 Q. Yes, and that is part of the context, is it not,
16 for the inspectors' consideration of this
17 application?

18 A. Indeed it is.

19 Q. And then the last parish council, this is one
20 that is captured by the contour, that is Little
21 Hallingbury. One knows the location of Little
22 Hallingbury, which is, I suppose, broadly
23 speaking, on the centreline of the runway, or
24 just off it to the southeast, aircraft noise
25 there raised by the clerk. As the first item of

1 concern:

2 "Any further increase in numbers of aircraft
3 would almost certainly prolong the peak periods
4 both morning and evening. Little Hallingbury is
5 under the flight path of three outward and one
6 inward route [reference to the village school]
7 clearly, an increase in the number of flights
8 would result in more frequent interruptions to
9 all those under the flight paths, which would be
10 intolerable."

11 So again, a very clear indication of what is
12 grating Little Hallingbury: the number of
13 flights, yes?

14 A. I think if they were quiet, they probably would
15 not have raised it. I presume it is noise and
16 number of movements.

17 Q. Very well. Can we move on then, please, from the
18 parish council to the last little clip of this
19 tiny subsection of CD1 and 66, and that is just a
20 number of individual representations. I do not
21 think these people are consulted as such, they
22 are way beyond any neighbour consultation, but
23 they felt it appropriate to write in, and it is
24 helpful just to get a flavour for the matters
25 that are of concern more broadly.

1 Can we start then, please. I will just take
2 them in the order in which they come. There is a
3 letter from someone living in Bures; Patton Hall,
4 Bures. Perhaps we can find Bures on the map.
5 That is, I think, almost completely obscured by a
6 green blob, but if one follows the River Stour up
7 along Suffolk Essex County boundary, beyond
8 Little Hawkesley -- I do not know whether you can
9 spot that on your Mr Mitchell plan -- one has the
10 ES emerging from the right-hand side of a green
11 blob. Do you have that? South of Lamarsh?
12 A. Just to the north of Mount Bures, is it?
13 Q. Just to the northeast of Mount Bures, yes. That
14 is Bures. So, we are, as the writer tells us:
15 "20 miles away from the end of the runway,
16 suffer quite unacceptable degree of noise
17 pollution."
18 Writes Mr Hill, no relation I should say.
19 "BAA have made no attempt to measure the sound
20 pollution caused by planes coming into Stansted
21 other than the immediate environment of the
22 airport. My house is situated between Stansted
23 and the Devon Vale where aircraft noise has been
24 the subject of publicity and any further increase
25 in noise will be quite intolerable. Noise is

1 having a seriously deleterious impact on our
2 quality of life, a fact of which BAA are more
3 than aware of the representations that I and
4 others have made to them."

5 So very strongly held concerns at that
6 location, Bures, some 20 miles away on the
7 western fringe of the Devon Vale.

8 Next is written from Shudy Camps, which again
9 takes us to a northerly point of the compass.
10 That does appear, from Mr Mitchell's plan, quite
11 clearly northeast of Saffron Walden. I hope you
12 can pick that up. It is actually in South
13 Cambridgeshire, just to the east of Bartlow. Do
14 you have that, Mr Charles?

15 A. Yes. Is that the one without a blob?

16 Q. It is. It is without a blob. It just indicates
17 that Mr Mitchell's exercise is intended to give a
18 flavour and to focus on clusters and not record
19 every single --

20 A. Not individuals, no.

21 Q. No. But there one sees the nature again of the
22 concern:

23 "We now take it for granted [see the sideline
24 passage] that a country walk or outside event is
25 accompanied by the almost constant sound of air

1 traffic."

2 Turning on to the next page, we are in Harlow,
3 so that is one that is particularly easy to find.
4 Again, no blob there, but we have a lady writing
5 from Harlow who regards the noise from aircraft
6 landing at Stansted, particularly at night, as
7 blighting her life. She says, two-thirds of the
8 way down the main page, "Unthinkable to allow
9 more flights", so it is concern about more
10 flights into Stansted due to the noise pollution
11 over Harlow. She says she has had to:

12 "Install double-glazing, which improves the
13 situation slightly. The noise can still be heard
14 through the roof and in the summertime one needs
15 to open the windows. Looking to the council to
16 turn down this application for the sake of people
17 in the local area. Quality of life, nothing
18 could be more important than health and quality
19 of life."

20 So, again, that is an area well beyond the
21 study area of the Environmental Statement, is it
22 not, Harlow? Yes. To Sawbridgeworth; at
23 Sawbridgeworth it stops, I think, does it not?
24 Yes?
25 A. Yes.

1 Q. Nearly there. Farington Street, Stoke by
2 Nayland, let us just pick that up. That is
3 actually within the Devon Vale and I think one
4 can, again, there is a red blob almost central to
5 the Devon Vale and one can just see, peeking out
6 from the bottom right hand edge of the red blob,
7 "Rington Street".

8 A. That is correct.

9 Q. Above the red blob one can see "toke", which I
10 think is the remnant of "Stoke by Nayland".

11 So, again, many miles away, tens of miles away
12 from the airport, but one sees, and this person
13 could not possibly have been consulted on this
14 application, writing in, referring to impacts on
15 that are, the Constable references, Devon Vale
16 being the smallest (inaudible) in the country,
17 but:

18 "Writing to ask you to refuse permission for
19 any expansion of flights and numbers of flights.
20 Moved there because of the tranquillity."

21 Half way down the main block of text:

22 "It is extraordinary I am having to write this
23 letter at all, since we live approximately
24 40 miles from Stansted and in another County.
25 However, the persistent noise from these

1 aircraft, many of which fly directly over this
2 cottage, is like having tinnitus. As one
3 aircraft dies away, another begins. The noise is
4 already at an unacceptable level and some days
5 appears incessant."

6 So, again, although you raise the Devon Vale
7 and we have seen the Devon Vale projects
8 anxieties, this is a local person writing in.
9 There is nowhere for this person to look at the
10 Environmental Statement, or indeed your material,
11 to see how their concerns are being grappled
12 with, is there, Mr Charles? (Pause) Is that
13 right, Mr Charles?

14 A. Devon Vale was one of the areas that I did try to
15 provide some noise information for.

16 Q. You picked it out as an area that was important
17 in terms of your cultural and you were quite
18 right to do that. But it has not gone anywhere;
19 that exercise has not gone anywhere, we have seen
20 that. My point, as I put to you, was that
21 someone with these concerns will find nowhere in
22 the Environmental Statement or your evidence
23 where they are actually grappled with in any
24 meaningful way. That is right, is it not? You
25 set up the exercise, but it just did not get

1 completed. That is right, is it not, Mr Charles?

2 A. Well, I produced the information concerned with
3 the area of Devon Vale. It will be for my
4 betters to decide what they do with it, to
5 obviously assist the Inspector by providing him
6 technical information.

7 Q. That moment is past now, we are at the stage of
8 your evidence, and let us move on, three more
9 quick references.

10 We have one at Great Cornard near Sudbury, and
11 that is, I think, just visible, due-east of
12 Sudbury, one gets the "Gr" and the "Cornar",
13 without the "d", just to the east of Sudbury.

14 One. again, sees the concern about the increase
15 in flights.

16 MR BOYLAND: I think you have made the point, Mr Hill.

17 MR HILL: I think I have, sir, as well.

18 A. Just while on that location that is very close to
19 where the Sudbury monitor was put, is it not? It
20 was actually put at Great Cornard.

21 Q. I would need to check that. I do not have the
22 report, Mr Charles. That is the one you are
23 going to helpfully provide for me.

24 You make a reference to the sort of PR blurb
25 that went out called "Plane Talk", but the actual

1 report, the technical information, I do not think
2 is in the public domain.

3 A. Well, it is definitely in the Noise and Traffic
4 supplementary papers.

5 Q. That is fine, and you have kindly said you would
6 provide it to us, so I am happy to come back to
7 that if we need to.

8 A. But they carried out a survey at Great Cornard.

9 Q. So, we have, just turning on the last two
10 references, we have another one at Sudbury, we
11 will not read that, and then we have one from
12 Waltham Abbey, which is further on from Epping
13 Upland, we talked about having a station there
14 where the green blob occurs on Mr Mitchell's map.

15 So, if one were to look at that as a sample,
16 and it is no more than a sample of concerns,
17 there are wide swathes of country around the
18 study area, which have generated very acute
19 concerns reported in documentation, people who
20 have taken the trouble to write, that are
21 entirely unconsidered by BAA evidence, as it
22 presently stands. Correct?

23 A. Yes. A lot of people have written in, as
24 Mr Mitchell's map shows.

25 Q. Thank you. I want to touch very briefly - and

1 put that clip away - on Harlow, and Harlow North
2 in particular, as that receives some specific
3 mention in the context of Stansted in CD/76. I
4 think I put it on my list, which is the Secretary
5 of State's Proposed Changes on the RSS.

6 A. Can I put Mr Mitchell's map away?

7 Q. I think Mr Mitchell's maps is one of those maps
8 that it is helpful to have somewhere close by,
9 just as a means of establishing points of
10 interest. Do you have CD/76, Mr Charles?

11 A. Yes, sir.

12 Q. Now, we have seen this before, but I do not think
13 we have looked at it in a noise context. I
14 wonder if you could turn first to page 228, which
15 is part of the section that deals with Harlow.
16 Harlow is a key centre for development and change
17 under policy HA1. On page 228, paragraph 13.70,
18 we have:

19 "Key issues for joint or coordinated LDDs
20 include: [and the second of the bullet points
21 there is] ensuring that the development strategy,
22 particularly for the area north of Harlow,
23 minimises the impact of noise from aircraft
24 landing at Stansted Airport."

25 If one looks back in this document to page 30,

1 to the Reasons section, I do not think we have
2 looked at before, the second of the paragraphs,
3 it is simply providing the reason to support the
4 reference at paragraph 13.70:

5 "The reference to minimising the impact of
6 noise from aircraft landing at Stansted Airport
7 is because part of the area north of Harlow is
8 directly under the incoming flight path to the
9 airport during easterly operations. Recent
10 studies have raised a number of noise issues, the
11 impact of which will depend on how the area north
12 of Harlow is developed as well as on decisions on
13 how the airport is developed and operated."

14 So the Secretary of State is concerned about
15 noise issues in this area north of Harlow and
16 outside the 57 contour, yes?

17 A. That is correct.

18 Q. Do you understand why he should be concerned
19 about this area beyond the 57 contour?

20 A. He has been under considerable pressure from
21 certain Authorities to reach that view.

22 Q. And he has reached it.

23 A. And he did reach that view. North Harlow is a
24 major development, i.e. you were talking of
25 11,000 homes and schools and possibly a

1 university, so it is a major development.

2 Q. But there is either a noise problem or there is
3 not a noise problem, is that not right,
4 Mr Charles? It would appear --

5 A. If life would be so easy, yes.

6 Q. In terms of an area that is sensitive to noise
7 impacts, that area is either sensitive to noise
8 impacts or not, and he is saying, "This area is
9 sensitive to noise impacts", is he not?

10 A. Well, housing is always sensitive to noise
11 impacts, and that is why we have the guidance in
12 Planning Policy Guidance PPG24.

13 Q. Indeed.

14 A. To tell us whether the site is suitable or not.

15 Q. In applying it, you would say it was suitable?

16 A. It is definitely suitable, yes?

17 Q. Are you acting on that case, Mr Charles?

18 A. There is no case, but I have been involved in the
19 project for a decade.

20 Q. Who have you been advising?

21 A. The applicant.

22 Q. The applicant for the development?

23 A. Yes.

24 Q. You have been advising him that there is not a
25 noise problem?

1 A. I have been advising him what the facts are in
2 terms of PPG guidance and -- actually, that is
3 what I have done. In the reports that you have
4 just referred to in the East of England Plan,
5 there were two reports, one I produced and one
6 Mr Turner produced for Hertfordshire County
7 Council, which the officer refers to.

8 Q. Yes, and the Secretary of State has concluded --

9 A. He lives in Weir.

10 Q. The Secretary of State does?

11 A. No, the officer who raised the matter lives in
12 Weir. He may be appearing here at the Inquiry.

13 Q. Let us bypass where the officer lives and think
14 about what the Secretary of State said. The
15 Secretary of State has a concern about this
16 issue, notwithstanding that it is well beyond the
17 57 contour.

18 A. That is correct.

19 Q. I just want to look very briefly at the last
20 aspect of this picture, at or beyond the
21 57 contour. Thaxted, at the present time, is at
22 the very margin of the 57 contour, is it not,
23 Mr Charles? At the present time.

24 A. I believe so, let me just check. Figure 2
25 suggests that parts of it are within the 57.

1 Q. Yes, I think I would agree.

2 A. But I think the contours have become slightly
3 less, so it is as you say.

4 Q. Yes, I hoped I had put it fairly. You have, in
5 Mr Turner's UDC/3/e, the set of data that was
6 reported in his proof at page 37, it is probably
7 worthwhile just checking. So UDC/3 was the
8 single page. The actual data, the information,
9 is reported in the proof at table 17, page 37.
10 Do you have that, Mr Charles?

11 A. Yes, I have both.

12 Q. Just helpful to understand how the impacts of
13 arriving aircraft in this case manifest
14 themselves at a location such as Thaxted, at the
15 very margins of the contour. What one sees, from
16 various readings and from the data before us, is
17 arriving aircraft passing over the monitor and
18 generating peaks in the 69/70/71 LA Max range,
19 and causing an exceedance over the background of
20 some 20-plus dB.

21 A. Yes, at least 20, I would have thought, from the
22 look of the trace.

23 Q. Indeed so. Is that pretty much what you would
24 expect?

25 A. Yes.

1 Q. It is plain, is it not, looking at a depiction
2 such as that, a trace such as that, that for the
3 person on the ground, the aviation activity above
4 them is going to be detected in terms of those
5 individual peaks impinging on the otherwise
6 relatively low noise that has been recorded from
7 other environmental sources?

8 A. This is a typical trace of transportation noise.
9 You could get similar traces near railways, near
10 roads, near other parts of the airports. This is
11 typically what transportation noise means, which
12 is peaks of noise, which are well clear of the
13 background noise. That is what transportation
14 noise is all about.

15 Q. Well clear of the background, as we have seen,
16 and it is the peaks that impinge upon the person
17 who is experiencing those noise levels, is it
18 not? It is the peaks that are noticed if one is
19 standing there?

20 A. Well, yes, they will notice the peak. They will
21 notice the -- a rise, you can see it with the
22 arrival -- as the arrival comes close there is a
23 steep rise in the noise.

24 Q. Yes, it is very steep.

25 A. Then the peak and then the diminishing sound as

1 it goes away. My understanding is they will take
2 into account not only the peak noise levels, i.e.
3 the LA Max - I do not want to get too technical -
4 but they will take in what is called the SEL, the
5 energy level in that trace, and that is of course
6 how we work out what the Leq is, we take into
7 account the whole of it, not just the peaks.

8 Q. Indeed. We take into account the whole event and
9 smooth it out over a 16-hour period, all the
10 events that take place.

11 A. That is right.

12 Q. Which is why, for example, at Thaxted we have an
13 Leq of 57 for 16 hours and peaks touching 70/71.

14 A. Yes, about 71.

15 Q. Thank you. One other example, in CD/171; that is
16 the Much Hadham report. We know where Much
17 Hadham is, we have looked at that before, well
18 outside the contour and indeed study area for the
19 Environmental Statement, yes?

