

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Endeavour House
Stansted Airport

25th September 2007

Before:

Alan Boyland, Lead Inspector
Terry Phillimore, Assisstand Inspector

BAA Public Inquiry - Stansted Airport

Mr M Humphries QC and Mr H Philpot (instructed by CMS
Cameron McKenna) appeared on behalf of BAA Ltd and Stansted
Airport Ltd.

Mr P Stinchcombe and Ms S Hannett (instructed by Jameson and
Hill Solicitors) appeared on behalf of Stop Stansted
Expansion.

Mr T Hill and Ms L Busch (instructed by the Councils)
appeared on behalf of Uttlesford District Council, East
Hertfordshire District Council, Essex County Council and
Herfordshire County Council.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STANSTED AIRPORT
G1 PUBLIC INQUIRY

held at
Endeavour House
Stansted Airport

on Monday, 25th September 2007
commencing at 10.00 am

APPEARANCES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR ALAN BOYLAND, Inspector
MR TERRY PHILLIMORE, Inspector
MR MICHAEL HUMPHRIES, QC, BAA
MR THOMAS HILL and MS LISA BUSCH, Uttlesford District
Council, Essex County Council and Hertfordshire County
Council
MR PAUL STINCHCOMBE and MS SARAH HANNETT, Stop Stansted
Expansion
MR KEITH TURNER, National Trust
MS MICHELE HATWELL, Uttlesford District Council
Communication
DR PAT ELLIOTT, Saffron Walden District Friends of the Earth

Tuesday, 25th September 2007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(10.00 am)

DISCUSSION OF ADMINISTRATIVE MATTERS:

MR BOYLAND: Good morning. The Inquiry is resumed. It is Day 38. Mr Humphries, you asked me earlier.

Usual reminder, everybody, to sign the attendance sheet which is by the door and for mobile phones to be switched off or to silent. I will just check my own. Yes, I did. It is all right. I thought I had. Nothing more embarrassing than when the inspector's own phone goes off.

A couple of procedural points I would like to raise. First of all, I received via the programme officer yesterday a query from BAA asking whether given this is a joint Inquiry with the two Secretaries of State, who will, as they put it, grant planning permission -- I would say who would grant planning permission -- that seems to have raised a tricky question. My immediate reaction was it would be the Secretary of State for Communities and Local Government. That raised the question: what remit does the Secretary of State for Transport have? The matter has been referred up to the legal people in the department. I am hoping for a response shortly. I don't have a definitive answer as yet. I take it the request stems from the need to

1 refer -- from the need to make the section 106
2 obligation contingent upon planning permission being
3 granted. Is that correct?

4 MR HUMPHRIES: Yes. I think that's where it originated
5 from. I am just making sure that we had got that
6 correctly identified in the document. There is no
7 ulterior motive or anything else. Simply noting on all
8 the correspondence it does refer to the two Secretaries
9 of State and just wanting to know how we should frame
10 the wording.

11 MR BOYLAND: It is a good point, as I say. I will respond
12 when I can.

13 MR HILL: Sir, just on that point, it is probably my failure
14 to catch up with the documentation. I don't know if
15 that request to yourselves has been circularised in the
16 normal way. I don't think it has reached me if it has.

17 MR HUMPHRIES: No. To be honest, it was simply my
18 instructing solicitor went to try to clarify with the
19 programme officer and just asked the programme officer
20 could he just clarify so we can make sure we get the
21 wording in the section 106 correct. The programme
22 officer said he didn't know the answer and I believe,
23 sir, must have come and spoken to you. So it is not
24 a note that was circularised. It was just a drafting
25 point for the people doing the section 106 agreement.

1 MR HILL: That's helpful. I should say it is an issue which
2 has been exercising us, particularly in the light of
3 some of the comments in the planning White Paper, about
4 the appropriateness of a particular Secretary of State
5 having a role in a decision which engages his policy,
6 and it is something that we have been contemplating
7 taking up with the Department in the light of the
8 reference in the planning White Paper. If we do that,
9 we might do that in conjunction with the issue you have
10 just raised. Of course, if we write a letter, we will
11 copy it to you so you know what is being asked.

12 MR BOYLAND: That would certainly be helpful. Thank you.
13 There is the question, of course, that the Secretary of
14 State for Communities and Local Government readily makes
15 decisions on matters that turn on her own policy as
16 well.

17 MR HILL: Indeed so, sir. I raise the question because it
18 is expressly raised in the planning White Paper as
19 a reason for setting out the planning permission.

20 MR BOYLAND: We will see where this one goes. Thank you.
21 The other matter I wanted to raise, which is just
22 a programming matter, we discussed programme -- I am
23 losing track of time -- I think it was about ten days
24 ago with particular reference to the surface access
25 matters. I think it seemed to be generally agreed that

1 there was some scope for reducing the time spent on it.
2 As programmed at the moment, though, we are due to spend
3 the whole of this week and up to and including Thursday
4 of next week on the surface access matters with just one
5 day for conditions and obligations, a week on Friday.
6 I think we also agreed at the meeting that we had that
7 one day would not suffice for that. So I just put
8 people on notice that it is important that we make good
9 use of the time we have on the surface access matters to
10 hopefully finish earlier than the programme so we have
11 sufficient time to deal with conditions and obligations,
12 otherwise I think we are going to be in some
13 difficulties on that. I just flag that up for people to
14 have at the back of their minds.

15 Are there any other procedural matters before we
16 carry on?

17 MR HILL: Sir, I am not sure it is a procedural point, but
18 we have been playing a game of document catch-up both
19 this morning and yesterday, as I imagine you have
20 engaged in as well.

21 MR BOYLAND: I know the feeling very well, yes.

22 MR HILL: I am not sure we have won that game just at the
23 moment. I see there are more extra documents to absorb
24 this morning. Indeed, you may have found one arrived
25 from us yesterday evening from Mr Wang. I only received

1 some of the documentation in hard copy form yesterday.
2 As I say, the material that has arrived this morning
3 I really haven't had an opportunity even to glance at.
4 It seems to me I am going to need a moment this morning,
5 as are my team, to read the material that arrived this
6 morning, to take instructions -- I want to take
7 instructions on one or two points that have arisen
8 overnight with my reading of the documentation that
9 arrived yesterday. ACC's brief only reached us in hard
10 copy form yesterday. I say that. It reached me
11 electronically yesterday as well.

12 MR BOYLAND: This is Mr Bird's supplementary proof?

13 MR HILL: Supplementary, which I have only had a chance to
14 glance through overnight. Again there is a couple of
15 points in that I want to ask my team about before we
16 plunge into our evidence. What I would say is that,
17 looking at the global picture for surface access, it is
18 certainly clear to me that the amount we will need this
19 week, and this is when ourselves and BAA are programmed,
20 will reduce over that that's presently programmed.

21 MR BOYLAND: Good.

22 MR HILL: I have discussed this very briefly with my learned
23 friend. I understand the programme presently
24 anticipates that our case will take all of today and all
25 of tomorrow, but he feels that that is a considerably

1 over-generous allowance of time. I must say, bearing in
2 mind what's left between us, I would agree with that.
3 My cross-examination of Mr ForsheW has also reduced
4 substantially from the time when this programme was
5 drawn up. Equally I understand there is a question
6 about whether Mr Bird comes to give evidence at all. We
7 have all been asked to respond to the programme officer
8 about that. As I only had the proof yesterday, I am
9 afraid I am not in a position to give a clear view on
10 that at the moment, but I will be able to shortly.

11 So I think we are looking at a position where
12 surface access occupies considerably less time than
13 originally programmed for it. It is highly likely we
14 will free up at least Thursday of next week or a good
15 part of Thursday to deal with conditions and
16 obligations. We share your view that more than Friday
17 would be desirable to deal with that.

18 Sir, the good news is that I have taken the
19 opportunity overnight with the position -- certainly
20 evidential position I thought I understood by close of
21 play yesterday to produce a short opening on surface
22 access issues just to focus the Inquiry on what it is
23 still at issue between the authorities.

24 MR BOYLAND: I think that would be very helpful, because
25 clearly this has been a fairly moving feast.

1 MR HILL: It has indeed, sir. It has moved a lot. It was
2 moving at the time of opening. I think I only devoted
3 a page to surface access, because we didn't know really
4 which direction they were going to lead. My short
5 opening is half a dozen pages, but I think it will help
6 you both and help others in the room to see what is now
7 in dispute between the authorities, and where there is
8 still uncertainty, what we have done in terms of drawing
9 a line under the debate and pressing on to assist the
10 Inquiry.