20 A. That is correct.

21 Q. This is one of the BAA responsive reports, as I
22 understand it. If we look at page 5 of 15, we
23 can see there, LA Max in table 1 being reported.
24 The point is that the writer of this report is
25 Applied Acoustic Design; they are undertaking the

1 work on behalf of BAA, are they?

2 A. Yes. Basically, what was explained to me was BAA
3 used to do the -- let us go slowly. They provide
4 the equipment, which is linked to their
5 complicated computer system, so that it can
6 identify the actual aircraft movements. So they
7 deploy it where local communities say to deploy
8 it. So the site location is settled by local
9 people. Originally, they used to -- BAA used to
10 provide a summary of the results and they found
11 that people said, "Well, that is not good enough,
12 we want someone independent to do it", and they
13 retained this firm, Applied Acoustic Design, who
14 then receive all the results from BAA and produce
15 their own report on it. This is then given to
16 the people who have asked for the survey.

17 Q. Thank you. Just looking at what we have here, we
18 have two three-monthly period. Unfortunately, as
19 one sees, they are not the same three-monthly
20 period, are they? We have 2000 figures, which
21 are June, July, August, and then the 2004 we have
22 September, October, November.

23 A. Yes, I do not think it would make too much
24 difference.

25 Q. Not on the LA Max point, I am sure, but if one

1 were to seek to draw any other conclusions from
2 it, then plainly it might. For example, the
3 number of movements, one would expect to see a
4 higher number of movements in the June, July,
5 August period than the September, October,
6 November period, would one not?

7 A. Yes, especially the November period.

8 Q. Yes. One notes that, as between the two, one has
9 just over 4,000 in the 2000 three-month period
10 and just under 3,800 in the 2004 period. These
11 are events, LA Max events, and we have an average
12 provided. So still 69.3, not that far off the
13 Thaxted-type range, yes?

14 A. Around 70 dBA, yes.

15 MR BOYLAND: Just while we are on this one, something
16 I was going to ask later, which is could you just
17 tell me what LAS Max is?

18 A. When you are determining the maximum noise level
19 the meter records, you have a choice of what is
20 called "S", which is "slow time weighted", and
21 "F", which is "fast time weighted". That is what
22 they are for.

23 MR BOYLAND: I am with you now, thank you.

24 MR HILL: Mr Charles, just looking to the next page of
25 the exercise, table 2 has a little bit more break

1 down there, as between the maximum levels. The
2 first table was deriving an average. One sees
3 there the spread, going up.

4 A. That is correct.

5 Q. For example, there are over 1,000 events in the
6 70 to 75 and then something under 200 in the
7 75 to 80, we are getting now very, very loud
8 indeed, are we not, 75 to 80 for instance?

9 A. We are starting to get up to the level that a bus
10 would make, yes.

11 Q. We all know that one needs to treat that sort of
12 comparison very carefully, Mr Charles, do we not?

13 A. Just to give you some indication of what an
14 LA Max would mean.

15 Q. Then a few in the 80 to 85.

16 A. That is correct.

17 Q. This if course is at a location, which simply
18 does not feature in any of the material that one
19 finds in the Environmental Statement. It is not
20 referred to in your evidence, I think, other than
21 in the list of locations.

22 A. I do not think it was, no.

23 Q. Last point before lunch. Can I just ask you what
24 visits you have made -- personal visits you have
25 made on the ground, as it were, to consider the

1 impacts on the communities beyond the 57 contour?

2 A. Basically, I have been to locations, in a way,
3 within what I think you would call in the study
4 area. So I was concerned about the areas where
5 the noise is really high, Broxted and Tilekiln
6 Green, and I have been to Thaxted as well. I
7 have been to Hallingbury, High Wych,
8 Sawbridgeworth. I mean, because of other
9 commissions in this area, I have been in this
10 area quite a lot over the years. I was in fact
11 retained at once by the two Hallingbury villages
12 to decide which was the best departure route. I
13 was obviously on a loser there because whichever
14 I suggested I would clearly be wrong.

15 Q. But as you have just told me, you have
16 concentrated on, or you have been to areas within
17 the study area, areas where I think you have said
18 the noise is really high?

19 A. Yes. I have tended to be generally in that area,
20 yes. I have not gone to Sudbury.

21 MR. HILL: No, thank you for that. Sir, that probably
22 is a convenient moment, if it is convenient to
23 you, it does conclude that section of the
24 cross-examination.

25 MR BOYLAND: Indeed it is. Thank you. We will

1 adjourn now until 2.00 pm.

2 (1.02 pm)

3 (The short adjournment)

4 (2.03 pm)

5 MR BOYLAND: The inquiry is resumed. We have just
6 been handed copies of the DTLR news release,
7 Ainsworth Unveils New Study Into Aircraft Noise,
8 which has been numbered CD/397; two documents,
9 which I believe have been put in by BAA, do they
10 have numbers?

11 MR HUMPHRIES: BAA, sir, they do not have numbers,
12 because literally they came off the printer
13 moments before I was able to hand them to you.
14 The first one is another AAD report and it is the
15 one that Mr Hill asked for in relation to
16 Sudbury, so we just produced it as quickly as we
17 can. The second one, again, I do not think was
18 asked for in terms, but was referenced to where
19 BAA had done its monitoring and, again, someone
20 has very speedily produced a schedule showing the
21 mobile noise monitoring locations. So they will
22 need numbers.

23 MR BOYLAND: Yes. I do not know offhand where we are
24 with BAA numbers.

25 MR HUMPHRIES: Sir, I think they can be BAA numbers or

1 they can be CD numbers. Frankly, it does not
2 matter as long as they have a number.

3 MR BOYLAND: They might as well be CD numbers;
4 everything else seems to be. Well, until we are
5 told otherwise, if we give the AAD report the
6 number 398 and the schedule 399.

7 MR HUMPHRIES: Thank you, sir.

8 MR BOYLAND: Mr Hill?

9 MR HILL: Thank you very much indeed, sir.

10 Mr Charles, you have seen the Sudbury report
11 before, I suspect, 398?

12 A. Yes.

13 Q. Can you just help me with where the duration of
14 aircraft noise events is dealt with?

15 A. On paragraph 310 on page 8 talks about the
16 duration of aircraft and community noise levels.

17 Q. That is extremely kind, thank you very much. I
18 will have a look at that and if there is anything
19 that arises on that we will come back to you in
20 due course. Thank you for providing that
21 promptly.

22 We considered, before the luncheon
23 adjournment, impacts at a wide variety of
24 locations beyond the area studied by BAA in its
25 Environmental Statement and indeed by you in your

1 proof. What I want to do is just examine now
2 BAA's answer, as it were, to all the concerns
3 that have been raised, and the way in which it
4 does seek to address the noise impacts in its
5 evidence.

6 Can we just look at your proof, page 29 first
7 of all, to pick up what is, so far as I can see,
8 the key expression of response from BAA insofar
9 as the noise impacts are concerned. Page 29 and
10 it is paragraph 7.2.23 where you refer to your
11 figures 5 and 6 and note that they:

12 "Illustrate the very small difference in
13 contour area with 264,000 as opposed to 202,000
14 movements."

15 There is the comparison, the one we were
16 talking about earlier, right at the outset. You
17 say:

18 "The difference is within the range 1-2dB (or
19 less), an amount which should not be considered
20 material. As mentioned earlier 3 dB is often
21 taken as the minimum perceptible under normal
22 conditions."

23 So that paragraph is really at the heart of
24 your case, is it not?

25 A. Well, it is one of the methods we have used to

1 assess the noise impact, yes.

2 Q. It is the principal approach, is it not? The
3 principal approach running throughout this proof
4 and the Environmental Statement volume 2.

5 A. I think also there is a question of the
6 population within the contour areas and the
7 degree to which that is less than was forecast.
8 So it is the contour area as well as the change;
9 those are the two main things. How many people
10 are affected and what degree of change do they
11 receive.

12 Q. That is a fair qualification. That is, as I say,
13 an approach that runs through not only your
14 proof, but the Environmental Statement. We do
15 not need to look at all the references in the
16 Environmental Statement. If you have volume 2 to
17 hand we can just see a comparable illustration of
18 this point in volume 2, CD/5, page 26,
19 paragraph 10.4.2, this is a paragraph we have
20 looked at before, and it starts by referring to
21 the change in ATMs, as between in this paragraph,
22 35 MPPA case in 2004. But if one takes that and
23 puts it to one side, the point, as it develops:
24 "If the fleet mix were to remain the same as
25 in summer 2004, the increase in movements alone

1 would increase average LAeq levels by 1.6 dB."

2 Then, if one looks at the actual data it is
3 about 1.0 dB, and the point being made there is
4 that is not significant.

5 So that is the type of approach that BAA
6 followed in the original ES and has now followed
7 in the proof, and you say, in your evidence,
8 Mr Charles, that this approach is backed up by
9 available guidance and by precedent at other
10 inquiries?

11 A. That is correct.

12 Q. Just before we look at that in a little more
13 detail, the figures on movement change, doing the
14 correct comparison from your proof, can I just
15 make sure I picked those up correctly? Page 11
16 for table 2. In order to do, or to undertake the
17 comparison for the primary assessment, we are
18 looking at the second row and the last row of
19 figures on that column, the 25 MPPA 2014 and the
20 35 MPPA 2014.

21 A. That is correct.

22 Q. If we focus on the daytime first, I just want to
23 make sure I am not putting any inaccurate figures
24 to you, we are looking at an increase in ATMs
25 during the daytime period of about 29 per cent,

1 so I am just under 30 per cent. Does that sound
2 about right?

3 A. Yes.

4 Q. Then for the evening period, and that is the 1900
5 to 2300 hours, is that right?

6 A. No, that is 1800 -- well, yes, in local time.

7 Q. Yes. It is a four-hour period, is it not?

8 A. Yes.

9 Q. 1900 to 2300 hours, that is during those evening
10 hours, an increase of 34 per cent?

11 A. That is correct.

12 Q. Then just to complete the picture, for nighttime
13 that is much lower at about 16 per cent?

14 A. That is correct.

15 Q. So far as the evening period is concerned, 1900
16 to 2300, I presume you would agree that the
17 evening is a sensitive time of day, people often
18 at home in the evening and during the summer
19 months they like to be outside with the doors
20 open and windows open in the house? We are
21 concerned about the summer months here, that is
22 what the title of table 2 is. It is a sensitive
23 time, is it not?

24 A. Yes. I would say that daytime is sensitive as
25 well.

1 Q. I agree with you.

2 A. Basically, the studies that have tried to
3 delineate whether evening is more sensitive than
4 daytime have failed to find an affect.

5 Q. So, both sensitive?

6 A. Yes, more sensitive. I mean it is a general
7 parlance that people say it has more effect, but
8 when they try to find it and prove it, they could
9 not find it.

10 Q. No. As a matter of commonsense, on summer
11 evenings people do get home and want to sit in
12 the garden perhaps, enjoy whatever opportunities
13 they have to relax during the day, and those
14 evening hours during the summer months, it is an
15 obvious thing to do, is it not, or to want to do?

16 A. One would hope so, yes.

17 Q. As we have seen, that is the period in which the
18 greatest increase is observed.

19 A. That is correct.

20 Q. Perhaps I should say, "Predicted".

21 A. Yes, it is a forecast after all.

22 Q. The exercise that is undertaken in the
23 Environmental Statement and taken forward in your
24 proof revolves around the LAeq,T index, does it
25 not?

1 A. That is correct.

2 Q. In particular, a comparison between the 57 dBA
3 Leq contours.

4 A. That is one of the things that were looked at,
5 yes.

6 Q. Touching for a brief moment on PPG24, it is the
7 only document in the PPG series, which is
8 supposed to be focused on planning and noise, but
9 it is right, is it not, it does not contain any
10 comprehensive discussion of the impacts of
11 aircraft noise and how to treat them; it is all
12 dealt with extremely briefly and one has to infer
13 certain things from it? That is fair, is it not,
14 Mr Charles?

15 A. Well, I think at last we do not agree. If we go
16 to annex 3 of PPG24, it claims to give detailed
17 guidance on the assessment of noise from
18 different sources and it has a specific section
19 on noise from aircraft, in particularly dealing
20 with major aerodromes, which I presume, although
21 this would normally be called an airport, I
22 presume this is what they meant by major
23 aerodromes. Therefore, there is quite clear
24 advice given there on how you should assess
25 noise.

1 Q. Which paragraphs did you want to direct me to
2 particularly at annex 3?

3 A. Well, in particular, if we go to paragraph 6, it
4 talks about the use of NNI and then Leq contours.

5 Q. Yes. It does. Paragraph 6; is there any other
6 paragraph you want to draw to my attention? This
7 is particularly discursive on the issue of how to
8 assess the impacts of aircraft noise.

9 A. No, I think this is the one. This is nice and
10 simple and clear and even I can understand it,
11 which tells us what to do.

12 Q. Paragraph 6 of annex 3, PPG24.

13 A. This is a major aerodrome, it tells us what the
14 index is, tells us the time period we are to work
15 it out over. That seems to be very nice and
16 clear to me. I can work with that.

17 Q. That is it, is it not, Mr Charles? There is not
18 really any other discussion that takes the
19 learning further forward or analyses it in a
20 broader way, the principles that apply?

21 A. No, my understanding, this is supposed to be
22 planning policy guidance and for someone like
23 myself, what I need is clear, straightforward
24 guidance, and then I can work with it, and this
25 provides it. Which it is not a research paper

1 discussing the assessment of aircraft noise, a
2 subject on which I am sure experts will be
3 working for years and years. I think you have
4 already mentioned this study that is going to
5 come out fairly soon. But this is the guidance
6 that I tried to work within.

7 Q. We have seen where it has led you, Mr Charles,
8 and where it has led BAA in their Environmental
9 Statement. I am going to come to that now, and I
10 just want to look with you at the 57 Leq contour
11 approach and first of all its limitations. I
12 presume that you would agree that it has
13 limitations?

14 A. I think we all have limitations.

15 Q. I am not asking about all of us, I am asking
16 about the 57 Leq contour comparison approach for
17 assessing the impacts of increased aircraft
18 noise.

19 A. As far as the matter in front of this inquiry,
20 which is, as far as I understand, is some
21 application to expand the use of this major
22 aerodrome, and my understanding is we have clear
23 guidance here as to what we should use and it is
24 perfectly adequate to answer the questions as to
25 whether or not this is suitable or not. So I

1 think it is perfectly adequate in that sense.

2 Q. I am afraid that will not do, Mr Charles. Are
3 you saying you need to go no further -- no
4 further than paragraph 6 of annex 3 of PPG24?

5 A. With regard to decision-making, that is as far as
6 you need to go.

7 Q. Do you acknowledge any limitations in the use of
8 the LAeq,T index?

9 A. As far as using it as a planning tool to make
10 planning decisions about major aerodromes, no.

11 If you are saying, "Are there limitations in the
12 use of Leq in general environmental assessment?"

13 Yes, there inherently will be, because as a
14 general tool --

15 Q. No. I am asking you about it in the context in
16 which the Inspectors have to apply it, which is
17 in the context of planning decision-making. It
18 is your view; you come to the Inquiry with the
19 view that it has no limitations in that context,
20 correct? That is what you just told us.

21 A. If I just told you then that is obviously
22 correct. But what I really mean is this is the
23 appropriate way to do it.

24 Q. I have gathered that. I gather that is what your
25 case is. What I am seeking to understand is

1 whether you are prepared to acknowledge,
2 particularly in the light of all the material
3 before the Inquiry, that as an approach it is
4 plainly confounded by limitations?