11 So some good news and some bad news. I think, sir,
12 I am going to need with my team until the mid-morning
13 break to both absorb new material and to ensure we have
14 all got the documents that have come in over the last
15 few minutes and the last few hours and last few days and
16 also ensure we have got all the documents that my
17 learned friend wants to refer to in cross-examination.
18 Does that seem unreasonable to you?

19 MR BOYLAND: You say you are going to need until the
20 mid-morning break?

21 MR HILL: Until the mid-morning break. We are going to need
22 about an hour.

23 MR BOYLAND: I think that is reasonable, given the amount of
24 material that we have. Certainly there is quite a few
25 documents that have been handed to me just in the last

1 few minutes. I have not read any of those. I think it
2 would make better progress if we did. Having said we
3 want to reduce the time we take, it seems rather strange
4 to be taking an adjournment, but I think it may well
5 save us time in the long run.

6 MR HILL: Thank you, sir.

7 MR BOYLAND: Any other comments? Mr Humphries?

8 MR HUMPHRIES: No, sir. I am content with that. Obviously
9 I don't know how long Mr Hill's witnesses will be in
10 chief, but I would certainly hope that we will have
11 completed UDC's case by about lunchtime tomorrow, in
12 which case we would then on the assumption that Mr Bird
13 isn't required by anyone be starting -- sorry -- we
14 would then be starting our case, which, if it took two
15 days, would bring us towards Friday. Therefore we may
16 even be starting SSE's case on the assumption that
17 Mr Bird was not coming forward. Sir, I am with you on
18 hoping we can make real progress.

19 MR BOYLAND: Good. I see Mr McDonald is there. Are you
20 going to be in a position to present your -- sorry -- is
21 SSE going to be in a position to present its case
22 a little earlier than anticipated, possibly even
23 beginning on Friday?

24 MR McDONALD: Yes, I think we will be in that position.

25 MR BOYLAND: Very good.

1 MR McDONALD: Just to advise that I am standing in today for
2 Mr Stinchcombe.

3 MR BOYLAND: That's fine.

4 MR McDONALD: I also have an admin matter, if I could raise
5 it, please.

6 MR BOYLAND: Okay. Let us just deal with this point, first
7 of all. I think we are all as one.

8 Dr Elliott, do you want to say anything about the
9 programme or are you content with what has been said?

10 MR GARLAND: I think I am content -- Paul Garland -- I think
11 we are content with what has been said, provided I am
12 not faced with any surprises about being called on a day
13 when I am not available.

14 MR BOYLAND: If you could perhaps let the programme officer
15 know when you are or are not available, that would be
16 helpful. We will try to work around that.

17 Mr McDonald, your admin point.

18 MR McDONALD: I think I have been put in the hot seat,
19 because the admin point is to point out an error in my
20 own proof of evidence that was submitted last week,
21 SSE/13.1A. On page 15 towards the top of that
22 page could you please delete paragraphs 5.3.5 through to
23 5.3.8?

24 MR BOYLAND: Just delete them?

25 MR McDONALD: Delete them. They sort of duplicate things

1 MR BOYLAND: Good.

2 MR HILL: Sir, can I start, as I said I would, by making
3 a short opening on behalf of the authorities in respect
4 of surface access issues, which I hope will set the
5 scene in its own way? That can go round now. Then we
6 will come to some matters of documentation and then we
7 will call Mr Wang, if that's acceptable to you?

8 MR BOYLAND: Yes, that's fine.

9 MR HILL: I will allow that to go round the room. You can
10 tell it is my typing, because there is a typo on the
11 front page. "Proposed intensification in terms of
12 existing runway" that should be. That shouldn't confuse
13 any of the readers.

14 Sir, can I start by some few words of introduction
15 which I had added the heading "continuing uncertainties"
16 which will come as no surprise to you having read our
17 proofs. Surface access issues were addressed only
18 briefly in our opening submissions to this Inquiry in
19 terms of writing on a page. The principal reason for
20 this is that the highway and transportation authorities,
21 the HAs thereafter, were at that time engaged in a major
22 investigation to ascertain why the results reported by
23 BAA in the TAA, Transport Assessment Addendum, submitted
24 in the immediate run-up to the Inquiry diverge so
25 dramatically from those reported in the TA. You will

1 recall that debate many months ago: this process was
2 eventually concluded with the discovery of a number of
3 serious errors in the input data for the TAA, which have
4 ultimately led to its effective withdrawal so that it is
5 superseded by the TAAU submitted at the beginning of the
6 summer adjournment.

7 This exercise has served to compound the concerns
8 expressed in the Highway Authority's initial evidence as
9 to the lack of robustness and reliability in some of the
10 data being relied upon by BAA to support its application
11 for an additional 10 million passengers per annum at
12 Stansted. By that I mean the fact that the figures can
13 fluctuate so wildly has caused the Highways Authority to
14 have to apply an extra degree of scrutiny to the
15 exercise that they have been undertaking.

16 Thus at the opening session of this Inquiry the
17 Highways Authorities remain very concerned about the
18 robustness of many of the assumptions made by BAA and
19 the margins for error which are associated with many of
20 the outputs of the modelling process.

21 The view has been taken that the 35 MPPA plus 15%
22 sensitivity test, in fact, constitutes a more robust
23 estimate of the potential impact of the proposed
24 expansion without being able to take full account
25 numerically of the various uncertainties discussed in

1 the Highways Authorities' supplementary proof. That
2 quote there is simply from Mr Wang's supplementary word
3 for word. That is the position that he states.

4 For example, the Highway Authorities are still not
5 satisfied with the robustness of BAA's assumptions that
6 the highest hourly flows associated with airport
7 development at Stansted will not coincide with the peak
8 hours on the highway network, even though an intention
9 has been expressed to fill in the gaps during the day at
10 Stansted and the hours at which peak runway capacity are
11 reached are simply a function of the commercial
12 judgments of the airlines and inevitably have the
13 potential to change, as confirmed by Mr Maiden in
14 cross-examination, with consequential changes in the
15 peak times for attracting or disgorging passengers or
16 employees on to the highway network. That is just
17 an example.

18 Notwithstanding these continuing concerns, the
19 Highway Authorities recognise the need to draw
20 a line under their attempts to resolve the many
21 questions which they have raised about the data upon
22 which BAA rely and assist the Inquiry in reaching
23 judgments about the outstanding highways' issues in
24 circumstances where, quite frankly, they do not have the
25 resources to present an alternative and hopefully more

1 reliable set of modelled outputs to those presented by
2 BAA.

3 It is in these circumstances that Essex County
4 Council and Hertfordshire County Council have been able
5 to agree the level of contributions to a number of
6 mitigating works on the Essex and Hertfordshire highways
7 networks. We have seen those recorded both in evidence
8 and in the statement of grounds.

9 MR BOYLAND: This is version 2 you refer to presumably?

10 MR HILL: That's right.

11 I turn then to the key outstanding issues, as it
12 were, that remain. The Little Hadham bypass, dealing
13 with the highways network first. The exception is in
14 respect of the contribution by BAA to the construction
15 of the Little Hadham bypass on the A120 west of
16 Stansted. I should just say, sir, we hope you have both
17 observed the operation of the A120 near Hadham.

18 MR BOYLAND: We have.

19 MR HILL: Here the Highway Authorities seek a contribution
20 of £2 million or 10% of the cost whereas 250,000 only is
21 offered by BAA, falling recently from a figure of
22 350,000, which even Mr Bird endorses in his
23 supplementary proof on behalf of ECC, a party not known
24 for their generosity with BAA's money.

25 Hertfordshire County Council's stance on this

1 contribution is explained by Mr Humby and proceeds from
2 the starting point that BAA's modelled outputs around
3 Little Hadham are not credible and may themselves be
4 significantly in error.

5 I should add there, sir, we have today this morning
6 seen some new documentation from BAA. I have in mind
7 particularly BAA/3/F and BAA/3/G, which seems to be
8 an 11th hour attempt to address some of our concerns in
9 this area. You will have seen at a glance that the
10 material presented in those two documents is of
11 a technical nature, and we have had a cursory look at
12 it, such as we have been able to this morning. There is
13 no way we will be able to deal with that material today.
14 We will plainly do our best to return to it tomorrow.

15 I should say that one of those documents potentially
16 have the potential to change all the figures before the
17 Inquiry, the A120 west of Bishop Stortford.

18 Against this background it is necessary to reach
19 a broadly based view on an appropriate level of
20 contribution, having regard to the wide range of factors
21 which apply in this case, including, and I set out
22 a few, not a complete list, a few factors:

23 The requirements of overall reasonableness
24 emphasised in circular 0505;

25 The role which the A120 place in providing the only

1 principal road access to Stansted from the west. There
2 is not any other way. If you don't go along the A120,
3 you are in the country lanes;

4 The existing contribution of Stansted traffic to
5 serious peak hour congestion, the scale £50,000, and the
6 contribution made to addressing this serious problem in
7 association with the 15 to 25 MPPA application.

8 I should say there, of course, the bypass proposals
9 weren't up and running, as they are now, in 2003. That
10 is a contextual factor that relates to the position in
11 2003. They are now.

12 The need and opportunity for a substantial
13 contribution now from the only major development likely
14 to make a contribution which could kick-start the
15 regional founding process;

16 The need to address additional traffic associated
17 with G1, and the appropriateness of taking account of
18 the enormous advantage, the benefit which
19 Stansted Airport will ultimately derive from the
20 provision of a bypass which removes the bottle-neck.

21 In fact, doing the best one can with the model
22 outputs, that airport growth is 10% of total growth on
23 the A120 at Hill Hadham when the 35 MPPA plus 15% with
24 bypass data is compared to the 25 MPPA without bypass.

25 It is these factors in combination which against the

1 background of great uncertainty about the data lead HCC
2 to the conclusion that 10% is a reasonable contribution
3 for BAA to make to a road which will both serve its
4 additional 10 million passengers per annum plus
5 associated employment and provide a huge improvement in
6 access to all other traffic destined from the airport
7 which is approaching from the west.

8 I turn to the other issue, rail, and the provision
9 of capacity to serve an additional 10 MPPA.

10 The Highway Authorities considered rail to be
11 a critical transport option for access to and from
12 London's third airport. In particular it is highly
13 sustainable, cuts across the roads congestion, which
14 bedevils the region and keeps cars off the network
15 especially at peak times, when any additional traffic is
16 highly unwelcome.

17 The problem which arises is the lack of available
18 peak hour rail capacity to serve existing airport
19 traffic, let alone another 10 million passengers per
20 annum. The official figures in the RUS confirm the am
21 peak is already over 100% capacity and the experience of
22 the Highway Authorities is this is also true already for
23 a number of the pm peak services. I add in here
24 response to the position as put in the TAAU. We have
25 sought to just conduct a snapshot for the week last

1 week. It was not contaminated by either the holiday
2 period or tube strikes or anything else that has caused
3 problems for traffic and transport surveyors over the
4 last month and a half. I hope you have that before you
5 as ECC/1/I.

6 Present capacity problems are judged against DFT
7 Rail's loading specification of one passenger per seat
8 for peak hours services. The Highway Authorities
9 consider achieving this specification is particularly
10 important if the service is to be attractive to airport
11 passengers, who in many cases will be carrying
12 substantial luggage, accompanied by children, who knows,
13 elderly relatives. It is not the same as a commuter
14 with a morning and evening paper and a laptop. You have
15 to have appropriate capacity for the type of passenger
16 we are considering. The Highway Authorities consider it
17 beyond doubt that failure to provide an attractive
18 Stansted express service in the peak hours will drive
19 airport passengers away from rail and on to far less
20 sustainable modes of transport.

21 All the Highway Authorities seek, however;
22 a different mechanism to ensure that the DFT Rail
23 Loading specification is adhered to if Stansted is to
24 grow by 10 million passengers per annum. It is accepted
25 that a solution exists in the form of 12 car trains

1 initially in peak hour periods one suspects. However,
2 no reliable commitment or timetable exists for the
3 provision of this extra capacity. In the Highway
4 Authorities' view -- it is the Highway Authorities' view
5 this cannot be left unresolved in the vague and almost
6 certainly forlorn hope that it will be all right on the
7 night.

8 It is submitted that the situation is no different
9 from a development at a congested location requiring
10 extra road capacity to function properly, but where that
11 capacity can only be delivered by improvements to a link
12 and/or junction beyond the application site. In these
13 circumstances the standard solution for the planning
14 system has been to impose a Grampian condition
15 restricting implementation or full implementation until
16 the improvements have been completed. This applies
17 whether or not the junction is on a trunk road, ie
18 controlled by the Highways Agency as an agency of DFT,
19 or a County Council as a highway authority. Even where
20 a plan exists for an improvement, it is not simply
21 assumed that this improvement will take place at the
22 appropriate time to suit the development under
23 consideration. The position is secured in the public
24 interest by a Grampian planning condition. The capacity
25 of the Stansted Express is ultimately controlled by DFT

1 Rail and it is submitted that precisely the same
2 principle should apply as would apply to the need for
3 additional capacity at a Highways Agency junction. It
4 is emphasised that the Highway Authorities are not
5 suggesting there is no solution to the identified
6 problem, but simply that the identified solution should
7 be properly secured if an additional 10 million
8 passengers per annum are to be accepted.

9 Sir, I hope that sets the scene in a helpful way for
10 the evidence we are about to call.

11 Sir, I said I would next deal with some
12 documentation. There are one or two things that I am
13 just going to mention at this stage and hopefully deal
14 with during the luncheon adjournment so we don't hold
15 matters up.

16 There is one additional document to introduce in
17 support of Mr Wang's evidence, which is a letter sent to
18 BAA several months ago. So I hope it will not come as
19 a surprise to anybody. I pass that round now. I have
20 called this appendix G. Could it just be slotted into
21 the supplementary appendices to Mr Wang's proof which
22 are ECC/1/H. That set of appendices, Mr Wang's
23 appendices, the most recent set stops at the present
24 time at appendix F. Can I just invite you, sir, to open
25 the contents page of that document, that is ECC/1/H, and

1 add to the bottom of the list appendix G.

2 MR BOYLAND: The supplementary regarding the survey of the
3 Stansted Express is by --

4 MR HILL: We have kept that.

5 MR BOYLAND: You mentioned in your --

6 MR HILL: We kept that as a free standing document. That's
7 in the A to I series. This particular letter, as it is
8 just a single sheet, I thought it could best be
9 accommodated simply by including it within the main set
10 of appendices. We could add an appendix G to the list.
11 So it is letter UDC to BAA, 17th July, 2007, which as
12 you will see, raises the transfer percentage issue.

13 Sir, that is the only additional document that
14 I need to refer to before we come to Mr Wang's evidence.
15 Can you just allude, if I have any voice left, to two
16 other documents that we anticipate introducing over the
17 luncheon adjournment? I have mentioned these briefly to
18 my learned friend. This is in the context of Mr Humby's
19 evidence. They will not be new material to BAA, but we
20 are just trying to make sure that an appropriate set of
21 material is before you, sir, in circumstances where
22 there has been a lot of toing and froing of documents
23 between the parties, not all of which has made its way
24 into the Inquiry documentation. You are probably very
25 pleased about that. I would be very pleased about that

1 if I were you, but there are one or two documents
2 I think need to catch up. One of these documents is
3 a set of figures that we have been supplied with by BAA
4 of the weeks, months, which deal particularly with the
5 Little Hadham situation and the A120, which we have been
6 unable to track down in the TAAU or elsewhere. One of
7 them also includes an important amendment to a figure
8 which is in the TAAU upon which we noticed that the
9 boxes have been transposed so that the eastbound and the
10 westbound flows were incorrectly shown. I don't think
11 you have that before you at the present time. We are
12 going to check this over the luncheon adjournment and
13 either during the luncheon adjournment or immediately on
14 resumption we will circulate that.

15 The other document I just want to mention is
16 a table that we have prepared in support of Mr Humby's
17 proof. All this does is present the same set of figures
18 but with 13 million passengers per annum plus 15% set of
19 figures for the with and without Little Hadham bypass
20 analysis. You will recall from Mr Humphries' evidence
21 that we didn't have access to at this stage the plus 15%
22 figures for the bypass. So we have simply sought to
23 bring the Inquiry up to speed with that material,
24 Mr Forsheew's supplementary proof having relied upon the
25 plus 15% figures. Hopefully that will all come clear.

1 It has to come clear now if it is ever going to come
2 clear.

3 MR BOYLAND: I would just mention we have also received
4 a document entitled "Corrections to tables in ECC/1/D".
5 I understand this has come from the BAA. It has been
6 given BAA document number as 26. Is that correct?

7 MR HUMPHRIES: Sir, it is unfortunate that this has been
8 given a number. It was not supposed to be. It was
9 supposed to be just a private communication where we
10 picked up some -- just some numerical errors. Nothing
11 turns on them. They were passed to Mr Humby this
12 morning and by accident a copy went to Mr -- well, to
13 the programme officer, who then gave it a number. It
14 was meant to be simply us --

15 MR BOYLAND: I think it is a reflex action on his part.

16 MR HUMPHRIES: It was intended to be simply us trying to be
17 helpful. We didn't want to waste time noting that there
18 were some numerical errors here and there. Can
19 I suggest --

20 MR BOYLAND: If you would prefer to withdraw it as
21 a document and are content we don't need to see it.

22 MR HUMPHRIES: If Mr Oswald withdraws it. Sir, I think what
23 will happen is the intention that Mr Humby was looking
24 himself at his figures and HCC can then put in
25 a document that makes some corrections. I think that's

1 probably a better way of doing it. Sorry the confusion
2 has occurred.