5 A. I think in the limitations that you were trying
6 to demonstrate this morning; you were dealing
7 with environmental assessment.

8 Q. No, do not worry about this morning, I am going
9 to come to this in rather more detail in the
10 context of some other material before the Inquiry
11 in a little moment. But should I move on, on the
12 basis that you do not acknowledge any limitations
13 in its use within the planning context?

14 A. For this particular matter, yes.

15 Q. That explains why I do not find any discussion of
16 the limitations in your proof of evidence, which
17 is what I was going to ask you next, because you
18 do not believe there are any.

19 A. No, this is what we are told to use, this is what
20 we should use.

21 Q. Now, can we look at your proof? Page 16 of your
22 proof, paragraph 6.2.6, you tell us:

23 "From 1990 aircraft noise has been considered
24 using this index."

25 And you give a number of examples, the fifth

1 of which is:

2 "For noise controls at Heathrow following the
3 T5 Inquiry."

4 And then on the next page at the top of
5 page 17 you refer us again to:

6 "Noise evaluations considered at the Public
7 Inquiries into various Airport developments,
8 including Heathrow T5."

9 Now, I have looked carefully through your
10 proof and read it again, but there are no
11 references, are there, Mr Charles, to the details
12 of the T5 decision in your proof of evidence?

13 A. That is correct.

14 Q. There is reference to a number of other Inquiries
15 that you were involved in and I do not need to
16 ask you about those, but one recalls Manchester
17 and Robin Hood and one or two others. Were you
18 at the T5 Inquiry?

19 A. No.

20 Q. But you were plainly aware of the decision,
21 because it achieved wide circulation amongst the
22 noise community when it was issued, did it not?

23 A. Indeed.

24 Q. Of course, it was a special case in some
25 respects, was it not, the T5 Inquiry, because the

1 Department for Transport themselves, masters as
2 it were of the index, gave extensive evidence to
3 that Inquiry as a neutral party. That is right,
4 is it not?

5 A. I believe they did, yes. As you know, I was not
6 there.

7 Q. No, but you have read the paperwork, Mr Charles,
8 so you know what --

9 A. Not all of it. I believe Dr John Ollerhead gave
10 evidence and I think he was the -- and did
11 Roberta McWatt, did she give evidence? I really
12 do not know; I was not involved.

13 Q. You may not have been involved, but you cited it
14 as a decision that you want to draw to the
15 Inspector's attention on page 16 and 17 of your
16 proof. We have noted it was a special case,
17 because the Department themselves came to it and
18 Dr Ollerhead, I think that he has retired now,
19 but he was one of the foremost authorities on
20 this, was he not, Mr Charles?

21 A. He was indeed, and he has retired.

22 Q. So they gave extensive evidence through their
23 most respected noise experts?

24 A. Yes, indeed.

25 Q. I think that one would have to record that that

1 was not the case at any of the Inquiries that you
2 refer to, Robin Hood and the other ones that are
3 referenced in your proof, the Department did not
4 come to give noise evidence to those?

5 A. No, I think the Department in that role took the
6 more correct role of decision-maker, not
7 participant in the Inquiry.

8 Q. I am not sure whether that is a criticism of the
9 Department or not, but one sees from the material
10 before us that they came to assist the Inquiry
11 and played a neutral role. I do not think that
12 can really be subject to criticism, can it,
13 Mr Charles?

14 A. No. I think, to be honest, they came to the
15 Manchester Inquiry as well to assist the
16 Inspector, not on noise, but on other matters.

17 Q. Definitely not on noise, and you and I will
18 remember that very well.

19 A. We would.

20 Q. They came to T5 and gave extensive evidence.
21 What I cannot understand, in the light of that
22 and that unique Inquiry and unique contribution
23 that was made, how it can be, Mr Charles, that
24 your review of recent decision letters ignored
25 T5?

1 A. I was not aware that I had ignored T5.

2 Q. You have, Mr Charles, you have made extensive
3 quotes from other Inquiries, but you have failed
4 to reference any of the important statements that
5 are to be found within the T5 decision. I want
6 to know why.

7 A. I think you have already clarified why. I was
8 not at the T5 Inquiry and nearly all those other
9 matters that you see in front of the -- is
10 matters that I have personal experience of.

11 Q. That is not really a very satisfactory answer, is
12 it, Mr Charles?

13 A. Well, if you want to be an expert, you really
14 need to stick to what you know about and not
15 pretend you know about things you do not know
16 about.

17 Q. If you are telling me that the content of the
18 T5 Inspector's Report and Decision is beyond your
19 expertise, then fine. Is that what you are
20 telling me?

21 A. I have read parts of the Inspector's Report and
22 the Decision Letter. What I have not had the
23 opportunity of being there for three and a half
24 years listening to all the matters being
25 discussed.

1 Q. No, and that is why one has a report and decision
2 letter, which forms the synthesis of material and
3 places it in an ordered form.

4 A. Indeed.

5 Q. You are not suggesting, are you, that you are
6 unable to analyse that report without having
7 attended the Inquiry for three and a half years,
8 Mr Charles? I am surprised we are getting stuck
9 on this.

10 A. You were criticising me, quite unfairly of
11 course, for the fact that although I mentioned
12 Heathrow twice in paragraph 6.2.6, I had not
13 copied an extract from the Inspector's Report
14 into my evidence, and I was just explaining why
15 not. I have no problem with T5.

16 Q. That was not the nature of the criticism. The
17 criticism was that this was a unique Inquiry with
18 a unique contribution and you had managed to
19 complete your proof of evidence with no reference
20 to its findings.

21 Let us move on.

22 A. If we go back to 6.2.6 for a minute, because I
23 really have been told by you and others when
24 giving evidence, I must not just be bullied.

25 Q. I do not think I have been bullying you,

1 Mr Charles.

2 A. In bullet point 5 I mention the noise controls
3 for Heathrow following the T5 Inquiry.

4 Q. I took you to that point.

5 A. That was specifically what I was talking about.

6 Q. That was the starting point of this line of
7 cross-examination.

8 A. But this shows what happened after Heathrow T5.
9 Noise controls were put in place in terms of the
10 57 Leq 16-hour contour.

11 Q. Yes, Mr Charles, as far as it goes, of course you
12 have the words "T5" appear in your proof. You
13 will understand the point I make is a rather
14 broader one than that. Have you taken the
15 opportunity to read the Inspector's Report and
16 the Secretary of State's Decision on the T5
17 application?

18 A. I have read it in the past. I have not read it
19 in the last few minutes, no.

20 Q. Because, Mr Charles, I do need to understand
21 where you depart from the reasoning, the
22 rationale of that decision, which it seems to us
23 is fundamental to some of the issues that lie
24 between BAA and UDC at this Inquiry. So can I
25 ask you to take it out? It is CD/329, chapter 21

1 is Air Noise. I put it on my list.

2 A. Yes, I have it in front of me.

3 Q. Attached to the back of it, you should also have
4 the relevant part of the Secretary of State's
5 decision.

6 A. I have the document.

7 Q. I have correctly recorded that it is not beyond
8 your expertise, is it, Mr Charles?

9 A. No, I can still read.

10 Q. Now, sir, I know you are averse to large chunks
11 of documents being read out, the chunks I have to
12 read out, and I can assure you it is not the
13 whole document, are with the specific purpose of
14 understanding what we do not agree with, rather
15 than Mr Charles simply saying yes, as it were.

16 A. just to be clear, it is not the reading out of
17 chunks that I am averse to, it is the reading out
18 for the sole purpose of confirming that is what
19 the document says.

20 Q. I am very grateful to you. That certainly is not
21 what I have in mind, Mr Charles, and I want to
22 see where you depart from the conclusions that
23 are set out in this report, and indeed the report
24 of the Department's own evidence by its most
25 authoritative noise expert. That is what we have

1 to look at now.

2 So can you come with me please in this
3 document to 21.3.1 to start, and that is on
4 page 346 in the bottom right-hand corner of this
5 document, and it is under the heading, "The
6 Impact of Terminal 5 on the Overall Noise Climate
7 Around Heathrow", and we start with the
8 Department's case, and this is the Department for
9 Transport, is it not? One sees in 21.3.1 the
10 point I made to you a moment ago, Mr Vandermeer
11 recording in the second sentence that:

12 "The Department adopted a neutral position so
13 it was acting as friend to the Inquiry."

14 Yes?

15 A. That is correct.

16 Q. If we turn to the next page, 347, I just want to
17 draw your attention to paragraph 21.3.2 first of
18 all. The Department explaining:

19 "Indices need to be reliable, robust,
20 realistic and sensitive."

21 And then we have the reference to the ANIS
22 study, that is the last major study that has been
23 undertaken, is it not, that it maybe that ANASE
24 will update, correct?

25 A. That is correct.

1 Q. This is the study that led to the adoption of the
2 LAeq,T indices in the way that they are now
3 applied.

4 A. That is correct.

5 Q. One sees in the last sentence, even though the
6 ANIS report had been comprehensive, it has only
7 just been able statistically to provide an answer
8 to the question posed. This is in the context of
9 community annoyance, analysed through social
10 surveys.

11 Can I go from there, I am going to come back
12 to some other paragraphs on this page, come back
13 to 21.3.6 at the top of the next page, because
14 these two paragraphs, 21.3.2 and 21.3.6, relate
15 to one another quite well. This is the paragraph
16 beginning:

17 "The contours of 57, 63 and 69 were said to
18 denote the onset of low, moderate and high levels
19 of annoyance. The figure in the ANIS report had
20 been tentative and had not found a step
21 indicating a rapid increase in disturbance at
22 57 Leq as the press notice had stated. The
23 notice had not been written by the author of the
24 report who told the Inquiry he did not support of
25 the strength of its expression. The press notice

1 did not point out that ANIS had only just
2 provided a statistical fit."

3 Now, I presume you have not carried out some
4 independent statistical analysis of ANIS,
5 Mr Charles, which produces a different result?

6 A. No, I have not.

7 Q. If we go back to the previous page, 347, I need
8 to ask you about 21.3.4, this is the Department
9 telling --

10 A. Could you help me a little? In the one you took
11 me to first of all, 21.3.2, the last sentence
12 said it did not provide an answer to the question
13 posed, and I am afraid I will have to expose my
14 ignorance, I do not know what the question posed
15 was. Are you able to help me with that?

16 Q. I do not think you need to know that, Mr Charles,
17 do not worry. If it becomes germane to an answer
18 then we will probe it further.

19 21.3.4 on page 347:

20 "It was government policy to test the effect
21 of aircraft noise by use of the Leq system and
22 the noise contours could not be ignored.
23 However, the Department accepted that the system
24 was not faultless and it would be appropriate to
25 take other factors and evidence into account in

1 considering the noise implications of T5."

2 Now, do you disagree with that proposition,

3 Mr Charles?

4 A. I think that the Inspector here is just reporting

5 what the Department said.

6 Q. Indeed, and that does not matter, we will come on

7 and see later that he accepts all of that. That

8 is what the Department for Transport says. Do

9 you disagree with that position as to LAeq,T
10 index?

11 A. Well, if we go slowly:

12 However, the Department accepted that the
13 system was not faultless."

14 I would totally agree with that. I have never

15 come across any planning system that was

16 faultless, so that must be right. And as to

17 would it:

18 "Be appropriate to take other factors and
19 evidence into account in considering the noise
20 implications of Terminal 5."

21 Well, again, that must be true.

22 Q. Good.

23 A. Whether these factors are noise factors or the

24 amount of jobs created or other things, I do not

25 know what they were referring to.

1 Q. Well, I hope you have read this, Mr Charles,
2 because you will know that is not what it refers
3 to. But we will come and pick up on the other
4 points in a moment. Then 21.3.5, we just note
5 without reading through all of that passage that:

6 "The well-known proposition that the
7 LAeq16hour and the noise contours produced from
8 it were averages."

9 And then the caveat introduced in the latter
10 part of that passage.

11 21.3.7, now this is an important one, 21.3.7,
12 the last passage in this set part of this report,
13 the report of the Department's case:

14 "The Department's evidence was that most
15 people would be able to detect a difference of
16 3 dB between aircraft passing overhead and a
17 change of 2dB was discernible. Aircraft close to
18 the airport were likely to exceed background
19 noise levels by 20 dB or more. [We have seen
20 that at Thaxted.] The WHA research had confirmed
21 that few people were seriously annoyed by noise
22 that was of less than 15 dB, although many
23 complaints about Heathrow came from people living
24 outside that contour. Even a difference of half
25 a decibel could be significant and the area

1 enclosed by a contour would be increased by 15 to
2 20 per cent for every 1 dB increase in the LAeq
3 level."

4 Now, do you disagree with that series of
5 propositions and, in particular, the last
6 sentence?

7 A. I think, as there are so many points in this,
8 bear with me while we go slowly and then we can
9 get as much agreement as we can.

10 Q. Yes.

11 A. You said that most people would be able to detect
12 a difference at 3 dB between aircraft passing
13 overhead. If we go to my proof of evidence,
14 paragraph 6.42, my understanding is that is
15 precisely what I said.

16 Q. Indeed, yes.

17 A. So there is no disagreement over that. He says a
18 change of 2 dB was discernible. I would not tend
19 to agree with that. "The aircraft (inaudible -
20 2.40.21) we are likely to see background noise
21 levels upwards by 20 dB or more." I think that
22 is inherently the case of transportation noise
23 and aircraft noise. The WHO research has ... Is
24 this the previous WHO document? I am afraid I am
25 lost. This is the 1980 document, is it?

1 Q. We think that is the community noise 1995.

2 A. Is that the 1995 one, is it?

3 Q. We think so, but I am not particularly concerned

4 with that sentence. Do not worry because I am

5 not especially concerned with that sentence,

6 Mr Charles. If you want to check your

7 documentation ...

8 A. It was purely for the Inspector.

9 Q. Yes.

10 A. We do not want to give him wrong information.

11 Q. Indeed we do not.

12 A. My understanding is the latest document will say

13 something slightly different, and I think that is

14 already in front of the Inquiry.

15 Q. Inevitably this cannot refer to the latest

16 document.

17 A. No, the 1995 was very, very similar to the one

18 that came out in 1999 and 2000, in terms of the

19 numerical terms.

20 Q. Let us turn --

21 A. If we continue with that sentence then, many

22 complaints about Heathrow come from people living

23 outside that contour. My understanding is that

24 is the situation that you were exploring with me

25 this morning, that people react adversely to

1 aircraft noise despite them being outside the
2 contours and this is just confirming that it
3 happens at Heathrow. In my experience it happens
4 at most airports.

5 Even a difference of half a decibel could be
6 significant and the area enclosed by it would be
7 increased by 15 to 20 per cent for every 1 dB
8 increase. The 15 to 20 per cent for 1 dB is a
9 rule of thumb that the RCD and CAA use to do with
10 contour area and for a 1 dB change it tends to
11 mean about a 15 to 20 per cent increase in
12 contour area. The difference of half a decibel,
13 logically, therefore, would be an increase in
14 contour area, if you take half of 15 to 20
15 percent, somewhere (inaudible - 2.43.01).

16 For instance, if you have the eligibility for
17 soundproofing at 63 decibels, you could end up
18 with quite a few more people being affected and
19 being eligible in the scheme. It would be
20 significant because it would give them
21 eligibility which they did not have before.

22 Q. The point there is that reference to the
23 difference of half a decibel is expressly made,
24 is it not, by reference to comparing contours
25 rather than individual instantaneous noise

1 levels?

2 A. I honestly do not know.

3 Q. Yes. We are talking about contours in that last

4 sentence and indeed the previous sentence.

5 A. I presume it is.

6 Q. Yes.

7 A. It mentions "contour" in the same sentence.

8 Q. Yes. Do you accept, Mr Charles, that a

9 difference of half a decibel could be significant

10 in the context of comparing contours?

11 A. Yes, if it caused people to be moved into an area

12 where they were eligible for soundproofing it

13 would make quite a difference. The difficulty is

14 we can only calculate plus or minus 1 dB so

15 arguing about 0.5 dB is a bit academic, I suppose

16 is the word I am looking for.

17 Q. I think we will have to come back to this because

18 it is something that emerges later in the

19 document. Please continue. We have then other

20 parties' cases recorded and we get to the

21 Inspector's conclusions at 21 3 29 on page 353.

22 For obvious reasons I am focusing on the

23 Department's evidence in this analysis. The

24 Inspector set out everyone's case:

25 "... must first consider the manner in which the

1 climate is measured. I accept the Department's
2 view that any noise index must reliable, robust,
3 realistic and sensitive. However, I am not
4 convinced that the LAeq 16R index used by the
5 Department meets all of those criteria."

6 A. Yes.

7 Q. Do you disagree with that proposition?

8 A. I think I agree with the nagging concern that
9 Mr Vandermeer was expressing but I am not sure
10 that it gets us very far on the grounds that we
11 have not been offered anything else at this
12 inquiry yet.

13 Q. You say that but that is not accurate and our
14 evidence is analysed very carefully. The impacts
15 of increases on --

16 A. But it has no criteria.

17 Q. Let me finish. Analysed carefully, the impact of
18 differences in movement numbers at individual
19 locations. You may well say, "Well, there are no
20 criteria," but there are lots of instances where
21 there are no criteria, Mr Charles, and one has to
22 use the material before one to arrive at a
23 reasonable judgment about whether there is a
24 significant impact and that is what Mr Turner has
25 done.

1 A. Not when, in fact, as pointed out earlier at
2 21 3 4, it is government policy to test the
3 effect of aircraft noise by use of Leq system, as
4 reported by the Inspector.

5 Q. We know that, Mr Charles. The question is the
6 limitations and whether you can put all of your
7 eggs in the LAeq,T basket, as BAA have so plainly
8 done in this case.

9 Can we go back to 21 3 29 and can I have a
10 clear answer? Do you disagree with the
11 proposition set out in the first three sentences
12 of 21 3 29?

13 A. Right. No problem with sentence 1. No problem
14 with sentence 2. Here we have not the
15 Department's view but the Inspector's view that
16 he is not convinced and I acknowledge he is not
17 convinced. That is a statement of fact by the
18 Inspector, is it not?

19 Q. It is, Mr Charles, and he is expressing the view
20 that the LAeq 16R index does not meet the
21 reliable, robust, realistic and sensitive
22 criteria. You take a different view, is that
23 right?

24 A. Yes, I take a different view.

25 Q. I see, so you disagree.

1 A. Yes.

2 Q. You disagree with Mr Vandermeer on that.

3 21 3 31, top of page 354:

4 "The LAeq 16R does not indicate the maximum
5 noise of individual events so that it cannot
6 indicate how many times a conversation is
7 interrupted in a particular location, whether it
8 be a school, a major public space such as Kew
9 Gardens, or a private house or garden. Since
10 these are the very factors which cause annoyance,
11 I can understand why many argued that LAeq 16R
12 failed to reflect the concerns felt by local
13 residents."

14 Do you accept that that is a deficiency of the
15 index?

16 A. No.

17 Q. Right. Then 21 3 32:

18 "The expert witness for the Department did not
19 attempt to hide the deficiencies of LAeq measures
20 in general and the LAeq 16R in particular. He
21 accepted that the relationship between LAeq and
22 community annoyance was statistically weak and
23 that the ANIS report had not found a rapid
24 increase in disturbance of 57 dB Leq as the press
25 notice issued at the time has suggested.

1 I am in no position to investigate the events
2 which took place in 1982 but, on the evidence
3 placed before me, it does seem likely the weight
4 attached to the 57 dB Leq by the Department is
5 the measure of the overall noise requirement is
6 greater than the original research would
7 support."

8 Do you agree with that, "the weight attached
9 to it is greater than the original research would
10 support"?

11 A. Yes.

12 Q. Good. 21 3 33:

13 "The greatest single criticism of the LAeq
14 approach was that it failed to give adequate
15 weight to the number of aircraft movements. As
16 the Department accepted, the addition of a
17 further 400 movements by light chapter 3 aircraft
18 would increase the LAeq 16R by only 1 dB.

19 As the Department acknowledged, even a
20 difference of half a decibel could be significant
21 and the area enclosed by a contour would increase
22 by 15 to 20 per cent for each 1 dB increase in
23 the LAeq level."

24 We have been over that point already and that
25 is really an illustration, is it not, of the

1 limitations of the index?

2 A. That is the criticism that has been raised, yes.

3 Q. Then 21 3 34:

4 "In fact, many of those appearing at the
5 inquiry told me -- and this is in contrast to the
6 case that was being pressed by BAA -- that the
7 noise climate had deteriorated and that this was
8 largely due to the increase in the number of
9 movements."

10 They were unconvinced by claims based on the
11 LAeq 16R that the noise climate had improved.

12 "While I recognise that the sample of people
13 canvassed by HACAN might be representative, I do
14 accept that many of those living around the
15 airport believe the noise climate has got worse
16 over the last five to ten years. A substantial
17 number genuinely find the existing noise levels
18 distressing and unacceptable."

19 No dispute that individual aircraft have
20 become quieter.

21 "I am satisfied that their perceptions must be
22 based on the substantial increase in the number
23 of movements. I also conclude that this is not
24 truly reflected in the LAeq 16R index."

25 That conclusion, I presume, you accept.

1 Mr Charles?

2 A. Bear with me, I am trying to understand which of
3 the paragraphs he is concluding.

4 Q. Very well.

5 A. I do not think I do agree with his conclusions.

6 Q. You do not agree? Very well. Next paragraph,
7 21 3 35, this is simply announcing really the
8 fact the Department realise ANIS is 18 years old
9 at that stage:

10 "... very difficult to establish the underlying
11 relationship and would be useful if further
12 social service carried out ..."

13 This led to the setting up of the ANASE study.

14 That is right, is it not?

15 A. That is correct.

16 Q. 21 3 35 led to ANASE. We circulated the CD/397 I
17 think it is, the press release which just fits
18 into the chronology here. We do not need to
19 spend time on this but 8th May 2001, the ANASE
20 study announced: "We are now six years on ..." and
21 still not reported. Right, Mr Charles?

22 A. No public issue of any report as far as I am
23 aware. I did write to the Department because of
24 appearing at this inquiry and asked them if I
25 could have a copy of any reports and I was told

1 there was no report available.

2 Q. What we do see in the announcement is some of the
3 matters that are being investigated and if we
4 look at what Mr Ainsworth, the then Aviation
5 Minister, said four quotes down:

6 "We want the aviation industry to meet the
7 external cost it imposes. The new study will
8 give us more information on the value people give
9 to relief from noise and to focus our policies
10 from a broader range of evidence."

11 Value to relief respite from noise is what
12 they are going to consider, amongst a number of
13 other things, and, as you have just indicated,
14 you spoke to the Department. At the present time
15 we are no wiser as to what conclusions they have
16 reached.

17 A. No.

18 Q. We just know what they are looking at. Good.
19 Put that back to one side. Just a couple more
20 paragraphs. Perhaps I should just note at
21 21 3 36 Mr Vandermeer records that the index was
22 only presented as a means of indicating areas
23 where various levels of noise were likely to
24 occur. Then he says:

25 "As one would expect, with all its

1 limitations, the LAeq system remains the means
2 adopted by the Department to measure changes in
3 noise exposures and to forecast the degree of
4 community noise likely to result."

5 This is your point. There is nothing else.

6 "It is used throughout PPG24. The most recent
7 policy advice on the subject is specifically
8 applied to aircraft noise in that guidance. On
9 that basis it should be applied as part of the
10 test of the affects determined ...(reading to the
11 words)..."

12 The conclusion there is it is in the
13 government guidance, you cannot ignore it, you
14 have to apply it, but it is only part of the
15 picture. That is right, is it not, Mr Charles?

16 A. That was Mr Vandermeer's view, yes.

17 Q. Do you disagree with that?

18 A. Well, I always like to see what people do rather
19 than what they say and the net result of this, at
20 the end of all this talk, was in granting
21 planning permission. The only thing, as far as I
22 understand, Mr Vandermeer did was put up noise
23 control in terms of the size of the LAeq contour.
24 So despite all these other matters which were
25 apparently of such great worry to him, actually

1 he relied on the 57 Leq approach in recommending
2 planning permission to Her Majesty's government.

3 Q. No, we are going to come to it --

4 A. But also then -- sorry.

5 Q. We will take things one stage at a time. I am
6 obviously not going finish the last chapter,
7 Mr Charles, but I am trying to take it in stages.

8 A. I am sorry. You mentioned you would only have
9 two other paragraphs you wanted to look at so I
10 thought we were going to just recollect --

11 Q. No, Mr Charles. I am not going to miss out the
12 conclusion, am I? Can we just try and take the
13 paragraphs one at a time. You will have your
14 opportunity to comment at length, for as long as
15 you want, on the conclusion of the exercise.

16 21 3 37 was where we were and the conclusion
17 there is that the LAeq system is only part of the
18 test.

19 A. That was his view as expressed in 21 3 37.

20 Q. Do you disagree that it is only part of the test?

21 A. My understanding is you take into account a lot
22 of things when you are doing this balance
23 judgment at the end of the day.

24 Q. Are you saying, "Yes, it is only part of the test
25 of the significance of noise impacts"?

1 A. Of the effects of T5, yes. This is what the
2 sentence says.

3 Q. Noise affects. We are in the air noise chapter
4 of the report, Mr Charles. This is not about
5 economics.

6 A. Well, he would be considering the noise controls
7 that are on at the airport, the mitigation
8 measures, all the other noise matters which have
9 to be taken into account when you are deciding
10 whether the noise impact is such that you should
11 either turn the application down or give it
12 approval subject to conditions.

13 Q. Yes, well we have to read this paragraph in
14 context, have we not, Mr Charles, and what we
15 have seen with the previous paragraphs is a
16 continual return to the subject of movements and
17 the fact that the LAeq index does not give
18 sufficient weight to the impact of individual
19 movements. I do not want to go back over those
20 paragraphs again but that is a fair reflection of
21 the passages that I have just put to you.

22 21 3 37 is plainly indicating, is it not,
23 that, yes, you have to look at LAeq but it is
24 only part of the story and it is appropriate to
25 analyse the number of movements and increase in

1 number of movements as well, is it not? That is
2 the thrust of that paragraph.

3 A. Are we reading the same paragraph? Is this
4 21 3 37?

5 Q. Yes, Mr Charles, but it follows on from the
6 previous paragraphs that I have read to you. You
7 can be deliberately obtuse if you want but I am
8 trying to make progress and it seems to me that
9 the obvious reference in the last sentence to
10 LAeq being part of the test is an acknowledgement
11 of the fact that one has, at the same time, to
12 look at increases in movements. That is right,
13 is it not, Mr Charles?

14 A. My understanding is you took me through quite a
15 lot of criticisms that Mr Vandermeer was advised
16 of at the T5 inquiry --

17 Q. Yes. Do you want to go through them again?

18 A. -- which included things as well as -- and
19 movements must have been mentioned somewhere.

20 Q. Try the last reference I took you to, 21 3 34.

21 The reference to the deterioration in the noise
22 climate, "notwithstanding the LAeq noise contour
23 improving" and the last sentence:

24 "... satisfied that perceptions must be based on
25 a substantial increase in the number of

1 movements. I conclude this is not truly
2 reflected in the LAeq 16R index."

3 A. That is a good reference to the point you were
4 trying to make.

5 Q. It is a good reference, is it not, Mr Charles?

6 A. Yes.

7 Q. It is a fair reference and I was putting a fair
8 question to you and trying to make progress. The
9 fair point is in 21 3 37 that the index is only
10 part of the picture and the other part would
11 include an analysis of the increased number of
12 movements, Mr Charles. That is what
13 Mr Vandermeer was concluding, was it not?

14 A. That is what you seem to read into it, yes.

15 Q. Come on. I am putting a perfectly fair
16 interpretation on these paragraphs, Mr Charles.
17 What is your alternative reading of part of the
18 test in the noise chapter?

19 A. My understanding is you are saying, "Look, you
20 got it wrong. Mr Vandermeer took into account
21 movements." What I am hoping you are going to
22 do, and then I will agree with you, is you will
23 show me where he took into account and what
24 criteria he applied to the number of movements.
25 When you have done that I will totally agree with

1 you.

2 Q. I am afraid that is too convoluted a process. We
3 have to take --

4 A. It is quite simple. You are saying that he took
5 it into account. You show me where he took it
6 into account.

7 Q. We have to take one paragraph at a time.

8 A. All right, sorry.

9 Q. We are on paragraph 21 3 37 at the moment. I
10 thought this was a simple proposition. I have
11 referred you back to the bottom of the previous
12 page and we are looking at paragraph 21 3 37 on
13 page 355:

14 "The LAeq system should be applied as part of
15 the test."

16 What I am putting to you is that amongst the
17 other part is the analysis of the number of
18 movements to which those living in the area of
19 the airport are exposed. That is an appropriate
20 construction of that sentence, is it not; proper
21 construction of that sentence, Mr Charles?

22 A. I would accept your version of it, yes.

23 Q. Good. Do you agree with Mr Vandermeer or
24 disagree with him that one should also -- as well
25 as looking at the LAeq system -- examine the

1 issue of changes in movements when arriving at
2 judgments about impacts?

3 A. I do not agree with him.

4 Q. You do not agree. Right. Of course, you are at
5 liberty to do that. The Inspectors will draw
6 their conclusions about how appropriate your view
7 is but you are at liberty to do that.

8 21 3 38, and then we have reinforcing the
9 point:

10 "I do not believe it is right to rely entirely
11 upon the single measure of LAeq 16R. It suffers
12 from the deficiencies which limit its value as a
13 true and complete reflection of the impact.
14 Similarly, with the approach adopted by LAH T5 at
15 Hillingdon. I believe that this work illustrates
16 the important of more detailed assessment than
17 that provided simply by the contours.

18 I have recorded the Department's view that it
19 would be wrong of me to judge the affects --
20 wrong of me to judge the affects -- of T5 solely
21 by use of the LAeq contour alone. That is a view
22 I would have come to in any event on the basis of
23 the evidence I have heard. I am grateful to the
24 Department for that concession."

25 That is surely a passage, Mr Charles, that

1 should have been addressed and discussed head on
2 in your proof of evidence.

3 A. I am afraid this is the Stansted Inquiry not the
4 Heathrow T5 Inquiry.

5 Q. You are a law unto yourself, are you, Mr Charles,
6 who does not need to take account of important
7 previous decisions such as this one?

8 A. It would be wonderful if I was but unfortunately
9 I am not. I have to take into account what
10 actually people do, like Mr Vandermeer when he
11 actually came to the crunch point, which you are
12 going to discuss with me later, and when the
13 Secretary of State came to the crunch point of
14 actually making a decision. Also the subsequent
15 decisions on airport inquiries that have been
16 made subsequent to Heathrow T5, including the
17 decision by your client in 2003 concerned with
18 the expansion of this airport from 15 to
19 25 million passengers a year.