3 MR HILL: I am happy with that. My instructions are that,
4 whilst helpful, those points I don't think affect the
5 bottom line in any case, and I don't think they need to
6 be drawn to your attention in that way. We are
7 certainly happy for that to be withdrawn. If it seems
8 appropriate to reissue the tables, then we will
9 certainly do that, though I am anxious not to burden you
10 with changes that don't have a material impact.

11 I should say that I think in respect of the vast
12 majority of these points an early table hadn't caught up
13 with the changes but the table that mattered, the one at
14 the end, had caught you.

15 MR BOYLAND: I think we are all suffering from the same
16 problem in seeing the wood for the trees at the moment.
17 If we can concentrate on the trees, then that would be
18 of help to us all I am sure.

19 MR HILL: I will put that to one side.

20 MR HUMPHRIES: I think in the analogy it is the wood we are
21 supposed to see, not the trees, but it probably doesn't
22 matter.

23 MR BOYLAND: You are quite right. I had in the back of my
24 mind the number of trees that have been felled to
25 produce all this paper.

1 MR HILL: Sir, I think the only other point to note on the
2 documentation is, as I indicated earlier, our eyebrows
3 have shot up somewhat in relation to BAA/3/F&G. I may
4 have to return to you on the implications of those two
5 documents. We can certainly deal with, but F&G are
6 actively receiving consideration. We will have to see
7 whether we can sensibly deal with them during the course
8 of the next day and a bit.

9 MR BOYLAND: I am sure that we can come back to them, if
10 necessary, if it does take longer.

11 MR HILL: Thank you, sir. With that we can turn to Mr Wang.

12 MR BOYLAND: Very well. Thank you. He has been sitting
13 there very patiently.

14 MR TERRY WANG (called)

15 Examination by MR HILL

16 MR HILL: Sir, as you will already have observed, there is
17 a tranche of document that supports this witness'
18 evidence. It runs -- it is the ECC/1 series running
19 from A to I. I propose to work from the supplementary
20 proofs essentially, which is ECC/1/G.

21 MR BOYLAND: As I understand it, all the proofs still stand.
22 None are superseded by later supplementaries.

23 MR HILL: No, that's right. The proofs stand, although
24 there is an evolution.

25 MR BOYLAND: I understand that. It is just that BAA have

1 actually replaced some of their earlier proofs but these
2 are cumulative.

3 MR HILL: Yes. Good morning or is it good afternoon,
4 Mr Wang? Can I introduce you to the Inquiry? You are
5 Terry Wang?

6 A. Good morning.

7 Q. Leave that microphone alone. Focus on the other one.

8 MR BOYLAND: Leave it where it is. Leave the microphone
9 where it is.

10 A. Good morning. Thank you.

11 MR HILL: Nice to get that bit over and done with.

12 A Divisional Director, you are leading the Transport
13 Planning London Division of Mouchel Parkman?

14 A. Yes, I am.

15 Q. You are a Chartered Engineer, a Member of the
16 Institution of Civil Engineers, a Fellow of the
17 Chartered Institute of Logistics and Transport. You
18 have a Bachelor of Science degree in Civil Engineering,
19 a Master of Science degree in soils and a Master of
20 Science degree in Transport, Planning and Management?

21 A. Yes, I do.

22 Q. You have 24 years of experience of civil engineering,
23 the last 18 which you have specialised in transport
24 planning?

25 A. Yes, I have.

1 Q. You set out some of your experience in paragraph P3 on
2 page 1 of the main proof?

3 A. Yes.

4 Q. You and Mouchel's are retained on behalf of the County
5 Council to provide advice in connection with this and
6 other matters?

7 A. Yes, we are.

8 Q. And I think it is fair to say that any expert appearing
9 in relation to highways and transportation matters at
10 this Inquiry would have to say you have worked in
11 conjunction with the team to produce the materials
12 before the Inquiry?

13 A. Yes, I have been working with the team, yes.

14 MR HILL: I have knocked over my sign.

15 MR BOYLAND: I think we know who you represent.

16 MR HILL: I am sure you do. Let us turn to the documentary
17 evidence which seeks insofar as possible to draw
18 together the points that are still at large. That's
19 done in the principal sections of the proof, sections 3
20 and 4. You have a summary and conclusions section to
21 that proof, which I am going to invite you to read in
22 a moment. All I want to do before we get to that stage
23 is just make one or two quick cross-references to assist
24 those who are following through the documentation. Can
25 we do that, please, by reference to section 3, first of

1 all, of the supplementary? This is entitled "Unresolved
2 surface access issues" and encompasses a number of
3 matters by reference to your appendices. I hope you
4 have had a chance to look at the appendices, sir, to see
5 how the text relates to the various documentations which
6 support it in ECC/1/H. I think we just need to make the
7 cross-reference at paragraph 3.6 first of all, Mr Wang,
8 to the letter that we introduced as your appendix G
9 a moment ago. I think it is paragraph 3.6. The points
10 you raise there relate to transfer percentages. Can you
11 just help me, are those the same points that have been
12 raised in the letter that Uttlesford wrote to BAA in
13 July?

14 A. Yes, yes.

15 Q. So we can hopefully just annotate the text there "See
16 appendix G". Thank you.

17 Next point I just wanted to pick up in the text
18 paragraph 3.20 on page 12. This is under the heading
19 "Existing Stansted Express patronage in the pm peak".
20 We see about two-thirds of the way down paragraph 3.20:

21 "Overcrowding is already observed on evening peak
22 trains when leaving Liverpool Street and Tottenham Hale.
23 Thus the County Councils remain concerned that the
24 TAAU's sensitivity test results are still
25 underestimating overcrowding on the Stansted Express

1 services in the 2014 evening peak forecasts."

2 I think we need to put a cross-reference to ECC/1/I,
3 which was the document available yesterday afternoon,
4 which I don't think requires any extensive explanation.
5 Simply, as you say in your note, an attempt to provide
6 a snapshot not contaminated by incidents that might
7 distort the figures to give the inspectors something
8 more substantial to rely upon than the observations
9 referred to in the text?

10 A. Yes.

11 MR BOYLAND: I would just say that we have experienced the
12 joys of the Stansted Express in the evening peak hours.

13 MR HILL: That is also helpful. You can't recall which
14 service you took, whether it was the 17.25 or the 17.40.

15 MR BOYLAND: I can't remember. I think it might have been
16 17.40 but I wouldn't swear to it.

17 MR HILL: Was it a comfortable experience?

18 MR BOYLAND: No comment.

19 MR HILL: There we are. That's helpful, sir. You had asked
20 us for issues that we wanted to have on your list of
21 things to do and sites to see. We were going to put on
22 that the hope you would take the opportunity to observe
23 conditions on the Stansted Express in the peak hours at
24 a representative time of the year, time or times of the
25 year. It is very helpful to know that you have already

1 made a start on that.

2 Just glancing at the last page of this document,
3 Mr Wang, or the last pages of the document, one sees
4 really it is the percentages in the last column that
5 help. One sees -- it is the last page and the
6 penultimate page -- the percentage full. At 5.10 we
7 have a train total of 70%. At 5.25, 93%, at 5.40, 103%
8 and 5.25, 125%. Hopefully those speak for themselves
9 and just provide something a little bit more scientific
10 than the anecdotal observations already recorded. Thank
11 you.

12 Next point to pick up from the text 3.23, if you can
13 turn to that, please, page 13. This is in connection
14 with the correspondence to the County Councils have been
15 seeking to pursue with DMT Rail and in the middle of
16 that paragraph you say:

17 "A copy of this letter and subsequent e-mails sent
18 to DFT Rail is provided as appendix F."

19 I think it is right that appendix F, in fact, only
20 contains the letter and not subsequent e-mails. Can you
21 just confirm have BAA asked you for the subsequent
22 e-mails and have you provided them?

23 A. Yes. Appendix F as it stands now just contains the
24 letter to DFT Rail and the subsequent e-mails were sent
25 to DFT really to chivvy them up as to the replies we

1 wanted on the clarifications we sent to them which is
2 the letter that's appended in our service. There is
3 nothing new, as it were. It is just a matter of sending
4 out some request to get them to --

5 MR BOYLAND: Just chasing up.

6 A. Yes, that is correct.

7 MR HILL: There are three or four such chases, but I doubt
8 you really want them at this stage. You can have them
9 if you want them. The end point, I am afraid, is that
10 no response has been received.