20 Q. That is a distraction from the question,
21 Mr Charles, is it not?

22 A. I apologise if I have distracted you but that was
23 my answer to the question as I thought it was
24 put.

25 Q. You are saying it was perfectly acceptable for

1 you to ignore this important criticism of the
2 LAeq system in writing your proof and making
3 other selected references to inquiries, as you
4 have chosen to do?

5 A. I am saying that the Heathrow T5 Inquiry was some
6 time back and things have moved on since then.

7 Q. Not as far back as the Manchester Inquiry that
8 you referred to, Mr Charles.

9 A. But the Manchester Inquiry as we alluded before,
10 I know an awful lot about the Manchester Inquiry.

11 Q. That excuses you, does it, in terms of the
12 timing?

13 A. Certainly not. Let us stick to the points you
14 have.

15 Q. Yes, let us do that, Mr Charles.

16 A. If we go back to my evidence, because the
17 difficulty is when you move from your own
18 evidence one forgets to make the relevant points.

19 Q. If you want to --

20 A. But if we -- I think we need to at this stage
21 because you have made mention that T5 apparently
22 is something that I should have taken into
23 account or perhaps it was the only thing I should
24 have taken into account but we will come back to
25 that in a minute.

1 But if we go to my paragraph 626 which shows
2 what the government has told us to since 1990 and
3 what we have done since the Heathrow T5 Inquiry,
4 you will notice that we still use the Leq contour
5 without consideration of the number of movements
6 for planning new residential development
7 throughout the entire United Kingdom.

8 We use it for annual noise monitoring in the
9 London area airports, the Department of
10 Transport. Even more important, we used it -- or
11 I do not use it, Her Majesty's government used
12 it -- when they were considering the future of
13 26 airports in the United Kingdom in the White
14 Paper.

15 We use it for noise mitigation measures at
16 airports. We used it actually at Heathrow as a
17 control. Your client used it in 2003 for this
18 inquiry. It has been used for noise evaluations
19 at various public inquiries since and I can
20 assure you one bullet point that was not on that
21 list, it has also been used in most of the master
22 plans for airports in the UK.

23 Q. Yes. As you agreed with me a moment ago, it has
24 been relied on to a far greater degree than the
25 research that underlies it justifies, Mr Charles,

1 and I entirely agree with your answer on that
2 point. Indeed it has been relied on at
3 considerable length and on a number of occasions.

4 That, however, does not get away from the fact
5 that the Department for Transport expressed the
6 view, as recorded in the middle of
7 paragraph 21 3 38, that it would be wrong --
8 wrong -- for the T5 Inspector to judge the
9 effects of T5 solely by use of the LAeq contour
10 below. That was the position as advanced by the
11 Department.

12 Mr Charles, that is precisely what you have
13 done in this case, is it not? You have judged
14 the effects of the G1 development by use of the
15 LAeq 16R contour alone, have you not?

16 A. I have considered it in terms of the parameter in
17 which it has been used. Since 1990, on a
18 consistent basis, for airports in the UK it has
19 been used and is used annually at this airport as
20 far as the noise controls for this airport is
21 concerned and I consider that is the appropriate
22 tool when you are trying to make or, in my case,
23 give advice to people who have to make planning
24 decisions about the affect of a particular
25 development.

1 Q. So the answer to my question is "yes", is it not?

2 You have done what the Department told the T5
3 Inspector not to do, judge the effects of this
4 proposal by use of the LAeq 16R contour alone?

5 A. My understanding is you are referring to the
6 Department's witness not the Department giving an
7 instruction to the Inspector as to what to do at
8 the T5 Inquiry, unless I have it ... I was not
9 there. Perhaps they gave him firm instructions
10 but my understanding is you are talking about
11 particular evidence that was presented. It was
12 not the Department's statement. I mean if they
13 made the statement, please show me and then I can
14 use it here.

15 Q. We do not need to look at it because we have it
16 recorded in the Inspector's report and it was not
17 challenged by the Department. I am looking at
18 the sentence. You can try and distract as much
19 as you like, Mr Charles, I just need a simple
20 answer to this point. You have done, have you
21 not, what the Department told the T5 Inspector
22 not to do. You have judged the effects of G1
23 solely by use of the LAeq 16R contour, have you
24 not?

25 A. No.

1 Q. That is what you have done. That is what you
2 have done, is it not?

3 A. I have not. No.

4 Q. The Inspector knows what you have done. He can
5 read the ES. What I want to do now, as I said I
6 would, is follow this through to the conclusion
7 and one sees that 21 3 ... Yes, we have the
8 discussion of the contours and we all acknowledge
9 you have to look at the contours. They are part
10 of the picture. We are not suggesting that they
11 are not part of the picture. You have to look at
12 them but they are by no means the end of the
13 story.

14 Then 21 3 53 on page 358 we have:

15 "My conclusions of this part of the report
16 based on the assumption that Heathrow would
17 handle some 480,000 movements from Terminal 5, as
18 I have noted previously, this is based on current
19 evidence as to the capacity of the existing
20 runways (inaudible - 3.11.44), I do not rule out
21 the possibility of there being more than 480,000
22 movements a year. If this did happen, the impact
23 on the noise climate would rapidly become
24 significantly greater, particularly since local
25 residents attach very considerable importance to

1 the harm caused by more frequent flights."

2 That is what leads to the recommendation to
3 impose the condition, is it not, and if we turn
4 through to the end and the Secretary of State's ...
5 Actually before I do that, overall conclusions on
6 air noise. I want to draw your attention to
7 21 6 3 on page 373:

8 "It is however necessary to look beyond the
9 picture painted by the LAeq 16R contours as the
10 Department accepted on the basis of other
11 considerations, primarily the potential increase
12 in the number of aircraft movements. I conclude
13 that Terminal 5 would cause substantial harm to
14 the noise climate.

15 This conclusion is based on an expectation
16 that the number of aircraft movements would not
17 exceed 480,000 although that reflects the
18 evidence as to the maximum capacity of the
19 existing runways. In segregated mode, history
20 suggests that this cannot be relied on in the
21 absence of a firm control on the number of
22 movements."

23 Then 21 6 6, one sees there the reference to
24 the need to include a limit on the number of
25 movements permitted. Then tacked on to the end

1 we have the Secretary of State's conclusions on
2 air noise. Do you have that, Mr Charles?

3 A. Yes, I have it in front of me.

4 Q. 58:

5 "The Secretary of States accepts the
6 Inspector's conclusions for the reasons given by
7 the Inspector, subject to the points set out
8 below."

9 Then paragraph 60, we need to pause there:

10 "In the light of the Inspector's views on the
11 adequacy of the Leq index, the Secretary of State
12 thinks it is right to adopt a precautionary
13 approach. As noted above, he accepts the
14 Inspector's recommendation for a condition
15 limiting ATMs to 480,000 per year. He does so on
16 the basis of the Inspector's concerns about
17 noise, particularly the weighting of the number
18 of aircraft movements relative to noise within
19 Leq."

20 It is absolutely plain, is it not, in that
21 sentence, Mr Charles, that the Inspector's
22 conclusions and concerns about the
23 appropriateness of the Leq index are accepted by
24 the Secretary of State?

25 MR HUMPHRIES: Sir, this is unfair. Mr Hill ought to

1 put the previous paragraph, which he passed over
2 before he puts that question. I wondered if he
3 would do this and I am disappointed that he has.

4 MR HILL: I take that rather seriously. If my learned
5 friend had any criticism he could raise it in
6 re-examination, as is the appropriate way, rather
7 than feeding his witness answers in the middle of
8 cross-examination.

9 MR HUMPHRIES: I have not fed any answer. I just
10 asked that the previous ...

11 MR HILL: I do not think there is anything unfair
12 about that. Mr Charles, if you want to --

13 MR BOYLAND: Mr Hill, you did refer briefly to
14 paragraph 59 without giving us a chance to look
15 at it. Shall we look at it now?

16 MR HILL: I am very happy -- very, very happy -- for
17 anyone to read paragraph 59. It seems to me
18 extremely uncontroversial.

19 Have you read that, Mr Charles?

20 A. Nearly there. Yes, I have read 59.

21 Q. Good. Now, I was asking about paragraph 60 and
22 we will have a look at it again:

23 "In the light of the Inspector's views on the
24 adequacy of the Leq index, the Secretary of State
25 thinks it right to adopt a precautionary

1 approach."

2 Remember this is just before he announce -- he
3 refers back in this paragraph to the announcement
4 to conduct the new study of aircraft noise and
5 the perceptions of people subject to it. Do you
6 see that two lines in paragraph 60?

7 Before we get to that, he has picked up the
8 problems:

9 "As noted above, he accepts the Inspector's
10 recommendation for a condition limiting ATMs to
11 480,000 per year. He does so on the basis of the
12 Inspector's concerns about noise, particularly
13 the weighting of the number of aircraft movements
14 relative to noise within Leq."

15 I mean if he does so on the basis of the
16 Inspector's concerns, he does so in reliance on
17 the Inspector's concerns, does he not?

18 A. In my understanding he is responding to
19 reservations and taking, is it precautionary
20 approach is the words that relate to that matter.

21 Q. That is the first sentence but by the third
22 sentence he is telling us that he is imposing
23 this condition on the basis of -- not in
24 disagreement with or departing from but on the
25 basis of -- the Inspector's concerns. That is

1 right, is it not, Mr Charles?

2 A. Yes, that is what it says.

3 Q. He is accepting the Inspector's concerns and

4 acting upon them, is he not?

5 A. Yes, that is what he says.

6 Q. That is what he says, plain as a pikestaff.

7 A. Because it is to some extent interesting that,

8 not wanting to show my age, but previously we

9 used to have an index called the Noise and Number

10 Index and we carried out a study in the 1980s

11 because there was concern that it took into

12 account the number of movements of aircraft to a

13 greater extent than indices used elsewhere in the

14 world. This led to the Leq unit which had a

15 lesser weighting for the affect of movements,

16 10 log rather than 15 log. Ironically a few

17 years later people are saying just the opposite

18 but, of course, it is all becoming irrelevant now

19 because we are a member of the European union and

20 we now use Leq for noise mapping for the

21 foreseeable future which takes movements into

22 account in terms of 10 log.

23 MR BOYLAND: It is Lden for mapping, is it not?

24 A. Lden, Lnights, Ldays, Levenings; all that lot.

25 MR HILL: Lden indeed and you produced some of that

1 material in volume 16 of the statement which we
2 have seen, Mr Charles.

3 A. That is correct.

4 Q. That, however, is not the basis of the case that
5 you are putting to this Inspector and not the
6 case that you are putting to the Secretary of
7 State. That is why we have had to spend this
8 time. You may think it is irrelevant but I am
9 afraid it is not for the purposes of this
10 inquiry.

11 I am going to turn on then from this decision
12 to interpretation of the 57 contour.

13 MR BOYLAND: Is this a long point, Mr Hill?

14 MR HILL: You may think you will want a break, sir,
15 anyway after that trawl through the decisions.

16 MR BOYLAND: I was thinking this might be a good time.

17 MR HILL: It is a good time.

18 MR BOYLAND: Yes. In that case we will adjourn until
19 3.35 pm.

20 (3.19 pm)

21 (Break)

22 (3.37 pm)

23 MR BOYLAND: The inquiry is resumed. I have been
24 informed that there is some sort of demonstration
25 going on at the airport terminal. We do not

1 think they are likely to come here but apparently
2 they are dressed as cabin crew. If we are
3 invaded by a group of people looking like cabin
4 crew, we might have to take some sort of action.

5 Mr Hill.

6 MR HILL: Thank you very much. Sir, we had put CD329
7 to one side. Perhaps I ought, before we do file
8 it away, draw your attention to paragraph 21 4 18
9 of that document. This is directed primarily at
10 the Inspectors, Mr Charles, rather than you,
11 where Mr Vandermeer on page 363 notes that he
12 did:

13 "... spend several nights in hotels directly
14 under the flight path in order to experience at
15 first hand conditions in the early hours of the
16 morning, took care to avoid hotels with
17 double-glazed windows which could not be opened
18 and slept with the windows both closed and open
19 to various degrees."

20 I thought I ought to check, sir, that you were
21 planning to do the same and I know that
22 Mr Stinchcombe knows of a hotel where you will
23 have a troubles night's sleep. But we can put
24 that to one side.

25 MR BOYLAND: Thank you.

1 MR HILL: Mr Charles, we were turning to the question
2 of the interpretation of the 57 dB LAeq contour
3 once you have it and this is now interpretation
4 rather than limitations. Can I just direct you
5 to your proof of evidence, paragraph 632, where
6 you tell us in the first sentence, page 17:

7 "Governs adopting the 57 dB LAeq as indicating
8 the onset of significant community annoyance."

9 Notes significant community annoyance; the
10 implication is, is it not, that the community can
11 certainly be annoyed below that level?

12 A. That is correct.

13 Q. Then I just need to understand how that relates
14 to paragraph 635 and indeed 637 of your proof
15 where ... If one looks first at 635, second
16 sentence, 57 dB LAeq is referred to as relating
17 to low annoyance and similarly on 637, "the onset
18 of low community annoyance." It is difficult to
19 reconcile this 632 reference to "the onset of
20 significant community annoyance" with the 637
21 reference to "the onset of low community
22 annoyance". Is not the correct term
23 "significant" in 2007?

24 A. The latest term is from the White Paper.

25 Q. Which is "significant"?

1 A. That is right, from the CD87.

2 Q. I think it is fair, is it not, that since this
3 was first introduced the adjective "significant"
4 has been added at some stage along the way?

5 Mr Turner tells me about 2001 it came in.

6 A. I accept his view. It is probably right.

7 Q. Can I just ask you to turn back to the
8 environmental statement, volume 2, CD5, air
9 noise; there is one reference in the same
10 context, interpretation, I need to ask you about.
11 Paragraph 526 on page 4 of volume 2. Do you have
12 that Mr Charles?

13 A. I have it.

14 Q. The reference we have just referred to is 57 dB
15 LAeq on significant community noise and at the
16 bottom of that page it is accepted that a small
17 proportion of residents exposed at these lower
18 sound levels -- that is less than 57 -- might
19 still be annoyed.

20 We have seen, Mr Charles, the vast number of
21 objections that have been raised from parish
22 councils and representative organisations beyond
23 the 57 contour in this case. You have not really
24 any evidential basis, have you, in this case for
25 saying that only a small proportion of residents

1 exposed to less than 57 dB might still be annoyed
2 around Stansted Airport? You have no evidence to
3 justify that in this case, have you? I know
4 these are not your words, they are someone else's
5 words, but you do not have evidence to justify it
6 in your proof.

7 A. The matter of the proportion of residents who are
8 expressing this particular view I have no
9 technical information on but I can assist the
10 inquiry. I know there is a figure -- did not
11 Mr Mitchell mention there was a million people in
12 the area but I do not know how many of them have
13 said they object. I do not know. There is no
14 evidence as far as I am aware.

15 Q. The evidence has sought to quantify the responses
16 of all the democratically elected representative
17 authorities. But of the parish and town councils
18 Mr Mitchell provides the figure of 170,000
19 elected parish and town councils who formally
20 objected to this application on noise amongst
21 other grounds. So what is a general point one
22 might want to make in other circumstances, it is
23 not a point that can properly be made on the
24 basis of evidence in this case, is it?

25 A. That is correct.

1 Q. Thank you. Then back to your proof, please.
2 Sorry to keep popping between the two documents.
3 This issue of change -- change in the noise
4 level, which you address under a specific
5 subheading, and I have that as 6.4, page 21. Of
6 course the discussion opens, Mr Charles, with
7 your drawing to the reader's attention that the
8 significance of changes in LAQ noise levels has
9 been considered at a number of major public
10 inquiries, and again the inspectors will want to
11 note, will they not, that in this regard you have
12 omitted any reference to a certain major public
13 inquiry that took place into the Terminal 5
14 proposals. We have looked at what is said about
15 change by the Department already, so this
16 analysis is absent any reference to T5.
17 A. That is correct.
18 Q. Although we do see on page 22 your reference to
19 the rather more elderly Manchester Airport second
20 runway decision.
21 A. That excellent decision, yes, I see that.
22 Q. Now, your table on the top of page 22, table 5
23 with the rules of thumb, I suppose one would call
24 them, is that right?
25 A. I think that would be a nice way of putting it,

1 yes.

2 Q. Rules of thumb for subjective importance of
3 changes in noise level. Now, some of those
4 certainly some of those figures for instantaneous
5 noise levels or even noise levels over a short
6 time period which can be captured by the human
7 mind -- some of those are plainly not
8 controversial as between yourself and Mr Turner.
9 The problem arises when you seek to apply the
10 same rules of thumb -- changing level 2 dB, 3
11 dB -- to the 16-hour period. And I presume you
12 would agree that the human mind cannot possibly
13 capture and compare the average noise energy over
14 two 16-hour periods and compare those two
15 instances.

16 A. No. I would not agree.

17 Q. Sorry, you said the human mind can capture the
18 two 16-hour periods and compare them?

19 A. Longer than that. This is why the measure is now
20 moved that we have to work out the annual noise
21 load on something like Stansted Airport,
22 according to the EU directive. This is why we
23 use 3-month criteria elsewhere. The
24 instantaneous complaint reaction might well occur
25 to do with one isolated event, but as far as

1 assessing the environment in which someone lives,
2 you really need to take into account a
3 considerable period of exposure.

4 Q. I have to say that is a very, very surprising
5 answer, Mr Charles, but it is more for submission
6 than for cross-examination. Let us go back to
7 CD -- I did not think we would end up doing this.
8 Go back, please, to 21.3.7, where we were
9 earlier. Page 348. All in the context of
10 change. So you have got in your table "change in
11 level 0-2 imperceptible, impact none". What I am
12 putting to you that as between instantaneous
13 noise levels or levels over a short period that
14 the human mind can easily capture, we agree with
15 you.

16 But you are seeking to apply that same rule of
17 thumb, are you not, to much longer periods of
18 averaged-out noise, with 16-hour LAQ, which the
19 human mind simply cannot compare in that way.

20 And that is why, is it not, the Department for
21 Transport were telling Mr Vandermeer at T5 in
22 paragraph 21.3.7, that a difference of half a
23 decibel comparing contours could be significant.

24 A. Well, I hear what you say. Just bear with me.

25 Q. I do not want to go back over all the points that

1 are raised in 21.3.7 earlier, Mr Charles. But it
2 is quite plain that the Department when
3 comparing --

4 A. No, I just wanted to assist you, because you put
5 in finally, which I have now mislaid, a copy of a
6 noise trace which Mr Turner wanted to supplement
7 his evidence. I think it was UDC something E.

8 Q. Yes, it is 3(e). I am sure you can be passed a
9 copy if that will assist you. But I am more
10 interested in what the Department told the
11 inspector at T5.

12 A. You want the Department's evidence or mine?

13 Q. No, no, no, no. If you want to make an answer by
14 reference to that document, please do so.

15 A. Right, thank you. So my understanding is --

16 Q. You can sit down, Mr Charles, do not worry.

17 A. Well, unless everybody has got the graph, they
18 will not see what I mean. If we take this graph,
19 which Mr Turner has kindly provided, my
20 understanding is you have agreed with me that if
21 I change all these numbers by 2 dB, then it will
22 be imperceptible. All these numbers by 2 dB.

23 Q. I have not agreed anything. I am not a witness.

24 A. Sorry. You put it to me that Mr Turner and I
25 agree with my table 3, "Change in level, 0-2 dB,

1 imperceptible change, impact none", for a
2 situation where it only applies to events, not to
3 LAQ, as you have said you agree on events. So if
4 we agree on events --

5 Q. Well, I am reading from paragraph 21.3.7.

6 A. May I not speak?

7 Q. Yes, of course.

8 A. Sorry. So what you are telling me -- sorry, what
9 Mr Turner and I have agreed is that if we change
10 these numbers by 2 dB, so instead of being about
11 70, they are 68 or they are 72, then there will
12 be an imperceptible change and there will be no
13 impact.

14 Now, what would have happened if you had done
15 that? If you had worked out the LAQ for this
16 30-minute period, it would have changed my 2 dB
17 as well. So my understanding is with your
18 agreement that these isolated events would not be
19 perceived, you are actually agreeing that if you
20 add them together, the same answer applies.

21 Q. No, I am sorry. It is not a helpful example, I
22 am afraid, Mr Charles. Direct your mind back to
23 the question from 21.3.7 in the inspector's
24 report and the record of the Department's
25 evidence. The Department was saying that most

1 people would be able to detect a difference of 3
2 dB between aircraft passing overhead, and a
3 change of 2 dB was discernible. Mr Turner does
4 not depart from that. What I am drawing to your
5 attention, that is an observation made in respect
6 of aircraft passing overhead. The passage
7 continues to examine comparisons between
8 contours, and there, the comparisons between
9 contours, the Department emphasised that even a
10 difference of half a decibel could be significant
11 and the area enclosed by a contour could be
12 increased by 15 to 20 per cent every 1 dB
13 increase in the LAQ level.

14 The point is what you have done is you have
15 relied upon the 16-hour LAQs, Mr Charles, which
16 as we have seen effectively swallow up well over
17 100 additional movements. Then you compound the
18 problem by dismissing a change of about 1 dB in
19 the contours. And that is exactly the approach
20 that the Department rejected in their evidence to
21 the T5 inquiry, is it not?

22 A. I thought T5 got approval.

23 Q. This is the approach that they rejected.

24 Mr Charles, that is not a helpful answer. Try
25 and address your mind to the question.

1 A. But the balance of the decision was they gave
2 approval for Heathrow T5, did they not?

3 Q. Having acknowledged very significant noise
4 impacts, and what we are concerned here is that
5 you do not need to worry about the other parts of
6 the case, the T5 inquiry; we are really
7 interested in the noise impacts here. So focus
8 your mind on the noise impacts, and what I am
9 saying is that the approach you have taken is the
10 approach that the Department, on changes,
11 rejected in paragraph 21.3.7. Do you agree with
12 me? That is right, is it not? You have ended up
13 with contours with a very small difference, even
14 though one adds 170 additional movements a day.
15 And you say because there is only 1 dB between
16 them, it is insignificant and you have no impact.
17 That is the approach in 21.3.7 that was being
18 rejected, is it not? Because even half a decibel
19 is described as potentially significant, when you
20 are comparing 16-hour contours.

21 A. That is what the Department's evidence repeating
22 from 21.3.7 is saying, yes.

23 Q. So the approach that the Department were
24 rejecting is the approach that you were relying
25 upon in this case, is it not? Is it not,

1 Mr Charles?

2 A. My understanding is the Department approved this
3 development that we keep reading about, are we
4 not? That is the critical point in my case. All
5 this theoretical stuff is of interest, but what
6 actually happened? They approved the
7 development.

8 Q. It is not theoretical. The approval of T5 is
9 completely, utterly irrelevant to the question
10 that I am asking you. What I am asking you about
11 is the approach to the assessment of air noise
12 impacts for a development such as G1. And the
13 point is a simple one. Yes, you are right they
14 approved it, or rather the Secretary of State
15 approved it in the end. But if one looks at the
16 content of paragraph 21.3.7, the approach that
17 they reject, the Department reject, is the
18 approach that you have followed in your evidence.
19 It is right, is it not, Mr Charles?

20 A. They take a different view on changes, yes.

21 Q. Yes, they do.

22 Now, what I want to do now; we have dealt with
23 limitations; we have dealt with interpretation.
24 I want to look at the actual 57 LAQ contour
25 impacts as described in the environmental

1 statement, because we acknowledge one has got to
2 get there in the end, however many caveats one
3 has to apply. Can you go back to volume 2, CD5,
4 please. The page is not too far away. And just
5 get this source material in front of us. 10.2.9.
6 Strangely, for the baseline figure one has to go
7 further into section 10.2. 10.2.9, page 21.

8 This gives the population for the base case,
9 202,000 ATMs, 25 MPPA, 2014, 57 contour, 2,300.
10 Yes?

11 A. That is correct.

12 Q. And then one goes back to the beginning of the
13 section 10.2, 10.2.3, for the 35 MPPA figure, the
14 G1 figure 3,550 -- 3,550 population with the
15 contour.

16 MR BOYLAND: Where was that, please?

17 MR HILL: That was 10.2.3, sir, which is earlier in
18 that same section, page 20, just at the bottom of
19 the page.

20 MR BOYLAND: Yes.

21 MR HILL: So those are the two figures ...

22 A. If you go to table 8, they compare them there, if
23 that is of any help.

24 Q. I am sure they do. But that is where they are
25 sourced, and so we have an increase in the

1 population captured by the 57 contour of 1,250 as
2 between the baseline and what is proposed on the
3 primary assessment case.

4 A. That is correct.

5 Q. Which is -- I am sure you will check my maths and
6 tell me I am wrong -- a 54 per cent increase.

7 A. It looks right to me.

8 Q. And I am sure it is not your evidence,
9 Mr Charles, that 1,250 people is an insignificant
10 number?

11 A. No.

12 Q. And I am sure it is not your case that 54 per
13 cent is an insignificant increase?

14 A. I prefer the population number rather than the
15 percentage.

16 Q. Do your best. It is not an insignificant figure,
17 is it, 54 per cent, as a percentage?

18 A. No.

19 Q. That is the primary assessment case, yes?

20 A. That is correct.

21 Q. Now, what I just want to understand, going back
22 to your proof, is whether we have got any
23 confusion about this. I hope we have not.

24 Because the figure that appears on page 31 of
25 your proof in that table -- it is a summary table

1 two thirds of the way down the page. Page 31 of
2 your proof, table 9, the bottom bit. We have got
3 population increase given as 850. Do you see, in
4 that last column?

5 A. That is right.

6 Q. But the primary assessment case is 1,250, is it
7 not?

8 A. That is right.

9 Q. Which is the 2,350. Should that not be 1,250?

10 A. I think you will find the 850 is the Stansted
11 2004 -- 2,700. Take that away from the 35 N58
12 case, and that is where you get the 850. And the
13 reason for doing it that way is if you go up the
14 page, you will see the other populations for
15 other airports were done on recent -- approved by
16 the White Paper What's the Difference? So that
17 is the reason why. But there is nothing wrong
18 with the 2,300 and the 3,550 and the 1,250, as we
19 have just discussed.

20 Q. I see. So that is not seeking to depart from the
21 primary assessment case being 1,250?

22 A. No.

23 Q. Okay, I am with you. So that is an extra 1,250
24 people captured by the 57 contour indicating the
25 onset of significant community annoyance?

1 A. That is right.

2 Q. You consider in your proof the populations within
3 the contour in a number of ways; look at the
4 issue from a number of different angles. Can I
5 just take you back to page 28 of the proof, where
6 you have a table, table 8 -- starts on page 28,
7 then it runs over to page 29 -- which is looking
8 at the change in population within the contour
9 over time. Yes?

10 A. In effect, yes. I tried to bring them all
11 together so that everybody got them on what I was
12 hoping was one piece of paper, which turned into
13 two, but basically all the available information.

14 Q. No criticism about the formatting intended. If
15 we look at the ebb and flow of figures in the
16 "population exposed" column, we reach a peak in
17 1998, do we not?

18 A. That is correct.

19 Q. With the figure of 7,200. This, happily, is the
20 top of page 29, so we can probably leave the
21 figures at the bottom of page 28. But we have
22 got essentially a nine- or ten-year period from
23 1998 when the figures broadly fall. Yes?

24 A. Yes, they have come down nicely.

25 Q. Yes. However, we have during that period we can

1 see from Mr Harborough's proof -- do you have
2 that? Put that on my list. That is UDC/1/a,
3 Mr Harborough's proof. Page 7, paragraph 5.5.

4 A. I have the paragraph.

5 Q. We have there the comparable figures for ATMs
6 over broadly that same period, 1997-2006. ATMs
7 went up from 84,000-odd to 190,000-odd. More
8 than twice what they were in 1997, yes?

9 A. That is correct.

10 Q. And of course the other thing we know about that
11 period is that opposition to the growth of
12 Stansted and objections on noise grounds have
13 also become far more evident. Yes?

14 A. I think inherently in this period of Her
15 Majesty's study on the future of airports in this
16 period, interest in aviation has increased and is
17 still at a pretty high pitch. We hear about
18 aviation nearly every night on the television.

19 Q. I am not sure that is quite the point I am
20 driving at, but we have got statistically a
21 period at broadly the same time when the
22 population within the 57 LE contour has fallen
23 quite sharply, the number of movements have risen
24 very sharply, and complaint and objection about
25 the airport has also risen sharply. Yes,

1 Mr Charles?

2 A. Yes. As far as the generality of your point, I
3 totally agree. As far as the complaint
4 statistics at the airport, I cannot help you,
5 because I have not looked into whether the
6 complaint statistics have grown or not. Others
7 will know about that.

8 Q. Well, I had not understood your case to provide
9 us with any detailed analysis of the complaint
10 records.

11 A. No.

12 Q. It does not, does it? Because I looked at that,
13 and had that been a major plank of your case, I
14 might have probed further, but it did not seem to
15 be, and so I have not done. Of course, the
16 problem with complaints is that they get made to
17 so many varying parties, do they not, so you have
18 got the EHO gets some, and you get the CAA gets
19 some and NATS gets some and BAA gets some, and it
20 is a question of how comprehensively one draws
21 them all together.

22 A. Indeed. I think it is done quite effectively at
23 the airport, but I am not on the airport
24 consultative committee, so I do not know. I am
25 sure ... I presume your authority is on the

1 relevant committee.

2 Q. As I say, you have not made it a major plank of
3 your case.

4 A. No.

5 MR BOYLAND: On the other side of the coin, Mr Hill,
6 can you indicate where we will find evidence to
7 support your assertion that complaints have
8 increased in that period?

9 MR HILL: I think one only needs to look at the
10 evidence of SSE to spot that, sir. I do not want
11 to get into that if I can avoid it at this stage.
12 I think you will hear quite a bit about that over
13 the next month.

14 MR BOYLAND: So this is not counsel's evidence, it is
15 SSE's evidence?

16 MR HILL: We have not done an analysis, so you can, I
17 think, compare for example the 2002 committee
18 report with the 2006 committee report and see
19 what the response was.

20 MR BOYLAND: It is not the same thing as complaints,
21 though.

22 MR HILL: Well, I think it is a grey area, sir, but I
23 would not like to be the person who had to draw
24 the line as to why an individual had chosen to
25 write and complain.

1 I am very conscious of the fact that I am
2 probably at the margins of my limit for
3 cross-examination. I am going to try to take
4 things quite swiftly from now on.