11 A. That's right.

12 MR HILL: Two months on.

13 Then I think 3.28 I just wanted help with the
14 references. This is page 15. You refer -- this is in
15 the context of the loading specification -- to the
16 letter sent on 23rd April, received on 16th May that is
17 included as appendix A to ECC/1/E. I don't think we
18 have had occasion to look at this so far. Could you
19 just take up your ECC/1/E. This is the joint position
20 statement?

21 A. Yes, sir, I have got my copy here.

22 Q. Turn to appendix A of that?

23 A. Yes, I am there.

24 Q. Could you just help us with where it is in that document
25 the loading specification is set out and how it is

1 couched?

2 A. I think if we go to the paragraph with the heading
3 "loading specification", which is underlined, we can see
4 that the first sentence, the G1 and G2 airport real
5 strategies have been based on the principle of one
6 passenger per seat for the peak hour.

7 Q. I hope that's clear. It doesn't seem to be any more
8 complicated than that. That's the letter of 23rd April.
9 Thank you for that.

10 Can we then turn to the summary and conclusions?

11 Can I ask you, please, to read through that? It is not
12 terribly extensive. Certainly I hope, sir, you will
13 agree that's a reasonable course, just to bring the
14 threads together. I think it is five pages or so.

15 I think you have one additional matter I need to ask you
16 about when we get towards the end of the summary, but if
17 you could just read through from 5.1, please, Mr Wang?

18 A. Thank you.

19 "A number of matters have since -- have arisen since
20 I wrote my original proof of evidence on surface access
21 issues for the Stansted generation 1 public enquiry.
22 This supplementary evidence is provided to update the
23 Inquiry on the views of Essex County Council on the
24 significant amount of additional information on surface
25 access issues that has been submitted by BAA during the

1 recent weeks and months. Updated transport models and
2 uncertainties.

3 The complicated nature of the BAA transport
4 modelling suite combined with the limited time available
5 for checking the most recent submissions received during
6 August has prevented ECC and HCC from determining if the
7 changes in traffic forecast presented in the TA addendum
8 update are due to the updating of the transport
9 modelling suites or due to the changes made to planning
10 data inputs.

11 5.3. In light of the range of uncertainties
12 associated with the inputs to BAA's surface access
13 transport modelling suites and the forecast that it
14 produces, the County Councils believe that the 35 MPPA
15 plus 15% forecast presented in the TA addendum update
16 provide a more robust estimate of the potential impact
17 of the airport expansion without being able to take full
18 account numerically of the various uncertainties
19 discussed above and in the appendices to this document.

20 The 35 MPPA plus 15% forecast have, therefore, been
21 used by the county Councils as the basis for
22 negotiations with BAA on mitigating the impact of the
23 development.

24 5.4 --

25 Q. You don't need to read the paragraph numbers?

1 A. Thank you.

2 "BAA have now provided a range of forecasts for the
3 potential impact of their proposed development within
4 the original TA and the latest TA addendum update. Use
5 of the 35 MPPA plus 15% forecast helps to reduce some of
6 the uncertainties associated with the forecasts, but
7 does not address all of the unresolved issues. Unlike
8 the 40 MPPA sensitivity test provided in the original
9 TA, the 35 MPPA plus 15% test does not increase employee
10 trip generation.

11 However, forecasting the impact of the Stansted
12 Generation 1 Expansion is a highly complex matter and
13 the County Councils recognise the need to reach
14 judgments on the material presented to inform and assist
15 the Inquiry. The margins for error that underlie BAA's
16 forecast mean that it is necessary to err on the side of
17 caution when considering the potential impacts of this
18 application."

19 Q. You turn to passenger transport. Then there are two
20 paragraphs on coach and return to rail. Please continue
21 with 5.6.

22 A. "In recent years a greater flexibility and lower costs
23 of the coach sector has seen a marked increase in the
24 number of coach services linking the airport to London.
25 BAA forecasts that further growth in the coach market

1 will booster the airport's transport road share as it
2 expands to 35 MPPA. If this does not transpire and
3 there proves to be a limit on the proportion of
4 passengers that can be carried by coach, the passenger
5 transport work share will fall unless STEX is able and
6 sufficiently attractive to meet any shortfall in
7 capacity to London. Even if London coach services were
8 to maintain their current price advantage over rail, the
9 attractiveness is likely to diminish as peak period road
10 traffic congestion on roads leading to and within London
11 worsens over time.

12 The County Councils are concerned that the airport
13 surface access strategy is over-reliant on the continued
14 expansion of the coach sector for trips to London. The
15 scheduled journey times of existing coach services to
16 and from London are already longer than the STEX
17 timetable throughout the day. Schedule coach arrival
18 times are often no more than indicative due to delay
19 caused by congestion on the M11 and within London.
20 During the morning and evening peak periods London coach
21 and journey times are considerably longer than STEX and
22 this can only get worse as forecast traffic growth
23 increases congestion.

24 The sustainability of moving large numbers of
25 passengers between the airport and London in a large

1 fleet of coaches that will take up road space, add to
2 London's peak period congestion, and require parking
3 spaces in London has to be questionable. The airport is
4 already linked to London by a rail service which should
5 provide the first choice for transporting large numbers
6 of passengers and employees to London. The County
7 Councils believe that rail provides the most sustainable
8 transport mode for linking the airport to London.

9 The County Councils share the firm belief that the
10 expansion of the United Kingdom's third busiest airport
11 must be supported by a clear plan for maintaining and
12 enhancing access to the airport by rail. This plan
13 would need to detail the monitoring and delivery
14 mechanisms required to ensure that DFT Rail loading
15 specification of one passenger per seat for the peak
16 hour is maintained.

17 The proposal to expand the passenger throughput at
18 Stansted by 10 million passengers per annum needs to be
19 considered against throughputs achieved at the major
20 regional airports throughout the United Kingdom.
21 An annual throughput of 10 MPPA is greater than 2006
22 throughputs recorded at Luton, Birmingham, Glasgow,
23 Edinburgh, Belfast International and Nottingham East
24 Midlands Regional Airports. The County Councils
25 consider that any grant of planning permission for

1 a significant 10 MPPA expansion of Stansted Airport
2 should be subject only to a clear commitment that rail
3 infrastructure will be provided to serve this
4 substantial growth in throughput.

5 In light of the lack of clarification from DFT Rail
6 on the nature and timing of future increases in STEX,
7 passengers seating capacity, the timescales required to
8 organise STEX capacity increases and the mechanisms that
9 will trigger the start of the delivery process, the
10 County Councils believe that it is entirely reasonable
11 to seek a planning condition that limits future
12 throughput at the airport until these matters have been
13 secured.

14 In the absence of a firm commitment from DFT Rail to
15 enhance STEX capacity in sufficient time to ensure that
16 the loading specifications are not breached, it would
17 not be prudent to grant planning permission for the
18 airport to continue to grow to 35 MPPA without some form
19 of restrictions.

20 In order to overcome the concerns outlined above,
21 the County Councils recommend the imposition of
22 a Grampian planning condition in the following terms.
23 Annual throughput shall not exceed 25 MPPA until:

24 1. It has been demonstrated to the local planning
25 that is right that the DFT peak hour loading

1 specification of one seat per passenger has been
2 achieved on STEX services.

3 2. A rail monitoring and delivery plan has been
4 submitted to and approved by the local planning
5 authority in consultation with highways and
6 transportation authorities, demonstrating how investment
7 has been programmed to ensure that the DFT Rail peak
8 hour loading specification of one seat per passenger
9 will continue to be met as the airport grows from 25 to
10 35 MPPA. Without compromising further the standard of
11 other West Anglia mainline services.

12 It is expected that the detailed wording of this
13 proposed condition will be the subject of discussion at
14 the conditions and obligations session of the Inquiry."

15 Q. Sir, I hope you are happy with that approach. Obviously
16 we have flagged up the condition in Mr Wang's proof, but
17 it seemed to me that would be something we would come
18 back to next week.

19 MR BOYLAND: Yes. I think this is included in the list of
20 suggested conditions we have separately in any event,
21 isn't it?

22 A. "This will ensure that further increases in peak hour
23 overcrowding are limited and not allowed progressively
24 to worsen as airport growth continues to 35 MPPA
25 throughput."

1 MR HILL: Thank you, Mr Wang. Can I indicate the point we
2 needed to come back to? For the purposes of this point
3 you need to have to hand Mr Forshew's supplementary
4 proof, BAA/3/E.