5 MR BOYLAND: I appreciate that some aspects have
6 probably taken longer than you expected. Have
7 you very much more?

8 MR HILL: Sir, I am going to try and deal with what is
9 left in about half an hour. It is not very
10 helpful, but I am going to cut things out, and I
11 do want to put on the record that where the
12 parties' respective positions are clear from the
13 rebuttals or where points have been raised and
14 aired by mode of cross-examination, I am not
15 going to go over that ground for the sake of it.

16 MR BOYLAND: That is good. We will take that as read,
17 Mr Hill.

18 MR HILL: Well, I will press on. Night noise. I will
19 try and deal with that very quickly. Page 39 of
20 your proof. I just want to make sure I have
21 picked out the correct figures. Page 39,
22 paragraph 7.3.8, Mr Charles. The 48 dB Leq8hour
23 night noise contour. You have got an increase
24 for the primary assessment case of some 550, is
25 that right?

1 A. That is correct.

2 Q. And again, your response to that is that even
3 though that group of 550 people will be captured
4 now by the 48 dB contour, you are saying because
5 the difference in the two contours is small, the
6 change is not significant?

7 A. That is correct.

8 Q. In exactly the same way as you have dealt with
9 the 57 16-hour. So we do not need to rehearse
10 those arguments again. Right.

11 There is a point about night noise and the
12 quotas that I think, bearing in mind the time,
13 would best be dealt with out of inquiry. We will
14 discuss this with you and put in a note if we
15 need to, I think, Mr Charles.

16 I am going to turn, then, briefly to Hatfield
17 Forest and the other open spaces. I want to get
18 a feel for your approach on this. If you have
19 still got CD/329 to hand, which is the T5, just
20 as a matter of approach -- last part of 21.3.46
21 on page 357. The general point, that in terms of
22 enjoyment of parks and public spaces, aircraft
23 noise does detract from the quiet enjoyment of
24 attractive and historic areas, I presume you
25 would agree with that?

1 A. Yes, the general concept is obviously correct.

2 Q. And it is certainly not your case that aircraft
3 do not detract from the enjoyment of Hatfield
4 Forest, is it?

5 A. Well, it is not a matter that I have given great
6 evidence on. I have been to Hatfield Forest, and
7 it does appear to be a remarkably popular venue,
8 despite the aircraft noise which is quite
9 noticeable, especially to people like me who
10 listen out for aircraft. But everybody around me
11 seemed to be enjoying it, so does it detract from
12 quiet enjoyment? Logically it would, but it does
13 not necessarily detract from enjoyment of these
14 places, because lots of children seemed to be
15 playing games and hide and seek in the trees.
16 They seemed to enjoy it.

17 Q. Well, Mr Charles, is that not a rather trite
18 answer, with respect?

19 A. No.

20 Q. Because where else? There is not anywhere else
21 remotely comparable to Hatfield Forest that
22 people can go to. It is there; it is a resource.

23 A. As far as I know, it is unique, is it not?

24 Q. Yes.

25 A. It is the only medieval forest of that type in

1 the world.

2 Q. Unfortunately for those who live in this locale,
3 it is not as if they have a wide range of
4 Hatfield Forests to go to and enjoy. There is
5 only one of them. There is only one comparable
6 resource. And it is near the airport. Now, the
7 question I put to you was that it is not your
8 case, Mr Charles, that aircraft do not detract
9 from Hatfield Forest, is it?

10 A. No. No, quite a bit of aircraft noise is brought
11 to the forest.

12 Q. And that detracts from the amenity, the forest,
13 does it not? Yes?

14 A. It will detract from some of the activities
15 carried out. It must do.

16 Q. It detracts from the amenity of it?

17 A. Yes.

18 Q. And more aircraft noise will detract further,
19 will it not?

20 A. Yes, if there was a significant increase in the
21 noise, it would detract even further.

22 Q. Is that a scarcely veiled reference to the change
23 in the Leq contour in preference to the extra 170
24 extra movements per day?

25 A. Yes, I am being consistent, even if, as you would

1 argue, not correct. But at least I am being
2 consistent.

3 Q. You have just referred to your visit, which I
4 think you report in your rebuttal proof, do you
5 not?

6 A. Yes.

7 Q. Page 32, paragraph 3.38, if anyone wants to
8 check. Have you made a series of visits to
9 Hatfield Forest in connection with your
10 instructions?

11 A. No.

12 Q. Is that the only one?

13 A. That is the only one recently. I mean, as I live
14 in Hertfordshire I have been to the forest
15 before.

16 Q. I would have expected you might have been there
17 before.

18 And in terms of other open spaces, areas where
19 one might hope to enjoy the countryside quietly,
20 which other areas have you visited in connection
21 with this case?

22 A. Well, I do not think there is any specific ... I
23 mean the whole area is rural hinterland. I do
24 not know how you describe Thaxted. Is it a town
25 or a rural area? But there are places near the

1 Windmill, which I would have thought was a quiet,
2 relaxing area, supposed to be. So I have been
3 there.

4 Q. It is not very quiet there, is it, unfortunately,
5 Mr Charles?

6 A. Not when the arriving aircraft are overhead, no.

7 Q. What about Dedham Vale, for example. Have you
8 been to visit it?

9 A. I have not been to Dedham Vale in the course of
10 this matter. I have been to Dedham Vale before,
11 of course.

12 Q. Yes. Well, whilst we are on Dedham Vale, do you
13 have CD/141 to hand? And perhaps you might dig
14 out again Mr Mitchell's invaluable appendix.

15 A. 141 is the brochure?

16 Q. 141 is that one.

17 MR BOYLAND: The plan with the spots.

18 MR HILL: Yes, we will call it that from now on. The
19 plan with the spots. The plan with the lurgi.

20 MR BOYLAND: I was going to say spotty plan, but
21 perhaps that is not how to refer to it.

22 MR HILL: I just want to establish one matter that
23 probably is not controversial with you,
24 Mr Charles. You have this document, BAA Stansted
25 document CD/141 ...

1 A. Yes.

2 Q. Bothered by Aircraft Noise? And there are people
3 looking up whilst they are on their country walk,
4 plainly distracted by passing aircraft. That is
5 what one is intended to ...

6 A. Well, as far as I can see, they are having a
7 barbie.

8 Q. They might well be having one, but they are
9 certainly not looking at their food, are they,
10 Mr Charles?

11 A. No, it is a bit worrying, because you can get
12 poisoned with barbies. No, they are looking up.

13 Q. I do not need to ask you about that. This is a
14 BAA document. There is a whole series of
15 photographs. They are not the purpose of my
16 question, I can assure you. The people staring
17 up at the sky in rural settings whilst aircraft
18 roar by. Page 17 is rather a good one. There we
19 are. This is no doubt the sort of behaviour that
20 you failed to detect on your single walk through
21 the forest the other day.

22 What I want to ask you about, though, is pages
23 6 and 7 of this document, and as I say, I hope it
24 is not controversial. We need Mr Mitchell's
25 spotty plan as well, or plan with spots. Page 6

1 is the southwesterly arrivals. Do you have that
2 one?

3 A. Yes, I have it in front of me.

4 Q. And what one has there is the radar traces of
5 aircraft arriving at the airport. They come from
6 different directions, but one can see a large
7 concentration approaching from the east; one can
8 see Colchester and the Colchester bypass just at
9 the right-hand margin of the plan. Do you have
10 that?

11 A. Yes. Where it says A12 on the map?

12 Q. Yes, that is the Colchester bypass, A12. And one
13 can see that immediately to the north of that is
14 the great concentration of aircraft coming from
15 the east. That would be fair, would it not?

16 That is where the major concentration of
17 inbounds, from the east?

18 A. Yes, they go up from there to A1071, is it?

19 Q. I cannot read that on mine. But one can see
20 where Sudbury is, and likewise one can see where
21 Sudbury is on Mr Mitchell's plan.

22 A. Yes. Sudbury, surprisingly, seems to be to the
23 north of the river.

24 Q. And what one can see is that the major
25 concentration of arrivals is right across Dedham

1 Vale A1B coming from the east, is it not? For
2 the southwesterly arrivals, looking at the way in
3 which the A and the B has been marked on
4 Mr Mitchell's plan. Yes?

5 A. Yes. I mean, the plan on plan 6 does not really
6 go far enough, does it?

7 Q. Unfortunately not, and perhaps we need to try and
8 get that extended. It would be a useful
9 reference document for the inspector. We will
10 look into that. But I think using one's
11 judgment, one can see that that major
12 concentration is focused over the area occupied
13 by the Dedham Vale A1B, is it not, Mr Charles?

14 A. That is right.

15 Q. And if one turns the page to the north easterly
16 arrivals, slightly different in the mode in which
17 the runway is used, again the major concentration
18 is slightly further north but still plainly over
19 the A1B, then pick up Sudbury there. Sudbury is
20 more affected with the northeasterly arrivals,
21 and one sees that major concentration of tracks,
22 which again overlays, perhaps, the top half, top
23 two thirds of Dedham Vale A1B. Yes? Does that
24 seem right?

25 A. Yes, sorry.

1 Q. And unless those flight paths are changed,
2 changed by CAA, NATS or some other party,
3 increased over-flying of those routes will simply
4 compound the noise effects on the AIB, will it
5 not?

6 A. Yes, it will increase them.

7 Q. Thank you. Can we come then, please, to what I
8 hope will be my last topic. A short one, really,
9 just to do with your proof on the issue of
10 mitigation. If we put the plan with spots away
11 and CD/141 away. If you have got the
12 environmental statement. Volume 2, CD/5. Just
13 to remind ourselves how the matter is put, I know
14 not by you, but by others who wrote this
15 document. Page 33.

16 MR BOYLAND: Forgive me, Mr Hill. Which document
17 again?

18 MR HILL: Sorry, sir. This is volume 2, the
19 environmental statement on air noise. Paragraph
20 311, reference to "already substantial mitigation
21 measures in place ... basis for the restrictions to
22 strike a reasonable balance ... no additional
23 mitigation is therefore proposed to that already
24 in place". So that was the position in the
25 environmental statement. No mitigation proposed,

1 and that remained the position up until the time
2 of the determination.

3 Can I look at your proof, please? Now,
4 page 43 of your proof, BAA/2/a, paragraph 8.1.2,
5 you refer back to the environmental statement in
6 8.1.1, and the combination of statutory and
7 voluntary measures set out there. In 8.1.2: "In
8 addition to those matters, BAA is proposing
9 further conditions and obligations in association
10 with the G1 proposal which provide additional
11 controls and help to contain the impact of air
12 noise on the local community." Then if we turn
13 through the document, we get to section 8.3 at
14 page 49, where we have a heading "Additional
15 Control and Mitigation". Yes?

16 A. That is correct.

17 Q. And I presume that you regard the matters set out
18 in this section, 8.3.1 to 8.3.10, as -- as the
19 title says -- additional control and mitigation?

20 A. That is correct.

21 Q. And we know that the story is taken further by
22 your rebuttal proof, which I do not think we have
23 looked at yet, which I hope you have to hand,
24 because I have got all your proofs on the list.

25 This is BAA/2/e, paragraph 2.76. Do you have

1 that, on page 21?

2 A. Yes, I have it in front of me.

3 Q. And we have got it as a further element, as it
4 were, set out there, the noise cap, however one
5 wants to categorise it being proposed 37.7 square
6 kilometres. I think that is a new element to the
7 proposals you set out in section 8.3 of your
8 proof, is it not?

9 A. That is right. My proof had to meet the time
10 plan, and ...

11 Q. No, precisely, Mr Charles.

12 A. I was just explaining ... and therefore we were not
13 able to meet Mr Turner more than once. We met
14 Mr Turner and Mr Harborough. They were able to
15 indicate particularly the extra measures they
16 needed, and after dialogue with my client, this
17 tries to ... this section of my rebuttal tries to
18 say where I understand we are today. And I think
19 there is a document called BA 20, which tries to
20 put some of this down, which is the ... is it
21 Statement of Common Ground?

22 Q. Statement of Common Ground, yes.

23 A. I think some of it is in there.

24 Q. So far as those matters are concerned, the
25 various caps for night and day, is there any

1 particular reason why they were not proposed or
2 could not have been proposed in the environmental
3 statement?

4 A. Not that I am aware of but you realise I was not
5 involved at the time.

6 Q. You can only say, "Not that I am aware of",
7 Mr Charles.

8 A. Yes.

9 Q. Then I just want to be sure, I think we do
10 understand each other's positions on this. In
11 your rebuttal at paragraph 2.8.9, page 23, and we
12 need Mr Turner's proof I think as well, because
13 there is a cross-reference to that. At your
14 rebuttal, page 23, and Mr Turner's main proof,
15 page 54. You are referring in your paragraph
16 2.8.9 to Mr Turner's main proof, are you not?
17 You say:

18 "Mr Turner concludes that with his proposed
19 measures the noise impact for 35 MPPA at Stansted
20 Airport will be mitigated as far as reasonably
21 practical."

22 A. Yes, I am quoting from his paragraph 7.4.

23 Q. Absolutely, you are. If we look back at 7.4,
24 there we are reading a conclusion, before we get
25 to setting out the, as it were, residual impacts

1 in 7.5, that goes back to section 6, are we not?
2 And section 6 is the one that sets out these
3 various controls which you have dealt with in
4 your proof and rebuttal proof.

5 A. That is right.

6 Q. So 7.4 is saying:

7 "I am satisfied that if [this is in the main
8 proof] the proposed measure set out in section 6
9 were adopted when combined with mitigation
10 already in place the noise impact will be
11 mitigated as far as reasonably practical there is
12 little more that can reasonably be undertaken at
13 this time to reduce the impact further."

14 So there is not anything more you can do, is
15 not anything you can do to depress the impact
16 without changing the application basically. That
17 is right, is it not?

18 A. Yes, I assume that is what Mr Turner meant.

19 Q. I want to make sure that we are on a common
20 understanding of that. I think we are from what
21 you have said in your paragraph 2.8.9. But then
22 we go on, 7.5:

23 "Allowing the appeal will still mean that.
24 There will be ..."

25 And then the various impacts that are set out

1 and dealt with in the main proof.

2 So, there is not anything, so far as I am
3 aware, in your proposals in your rebuttal or
4 elsewhere that goes beyond the types of
5 mitigation proposal that Mr Turner had in mind
6 when he wrote his proof, is there?

7 A. I think that is correct.

8 MR HUMPHRIES: Well, sir, what this fails to recognise
9 is the final answers from Mr Turner where he said
10 he would recommend to his client that there was
11 now adequate mitigation. That is what this
12 little passage is about.

13 MR HILL: You cannot possibly have that sort of
14 intervention.

15 MR HUMPHRIES: Sir, I can have that intervention
16 because what Mr Hill is trying to do is undermine
17 his own client's evidence. Now you have had that
18 evidence. If Mr Turner had given me a different
19 answer I would have continued to cross-examine
20 him, he did not, and I stopped.

21 MR HILL: That simply will not do and if my learned
22 friend wants to make submissions about how he
23 interprets Mr Turner's answers then there will be
24 an appropriate time for him to do that. If he
25 wanted to lead anything through Mr Charles he

1 could have done so but he did not. I am asking
2 my questions at the moment, sir, and I think that
3 is the way we ought to go. Mr Charles
4 understands the position quite well and has given
5 me, I think, a very fair account of his
6 interpretation at paragraph 7.4 that Mr Turner's
7 conclusions anticipate the very measures that
8 Mr Charles has put forward. That is right, is it
9 not, Mr Charles?