5 A. Yes, I do.

6 Q. You also need to have to hand the TAAU of July this
7 year.

8 A. Yes, I have.

9 Q. Can we turn then, please, first of all, to --

10 MR BOYLAND: Sorry. That's CD/14.2?

11 MR HILL: That's right. The first reference I would like to
12 take you to is in Mr Forshew's supplementary, section 7,
13 which is headed "Proposed planning conditions and
14 obligations for rail". On page 20 of Mr Forshew's
15 supplementary you have section 7.3 that deals with
16 assessment and mitigation in the context of rail. We
17 can note there some points where we agree and some
18 points where we don't agree with Mr Forshew. 7.3.5
19 says:

20 "The airport are therefore in agreement with the ECC
21 and HCC as to the desirability of improved rail capacity
22 to meet the increased demands of airport-related and
23 commuter demand."

24 Then 7.3.6:

25 "Although overcrowding on the trains is considered

1 to be undesirable and may cause some transfer away from
2 public transport, work undertaken in connection with the
3 TAAU demonstrates that this will not have any material
4 effect on the level of demand experienced on highways."

5 There is reference then to CD14.2, which is the
6 TAAU. Can we look, please, at section 4.3 of that
7 document, which begins on page 21 and goes over on to
8 page 22? This is where we have some anchor proofs from
9 the model that Mr Forshew presents in this way for the
10 first time in the TAAU. Table 4.4 is "Impact of
11 crowding on the Stansted Express services on air
12 passenger mode shares in the pm peak period". So that's
13 a pm peak period table. We can see what the model
14 purports to do is increase crowding on the Stansted
15 Express in the pm peak period from no crowding at one at
16 one end of the table through and right up to 160%
17 overcrowding, having gone through 80, 90, 100, 110, 130,
18 140?

19 A. Yes.

20 Q. Then on Table 4 .5 the model outputs are presented
21 seeking to show the impact of pm peak overcrowding on
22 the Stansted Express services on the air passenger
23 annual mode shares. So this seeks to take the pm peak
24 period and then put that in the context of a total year.
25 Obviously that has an evening out effect on the impact

1 as one goes to 160% overcrowding.

2 I just want to seek your assistance on these
3 tables if you would be so kind, Mr Wang. First of all,
4 do you accept the logic, the message that one is
5 supposed to be deriving from Table 4 .4, where the
6 crowding levels are ratcheted up to 160%. Quite how
7 that would work isn't made clear, but one can imagine
8 the conditions. The Stansted Express percentage is
9 shown to fall from 29.4% at 100% capacity to 23.1%
10 without the 160% overcrowding. Can you just offer us
11 your comment on the way that material is presented?

12 A. In table 4.4, Stansted Express, no overcrowding, there
13 is a 30.3% air passenger mode share in the pm peak. If
14 you looked along to the last column, it is 160%
15 overcrowding. There is only, if you like, about a 7%
16 drop in air passenger mode share, although there is
17 an increase of 60% in overcrowding.

18 Now I think following on from that it should be
19 stated that, as before, that rail is the most
20 sustainable form of transport for moving a large number
21 of passengers, employees between the airport and London,
22 and if DFT Rail recognises the importance of high
23 quality rail service by indicating the loading
24 specification should be one seat per passenger, and the
25 fact that the airport passenger carrying luggage will

1 not be attracted to crowded trains, so that the
2 human response to overcrowded trains is not a behaviour
3 readily modelled by this formula that's shown here, this
4 mathematical formula. It is, in fact, not robust enough
5 and should be revisited. The DFT Rail specification is
6 the target to aim at. That's one seat per passenger.
7 Therefore it will not be sensible for the airport to
8 continue to expand until a mechanism is set in place to
9 achieve the DFT Rail specification.

10 Q. Thank you. Now can I just ask you to put that answer in
11 respect of Table 4 .4 into context with Table 4 .5? Do
12 you accept the apparent logic here that if one is put
13 off using the Stansted Express in the pm peak period by
14 problems with overcrowding, that that -- let me put it
15 to you in these terms: what impact might that have on
16 you as a traveller in terms of your per certification of
17 Stansted Express generally if you cannot get a seat in
18 the pm peak period or indeed the am peak period?

19 A. First of all, I certainly will be discouraged to go on
20 to a service that is poor quality with all the luggage
21 that I would be going on holiday with, but if you look
22 at table 4.5, the Stansted Express, no overcrowding is
23 20.2%, and if you look at the last column, 160%, it is
24 averaged out into 19.5%, which implies that it doesn't
25 matter at all if it is overcrowded even during the peak

1 and you annualised it. Obviously I think what is
2 missing in this whole analysis, in this whole assessment
3 is that human nature does play a very important part and
4 they will not go on trains that are horribly
5 overcrowded.

6 Q. Thank you. Then just one final point on this matter.
7 If people are turned away from rail as a means of
8 transport in the am and pm peak periods, what
9 implications does that have for the congested road
10 network?

11 A. I think it is fair to say that a danger of over-capacity
12 loading could lead to people turning away from the rail
13 at the peak hours and that would impact on the highway
14 network. So the fact that they are not on rail and do
15 decide to go on other forms, alternative forms of
16 transport, would be a huge problem, never mind the coach
17 problems as well that they have outlined already, where
18 it is not a sustainable form of transport and that rail
19 is and we should encourage people to go on rail, whether
20 they be on the roads, whether they be on buses or in
21 private cars: so, therefore, I do not accept Ian
22 Forshew's proposition that he has put to us that it is
23 not material.

24 Q. Thank you. Can we return then please to the summary and
25 conclusions section of ECC/1/G and put to one side,

1 although I suspect not fully away, BAA/3/E and something
2 CD/14.2? We have the heading "Highways Litigation". So
3 far as Essex is concerned there are not live issues
4 regarding the highways network, but I think it would be
5 helpful just to read those three paragraphs to take us
6 to the end of the summary?

7 A. Thank you.

8 "The TA has identified that three junctions located
9 within Essex on the A120 north of Bishop Stortford will
10 be operating beyond capacity in 2014, when the airport
11 is forecast to reach 35 MPPA throughput. ECC has
12 investigated the feasibility of the schemes required to
13 redress the forecast congestion and has estimated the
14 cost required to implement the schemes. It has been
15 agreed with BAA that BAA will provide a contribution of
16 £800,000 towards these schemes which have been based on
17 the percentage of forecast growth in airport traffic
18 when compared to the overall growth in traffic forecast
19 from 2003 to 2014.

20 In order to try to address concerns relating to the
21 uncertainty of the BAA forecast the growth in airport
22 traffic has been derived from the 35 MPPA plus 15%
23 enhanced forecast provided in the TA addendum update.
24 BAA and ECC have recently agreed that an additional
25 £500,000 of the 2 million offered for local highway

1 improvements will be made available for local highway
2 improvements and safety schemes in Essex on roads within
3 a five mile radius of the airport. This sum will only
4 support a fraction of ECC's expenditure on managing the
5 highway works surrounding the area during the years
6 whilst the airport grows towards 35 MPPA and the
7 subsequent years when the airport continues to
8 accommodate an additional 10 MPPA per year.

9 ECC has agreed with BAA that the highways working
10 group of the Stansted Airport transport forum will
11 develop and agree a protocol for authorising the
12 expenditure of any Section 106 contributions towards
13 local highway improvements in accordance with the policy
14 test set out in ODPM circular 05/205. The contributions
15 towards highway schemes in Essex are to be confirmed
16 within a updated statement of common ground on surface
17 access issues as currently being discussed by BAA and
18 the local highway authorities."

19 I think at this point I would like to say that there
20 is a version 2 and that has gone a long way to meeting
21 our concerns.

22 Q. I think you indicated, sir, you had that, version 2?

23 MR BOYLAND: Yes, we do, although I have not had a chance to
24 read it.

25 MR HILL: I understand that. Sir, I think that completes

1 the evidence-in-chief.

2 MR BOYLAND: Mr Humphries, is it worth making a start now or
3 would you prefer to take an early lunch?

4 MR HUMPHRIES: No, let us make a start.

5 Cross-examination by MR HUMPHRIES:

6 MR HUMPHRIES: Mr Wang, good afternoon.

7 A. Good afternoon.

8 Q. Now you are a consultant with Mouchel Parkman. When did
9 you and Mouchel Parkman become involved in advising ECC?

10 A. Mouchel Parkman has been involved in -- my colleague and
11 a team of people have been involved in this for some
12 time even since the submission of all our proofs. That
13 is at the point when we were advising UDC on their
14 cabinet report. So it's well in 2006, when the
15 submission of April 2006 G1 was submitted.

16 Q. That's helpful. So the report to committees both UDC
17 and ECC are reports that you will have scrutinised?

18 A. I was appointed after --

19 Q. Or your firm will have scrutinised?

20 A. Yes.

21 Q. Thank you. Now you are here, are you not, to represent
22 the Essex County Council's position in relation to G1
23 surface access issues?

24 A. Yes, I am.

25 Q. Right. Let us have a look then at what ECC's position

1 was as set out in the officer's report, CD/274. Do you
2 have that?