10 MR BOYLAND: I was just going to say that I will allow
11 you to carry on with this line of questioning but
12 I will bear in mind, listening to the questions
13 and the answers, the point Mr Humphries has made
14 about the cross-examination of Mr Turner.

15 MR HILL: Of course, you have to do that. So you have
16 to take all the evidence into account.

17 Mr Charles, it is right, is it not? You just
18 told me, so we can get it accurately recorded,
19 that Mr Turner's conclusions anticipate, because
20 it talks about the proposed measure set out in
21 section 6, the very proposals that you put
22 forward in your proof and rebuttal. Of course,
23 when he wrote this he had not seen your proof or
24 rebuttal, but those conclusions were expressed on
25 the basis that those proposals would come

1 forward.

2 A. Well, indeed, these were the matters that he had
3 raised at the meeting we had because this was the
4 first time we found out what UDC wanted.

5 Q. You say that but as we have already established
6 there is absolutely no reason why BAA could not
7 have put these matters forward had it wanted to
8 do so at the time of the environmental statement.

9 A. Well, indeed, but just dealing with me, because I
10 only know what happened to me, when I was
11 appointed, within two weeks I wrote to Mr Turner
12 to say can we not have a meeting, because usually
13 at these enquiries it is expected the experts
14 meet and try to resolve as much as possible and
15 one of the matters is what mitigation is your
16 client looking for , and that unfortunately, for
17 reasons which may be lots of very good reasons,
18 only took place after I had drafted the proof and
19 after Mr Turner drafted his proof, to be fair.

20 Q. No, the meeting took place before you drafted
21 your proof. The meeting took place in mid-April,
22 you put your proof in at the end of April.

23 A. My proof was well on by the time we got to
24 this --

25 Q. Well, get the chronology right, Mr Charles, if we

1 are going to make accusations such as that.

2 A. I am not making any accusations about anyone, I
3 am just saying that this is the process that took
4 place.

5 Q. You were not appointed until the end of February
6 or mid-February, were you?

7 A. Mid-February, yes.

8 Q. And we had to get the proofs in in April.

9 A. I quite agree, we did.

10 Q. Let us just go back to the point, please. There
11 is nothing that you proposed by way of mitigation
12 that goes beyond the matters that Mr Turner
13 canvasses in his proof and takes into account in
14 his conclusions at 7.4.

15 A. I understand you are asking is there anything
16 more stringent, is that right?

17 Q. Any additional mitigation measure.

18 A. Right, so Mr Turner is referring, as you
19 correctly pointed out, assisted me to his section
20 6, so if we quickly go through section 6 we had
21 6.9 which was the passenger throughput constraint
22 matter, that is all sorted out as far as I know.
23 The daytime contour limit, that is all sorted out
24 subject to the area being slightly different to
25 what Mr Turner had in mind at that stage. The

1 movement limit, as far as I know Mr Turner was
2 asking for something slightly more stringent and
3 I think the parties are still talking of the
4 application that is in front of the Inspector at
5 the minute. Night noise, other than expressing
6 it in terms of the 50 units there is nothing
7 between us as far as I understand it. Sound
8 insulation, no problem in practice. Operating
9 procedures, no problem. Schools, effectively
10 that is slightly altered after our subsequent
11 discussion but in general it is all in line.

12 Q. So there is not anything new that goes beyond the
13 matters that Mr Turner canvassed in his section 6
14 has sort of come on to the scene since he wrote
15 paragraph 7.4.

16 A. That is my understanding, yes.

17 MR HILL: Thank you very much, Mr Charles. Thank you,
18 sir.

19 MR BOYLAND: Mr Stinchcombe, it is almost 4.40 pm, is
20 there any self-contained, apart from your
21 cross-examination, that we can start with?

22 MR STINCHCOMBE: Sir, I could do. I am not entirely
23 sure I am going to get very far sensibly within
24 15 to 20 minutes but I am in your hands. If you
25 want to make progress I can press on and make a

1 start.

2 MR BOYLAND: I am just conscious of the need to keep
3 to programme for the next couple of days. I
4 think we pencilled in a day and a half for
5 Mr Charles, I think you have indicated to the
6 appropriate officer that you need about two
7 hours, is that right? Or might it be less now
8 that you have heard Mr Hill's?

9 MR STINCHCOMBE: I suspect it will be less having
10 heard Mr Hill. I would hope we would be finished
11 by around the mid-morning break tomorrow.

12 MR BOYLAND: If we start now or if we start in the
13 morning?

14 MR STINCHCOMBE: I would hope if we started now we
15 would be finished by then.

16 MR BOYLAND: I think it would be worth doing another
17 15 minutes or so if we can. I appreciate you
18 might not wish to split it but I think we need to
19 make progress.

20 (16.40)

21 Cross-examination by Mr STINCHCOMBE

22 MR STINCHCOMBE: Mr Charles, good afternoon.

23 A. Good afternoon.

24 Q. I wonder if we can just agree a few background
25 matters of fact and perhaps matter of commonsense

1 before we get into the detail and the
2 complexities of noise evidence tomorrow morning.

3 You will agree with me that airports are
4 inherently noisy, are they not?

5 A. That is correct.

6 Q. And you will agree with me that so far as air
7 noise is concerned it is each individual
8 departure and arrival which causes that noise?

9 A. Yes, other than a subject too close to the
10 airport where you get the ground noise. But
11 dealing with air noise that is --

12 Q. Dealing with air noise.

13 A. Yes.

14 Q. It is each individual departure and arrival which
15 therefore has the potential to cause noise
16 disturbance or a noise?

17 A. That is correct.

18 Q. Whether to individuals or communities who live
19 nearby?

20 A. That is correct.

21 Q. And to those who visit nearby?

22 A. Indeed.

23 Q. I am obliged. You will agree with me that that
24 noise impact is an interest of acknowledged
25 importance in planning terms?

1 A. Yes, indeed.

2 Q. Therefore that noise impact is a harm to be
3 weighed carefully in the balance?

4 A. Indeed.

5 Q. And that we have to be careful not to
6 underestimate the extent of that harm?

7 A. Indeed.

8 Q. That means, does it not, that we have to use
9 methodologies that do not conceal localised
10 impacts?

11 A. Yes, we have to use the appropriate methodology.

12 Q. If it concealed a localised impact it would have
13 to be supplemented, would it not?

14 A. Yes, if there were significant things being
15 covered up then it would.

16 Q. Because all of the impacts of all the individual
17 noise events need to be considered?

18 A. Yes.

19 Q. So I wonder if we can also agree as matters of
20 commonsense at this stage rather than technical
21 detail some of the factors which contribute to
22 the sense of annoyance or disturbance in respect
23 of each air transport movement.

24 Firstly, I am going to take it in no
25 particular order, but the first and most obvious

1 one would be the actual noise level itself, the
2 peak noise, the LA Max.

3 A. Yes, how noisy it is.

4 Q. And we have to be aware of how noisy each noise
5 event would be, yes?

6 A. That is right.

7 Q. With the noisier events being more likely to
8 disturb or a noise in a quieter event?

9 A. Yes.

10 Q. We have to consider also the character of the
11 noise, the tonality, would we not?

12 A. We would have to consider, yes, to some extent.
13 Aircraft noise is different from railway noise
14 and road noise.

15 Q. Indeed.

16 A. You have to consider the character of what it is.

17 Q. And, indeed, different from helicopter noise?

18 A. Yes.

19 Q. We would have to consider the duration of each
20 noise event, would we not?

21 A. Yes, that is taken into account.

22 Q. You tell us, I think, in paragraph 6.1 of your
23 proof, we perhaps do not need to go there, that
24 so far as departures are concerned that noise
25 starts as the aircraft commences its take-off and

1 it continues until it reaches a sufficient height
2 to no longer be noisy.

3 A. That is correct.

4 Q. That is a noise event of some duration.

5 A. Indeed it would be if you could hear all that.

6 Q. Likewise, in reverse, the noise event of an
7 arrival would be of some duration, indeed,
8 probably longer, would it not?

9 A. The aircraft is slower but -- it depends where
10 you are but it could be longer, depends where you
11 are. Usually it is shorter because the aircraft
12 is lower and it quickly goes by whereas a
13 departing aircraft is way up and you hear it for
14 quite a while. It depends where you are. It can
15 vary around the airport.

16 Q. We would have to take into account also, would we
17 not, the time at which each individual noise
18 event took place?

19 A. The time is a factor to be borne in mind, in
20 particular night-time events are often perceived
21 as more annoying than daytime events. Some of
22 the locals say, "We can live with the daytime but
23 the night-time is unacceptable".

24 Q. In the noise sensitive hours at night you can be
25 woken up, can you not?

1 A. Some people can be woken up and some people are
2 woken up.

3 Q. By the peak noise event?

4 A. Yes. It is usually related more to the
5 individual noise of a particular aircraft which
6 is why the criteria quite often terms of aircraft
7 noise footprints rather than contours.

8 Q. Individual noise rather than contours?

9 A. That tends to be the finding of the government
10 study on the aircraft noise at night.

11 Q. Also the shoulder hours would be noise sensitive
12 as well, would they not?

13 A. They may well be. They might be.

14 Q. I am obliged. We have to take account also,
15 would we not, of the weather? Whether it was
16 sunny and hot, people are outside or inside with
17 windows open?

18 A. I think in a way if you are trying to assess an
19 event which is going to continue for many years
20 you cannot really allow for the weather too well,
21 be it that some of the studies have tried to
22 consider the summer period as, as you say, people
23 are more likely to be outdoors or with windows
24 open in the summer.

25 Q. At this stage, before we come on to the manner in

1 which we assess noise impact as a matter of
2 technical detail, just looking at the factors
3 which contribute to sensitive noise or
4 disturbance and clearly if you are outside on a
5 hot balmy day or inside with the windows open for
6 ventilation you are going to be more exposed to
7 noise, are you not?

8 A. If you are outside you are.

9 Q. Or inside with windows open?

10 A. Indeed. Indeed, if you open the windows then you
11 have more noise.

12 Q. Likewise, one of the factors which would
13 contribute to a sense of disturbance or annoyance
14 would be the activity which was being disturbed
15 because certain activities are more noise
16 sensitive than others, are they not?

17 A. That is correct.

18 Q. So we could contemplate, for example, at this
19 time of the year students studying for their
20 GCSEs and having their concentration broken by an
21 individual noise event?

22 A. It is conceivable, yes.

23 Q. Just as we could contemplate an expert witness
24 preparing for his cross-examination.

25 A. He is completely immune to any sort of noise.

- 1 Q. It is right also, is it not, that leisure
2 activities can also be highly noise sensitive as
3 well, can they not?
- 4 A. Indeed, very much so.
- 5 Q. For example, a wedding reception at Whitehall
6 Hotel in Broxted might be very noise sensitive?
- 7 A. Well, it definitely would be affected by noise,
8 yes.
- 9 Q. Or even a garden barbecue or a walk in the
10 forest?
- 11 A. They all will notice the environment in which
12 they are taking place, yes.
- 13 Q. Church services would be noise sensitive?
- 14 A. Yes, they would.
- 15 Q. School lessons, noise sensitive?
- 16 A. Yes.
- 17 Q. Another factor which would contribute to the
18 sense of annoyance or disturbance would be the
19 frequency of the noise event, would it not?
- 20 A. Yes, how many times it occurs is definitely a
21 thing that matters.
- 22 Q. I mean if someone or a village is repeatedly
23 disturbed by noise then that person or village is
24 likely to be more annoyed?
- 25 A. Yes, repeated complaint situations get more

1 annoying.

2 Q. It is right, is it not, that that frequency is,
3 itself, going to be in some respects dependent on
4 weather conditions, is it not, because aircraft
5 have to take off and land into the wind?

6 A. It will affect by the way in which this airport
7 is used, as you say, which is wind affected.

8 Q. So that depending upon the prevailing wind
9 direction there is going to be a concentration of
10 over flying of certain routes?

11 A. Yes. Yes.

12 Q. And I think weather conditions would have an
13 additional impact, would they not, on noise, for
14 example, if there was moisture in the atmosphere?

15 A. Yes. Yes, there are very detailed effects of
16 propagation through various atmospheric
17 conditions which will have some effects.

18 Q. Make it noisier, would it not?

19 A. Well, it will make it different. Sometimes it
20 might be noisier, sometimes quieter, depending on
21 precisely what is going on. But it will make a
22 difference.

23 Q. So all of those factors, the noise level, the
24 tonality, the duration, the time when the
25 disturbance takes place, the weather conditions

1 at that time, the activity which is being
2 disturbed and the frequency of the disturbance,
3 all of those factors contribute to the sense and
4 the extent of disturbance and annoyance by noise?

5 A. That is correct.

6 Q. And we have to be astute to make sure that our
7 noise assessment takes them fully into account?

8 A. Yes.

9 Q. If I can just truss this gently into the area
10 that was covered by my learned friend, I think
11 largely this morning; your methodology has
12 certain features, which we can readily identify.
13 Firstly, your reliance upon the LAeq 16-hour
14 contour?

15 A. That is correct.

16 Q. I am obliged. And, secondly, having identified
17 that metric as the index by which you assess air
18 noise, you undertake that assessment principally
19 by reference to the 57 LAeq contour?

20 A. That is right. I do it in line with CD/87.

21 Q. That is for daytime at least?

22 A. That is correct.

23 Q. So far as night-time is concerned, you also do it
24 by reference to the LAeq but this time an 8 hour
25 LAeq, is it not?

1 A. That is correct.

2 Q. Thirdly, we can note, can we not, that you also
3 apply the threshold of perceptibility in respect
4 of your LAeq approach of 3 decibels, so if there
5 is a change of less than 3 decibels you say that
6 it is immaterial?

7 A. Not quite, no.

8 Q. Tell me how you approach it then. I am looking
9 at your paragraph 6.4.7 in particular; just make
10 sure I have not misunderstood the way in which
11 you do it. You there report an agreement that
12 air contours on the LAeq 16-hour metric should
13 only be considered significant when a change of
14 at least 3 decibels occurs. You are saying there
15 is no significance even below 3 decibels, are
16 you?

17 A. I try to summarise my rules of thumb in table 5
18 where I indicate that at 3 to 5 it would be a
19 perceptible change.

20 Q. What about 2 to 3?

21 A. Well, that is somewhere in between imperceptible
22 and perceptible.

23 Q. So your evidence and your approach in respect of
24 that area is that it is potentially perceptible
25 between 2 and 3 decibels on the LAeq?

1 A. That is correct.

2 Q. But that it has marginal impact even at that
3 level? Is that right?

4 A. That is correct.

5 MR STINCHCOMBE: I am obliged. What I would like to
6 do with you, if that does not sound too rude a
7 way to put it, in due course is to take you
8 through those three stages, hopefully not
9 trespassing on the questions that have been asked
10 already but using some of them as a points of
11 departure.

12 The appropriateness of the 16-hour LAeq, the
13 appropriateness of the 57 threshold and the
14 appropriateness of that 3-decibel threshold.

15 Sir, I wonder if I might embark upon that
16 exercise tomorrow morning?

17 MR BOYLAND: I think that would be sensible. Best
18 embarked on when we are fresh. Anything else
19 before we adjourn? We are adjourned until
20 10.00 am tomorrow morning.

21 (16.54)

22 (Hearing adjourned until 10.00 am

23 Wednesday, 20th June 2007)