3 A. Yes, I do.

4 Q. We can see from that the covering letter from the County
5 Council to Mr Mitchell of Uttlesford the County Council,
6 Essex County Council's position is, and look at point 1
7 there:

8 "Whilst the County Council reiterates its
9 overwhelming opposition to a second runway, it will
10 accept increased use of the existing runway but only
11 subject to stringent conditions and additional
12 environmental mitigation and the provision of necessary
13 infrastructure improvement."

14 So the first point we can note on the position you
15 represent is there is no in principle objection, is
16 there, to the G1 application?

17 A. Yes, that's not part -- it is obviously subject to the
18 stringent conditions that must be in place.

19 Q. Of course. We will come on to that, but we know in
20 relation to highways matters that all of those
21 conditions have now been satisfied. That's in the
22 statement of common ground and you just confirmed to us?

23 A. In terms of the highways matters.

24 Q. The only matter, therefore, outstanding between us is
25 simply the question of the way in which the agreed rail

1 strategy is secured?

2 A. That is correct, yes.

3 Q. Let us go on in the officer's report to just understand
4 a little bit more about your position. Paragraph 3.2,
5 page 4:

6 "The SH&E view is that the overall pattern of
7 aircraft movements suggested by BAA's figures is
8 reasonable and should be robust enough to allow
9 consideration of surface access requirements in terms of
10 flows on the local network. However, they have not
11 reviewed the surface access data of passengers or
12 staff."

13 So the first thing we can note is the advice to the
14 County Council in relation to air traffic forecasts is
15 that BAA's forecasts are reasonable and robust enough to
16 allow consideration of surface access matters. That's
17 again correct, isn't it?

18 A. Yes, but if you look -- that was a snapshot in time.
19 SH&E was asked to comment on the figures, but subsequent
20 to the information that is revealed in the public
21 inquiry on air transport -- the transfer of air
22 passengers, for example, the fact that it is much
23 reduced, there is concerns and hence the additional run
24 that we have requested from yourself on the 35 MPPA plus
25 15% .

1 Q. I will come to that. We can see what SH&E's advice was
2 in paragraph 4 .6. SH&E is a well-known consultancy.
3 They would know exactly what the recent performance on
4 transfers is, because it is set out every year in CAA
5 data. 4 .6:

6 "SH&E also consider the forecast increase in
7 transfer traffic to 17% consumed by BAA does not appear
8 to be unreasonable, particularly as the range of
9 destinations served by Stansted including long haul
10 destinations is expected to increase."

11 So that's their advice, is it not?

12 A. Yes, but if we look at that in context, that was, as
13 I said before, a snapshot in time where all the problems
14 and uncertainties were not revealed in the modelling,
15 the whole modelling package.

16 Q. Mr Wang, that has nothing at all to do with the
17 modelling, does it?

18 A. It does, because --

19 Q. It has nothing at all to do with the modelling?

20 MR HILL: I think I have to put a marker down. We have to
21 allow the parties not to speak over each other. I am
22 sure that applies both ways but I can't keep a note.

23 MR HUMPHRIES: Mr Wang, you tell me what that has to do with
24 surface access modelling?

25 A. I think it is very important. In my appendix -- if

1 I can just take you to that, my original --

2 Q. No. What I would like you to do is tell me what SH&E's
3 advice as to what is an appropriate transfer rate for
4 air passengers has to do with the subsequent things that
5 developed on surface access modelling. I put it to you
6 it has nothing whatsoever to do with that. SH&E were
7 not advising on surface access modelling?

8 A. Yes, that is correct, but at the same time they were not
9 aware of all the uncertainties that have come about as
10 a result of all the information we have been receiving,
11 the large volume of information that we were receiving
12 subsequent to that. Hence, if I may, in the
13 ECC/1 appendix D that we have submitted this morning
14 demonstrated there are concerns that we should request
15 further exploration of that uncertainty.

16 Q. Mr Wang, what was the reply to your ECC/1/H, appendix G?
17 What was the reply to that letter from BAA?

18 A. Sorry. I don't have a copy of that.

19 MR HILL: Do you want me to find the document?

20 MR HUMPHRIES: Well, Mr Wang has put this in. I am sure he
21 is familiar with the reply. What was the reply?

22 MR HILL: He will not have memorised it, will he?

23 MR HUMPHRIES: In broad terms what was the reply? Why
24 didn't we produce that?

25 A. I think in BAA's response it is that BAA is not

1 concerned -- it is of no material interest at all.

2 Q. Mr Wang, what would the 35 plus 15% sensitivity test

3 that we have carried out imply for transfer rates?

4 A. I think that's covered in the letter. I can't remember

5 word perfect.

6 Q. It would imply pm a 5% transfer rate, wouldn't it?

7 A. Yes, it would.

8 Q. And therefore the 35 plus 15% sensitivity that we have

9 already tested goes well beyond a 10% transfer rate,

10 doesn't it?

11 A. It allows us those uncertainties, but there are also

12 other uncertainties which -- that's why we have agreed

13 to that number.

14 Q. Yes?

15 A. Because it looks at all the other uncertainties that we

16 have discussed in our appendix.

17 Q. Mr Wang, what was BAA's forecast for transfer

18 percentages in the 25 MPPA case?

19 A. I can't remember offhand now.

20 Q. It was 10%, wasn't it? Do you know what the transfer

21 percentage was for 2006 at this airport?

22 A. I can't remember offhand.

23 Q. About 10.8% with 23.7 million passengers per annum; in

24 other words, Mr Maiden's forecast for a 25 million

25 airport is almost bang on target, isn't it?

1 A. It is, but I don't have the information with me.

2 Q. Then, Mr Wang --

3 A. Could I just answer your question, sir? I would just
4 like to say that that may be the case. It is the case
5 if you put it to me, but it is what we have -- what we
6 have in the situation here is that it is a scenario. It
7 is a snapshot in time. There are changes going on
8 around the county that is happening in terms of planning
9 data changes and what Mr~Brown has suggested, in terms
10 of all the housing and employment and employment that is
11 going to take place.

12 Q. Mr Wang, that has nothing to do with the number of
13 passengers that decide to transfer at Stansted as
14 opposed to land at Stansted and depart through the front
15 gate?

16 A. Sir, if you let me finish, that's one of the points.
17 The other point I was trying to put to you, sir, is
18 there are changes in the airline industry that allows
19 for various long distance and short distance haulage as
20 well taking place. Now there are always uncertainties
21 that are happening. So hence -- and also the
22 uncertainty of the number of employees as well. So
23 hence that's why we went for the 35 MPPA plus 15% as the
24 most robust in our view.

25 Q. Mr Wang, bringing you back to transfers, because that's

1 something on which you are criticising us, do you know
2 what BAA's transfer percentage was in the 35 MPPA case?

3 A. I have not got figures in front of me.

4 Q. It was about 17%. Now the explanation why it would go
5 up to 17% in the 35 case was in part based on increased
6 numbers of long haul passengers. What was SH&E's advice
7 to UDC and to Essex on BAA's long haul forecasts?

8 A. Well, as we can see from that section 4 .6 it does say
9 it is expected to increase.

10 Q. Yes?

11 A. But like I said before, that is only a snapshot in time.
12 This, like all forecasts, is a prediction. It is
13 a prediction based on a scenario. Predictions do
14 change, as you well appreciate, from all the various
15 forecasts that we have been getting over the past few
16 weeks and months. So as you well appreciate, things do
17 change.

18 Q. Yes. Mr Wang, there is no change, however, in the
19 statement of common ground BAA/20 in relation to SH&E's
20 advice on the robustness of BAA's forecasts. SH&E's
21 advice was, if anything, there would be more long haul
22 than BAA forecast. Therefore the conclusion can be
23 drawn, if anything, we might have underestimated the
24 transfer percentage?

25 A. I would agree with you, but like I have said before,

1 this is a snapshot in time and the uncertainties and
2 assumptions do change as well as all the forecasts that
3 have been produced by BAA over the years have always
4 been an underestimate of the number of passenger
5 throughput. So I put to you, sir, that this is just
6 a forecast.

7 Q. Mr Wang, you are commenting on things that are way
8 outside your expertise, aren't you?

9 A. I am not an airport expert, yes.

10 Q. Paragraph 6.10 in the officer's report CD/274?

11 A. Sorry, which paragraph was it?

12 Q. 6.10?

13 A. Thank you.

14 Q. Again the advice at that time was being given -- I will
15 not read out the whole paragraph but just scan through
16 it. I am going to pick up four lines from the bottom:

17 "Limiting passenger throughput to 35 MPPA by
18 condition would mean the transport access uncertainty is
19 managed. This may need to be authenticated with further
20 limitations to avoid overloading of transport provision
21 at peak times."

22 Now that principal measure that is required of 35
23 MPPA condition has been offered, hasn't it, in order, as
24 you say here, to manage the impact of surface access?

25 A. Yes, I agree, but like I have said before, this document

1 was produced at a snapshot in time before all the whole
2 gravity of the large volume of information had been
3 given to us and subsequent to that all the changes that
4 we have seen happen and hence we have --

5 Q. Mr Wang, what changes have happened?

6 A. Okay. Let me put you the changes that happened; first
7 of all, the TA was submitted in April 2006. From then
8 we have TAA -- the TAA, which has revealed different
9 figures and put all of us here in the Inquiry to
10 attention to look at all the changes. Subsequent to
11 that we now have a TAAU which demonstrates another set
12 of figures.

13 Q. Yes?

14 A. Which, if I may add, please -- can I just finish --
15 which you have asked me why the changes. So in July
16 31st after exploring and sending all the local
17 authorities round a wild goose chase on what the problem
18 was, finally on 31st July there is another set of
19 forecasts, published set of forecasts, which reveals
20 a different outcome on the roads and rail.

21 Q. Mr Wang, why was the transport assessment addendum, the
22 TAA, produced? It was produced, wasn't it, to model
23 some scenarios that the County Council wanted modelled.
24 (a) it wanted the latest Secretary of State changes to
25 the RSS to be modelled and, secondly, it wanted SH&E's

1 origin and destination data to be modelled?

2 A. I think that is correct.

3 Q. Yes?

4 A. But, sir, if I may add, sir, that at that point in time
5 if you look at all the correspondence, they did
6 demonstrate that yes, the authority were in negotiation
7 and discussions with BAA on various matters like
8 understanding what the planning data was and then we
9 were bamboozled with this new update model suite that
10 nobody could explain why all these changes in terms of
11 that plus planning data has resulted in such a dramatic
12 change in the way the forecasts have been produced.

13 Q. Now as far as the TA addendum update is concerned there
14 were two errors, as you call them, identified. One was
15 that the Department changed the employment data for
16 London in the temporary data set. Yes?

17 A. Yes, but that was because if we have not instigated the
18 investigation they wouldn't have found that problem.

19 Q. Mr Wang, that's a complete fantasy. There was a letter
20 from the Department to BAA that pointed out they had
21 changed the data. It had nothing at all to do with your
22 investigation?

23 A. I do not accept that. If you go to the very
24 correspondence, when the TA addendum was published, in
25 August 2005 that set up a string of meetings, about 7 or

1 8 different meetings with BAA and ourselves and
2 something like 7 or 8 different meetings on various
3 models and such like. We were informed at offset that
4 BAA's forecast was always robust. There was nothing
5 wrong with it, and that Faber Maunsel also, who were the
6 other consultants who were involved in looking and
7 producing the regional model, found a discrepancy
8 between the BAA regional model and hence it doesn't
9 accord with the local SRTM models. That's what set the
10 ball rolling, as it were, and DFR at various meetings
11 with BAA and DFT it transpired there is that problem.
12 Otherwise it would have been varied.

13 Q. Right. So DFT notified us that there was a change. The
14 second area you identify relates to the M25/M11. The
15 position on that is a simple one, is it not, that at the
16 time that the model was constructed BAA had been advised
17 in relation to the 2023 forecasts only that they should
18 assume M11 widening and certain M25 widening was not
19 scheduled by the DFT and then by the time the document
20 had come out the DFT had changed their position and
21 advised that the M11 and M25 widening would now be in
22 place by 2023, not BAA's error. It was just simply
23 a change in the DFT advice?

24 A. No, that's not true. What has happened, which you have
25 omitted, if I may, is that the sequence of events was

1 that the information -- when we went on a wild goose
2 chase on the TAA on what could possibly be the problems
3 with the various six models which made up the suite of
4 models, we had separate meetings on each of the models
5 from each of the different consultants. What has
6 happened is the information on the M11 was in the EERM,
7 which is in the original model, which was produced by
8 Faber Maunsel, who was also the highway agency's
9 consultants. They included that bit of widening in the
10 model, and the fact that BAA/Halcrow had not included
11 that in was a gross error on their part. They have used
12 a model which is not consistent in terms of regional and
13 local models.

14 Q. Yes, but Mr Wang, agree with me this. The DFT and
15 Highways Agency changed, didn't it, its way of whether
16 that should be included. What happened was the SRTM
17 model simply had not caught up with that change. There
18 was no intention to not model something?

19 A. That's not for me to say.

20 MR BOYLAND: I am not sure that it helps us to debate whose
21 fault it was that this happened. I mean, it is a fact
22 I think that originally the widening was not included in
23 the modelling and subsequently it was and I think that's
24 probably the main point that we need to address.

25 MR HUMPHRIES: I continue then. Just a couple more points

1 in the --

2 MR BOYLAND: It is 1 o'clock, Mr Humphries.

3 MR HUMPHRIES: It is, sir. Just a couple more points in the
4 officer's report. Let us look at paragraph 13.1. Again
5 this is the County Council's position, the one that you
6 are representing.

7 "The proposed expansion of Stansted for the full use
8 of the existing runway is in line with existing
9 Government policy but will cause increased disturbance
10 for residents over a wide area. However, this does not
11 mean that local impacts cannot be managed by the
12 imposition of measures to mitigate the environmental
13 impacts."

14 Again, as I understand it, there is a complete
15 acceptance by Essex County Council that the local
16 impacts can be mitigated?

17 A. You are correct, but, as I have said before, it is
18 subject to stringent conditions outlined and mentioned
19 in this report as well.

20 Q. 13.9 touches on the rail strategies. Need to provide 12
21 car trains. I understand from Mr Hill's short opening
22 that there is no -- I think I had already understood
23 it -- there is no dispute between the County Councils
24 and BAA that a strategy of lengthening to 12 cars on the
25 Stansted service is appropriate mitigation?

1 A. That is correct, but again our point is and Essex County
2 Council's point is there is at the moment no
3 confirmation as to the delivery of that in terms of the
4 mechanism.

5 Q. Of course. We will come back to that. Final point.
6 13.12. The Council anticipates position was that if
7 there was a refusal, the decision would be in the hands
8 of the inspector and ultimately the Secretary of State.
9 In any event the local authority would have to put
10 forward conditions. Then the final sentence:

11 "The inspector if recommending to the Secretary of
12 State to grant permission may not choose to put forward
13 conditions as tough as those preferred by the local
14 authorities."

15 I think clearly the inspector when making
16 recommendations on conditions and obligations and the
17 Secretary of State when deciding the matter will have to
18 have regard, won't they, to the appropriate guidance on
19 what is a proper condition and what is a proper planning
20 obligation?

21 A. Yes, you are right. I think that what it means "as
22 tough as those preferred by the local authorities", it
23 probably implies our capping of 25 MPPA that we have
24 recommended in the Grampian condition.

25 Q. Thank you very much. Sir, that is an appropriate

1 moment.

2 MR BOYLAND: Thank you. It's just about 1.05. So we will
3 adjourn until 2.05. Thank you.

4 (1.05 pm)

5 (Luncheon adjournment)

6 (2.05 pm)

7

8

9 MR BOYLAND: The Inquiry is resumed. Before we go on,
10 Mr Humphries, I think I have an answer now to your
11 client's query with relation to the second Secretary of
12 State for Transport. Mr Watson is not there. Maybe you
13 would pass the message on. I am referred to Section 2
14 66 (1) of the 1990 Act which provides in summary that:

15 "Where an appeal is made to the Secretary of State
16 against refusal of an application for planning
17 permission to develop operational land by a statutory
18 undertaker, then the application or appeal shall be
19 dealt with by the Secretary of State", which is
20 presumably for communities and local Government, "and
21 the appropriate Minister", which in this case would be
22 the Secretary of State for Transport. So there are
23 a few certain questions of interpretation there which
24 I need others to address. Firstly, I am assuming that
25 BAA and the boards are statutory undertakers for that

1 purpose and that the airport is operational land.
2 I also assume dealt with by means determined by.
3 MR HUMPHRIES: Yes. Thank you, sir. That's helpful.
4 I can't imagine why section 266 (1) had escaped my
5 attention. That is helpful. That I am sure will enable
6 us to sort of think about this drafting.
7 MR BOYLAND: It does appear that permission will be granted
8 by both Secretaries of State if my interpretation is
9 right, but if there are follow-up questions I will pass
10 them on as appropriate.
11 MR HUMPHRIES: That's very helpful. Would you thank whoever
12 has taken the trouble to help us with that?
13 MR BOYLAND: I am not sure where the answer came from.
14 Mr Hill, your query goes wider than that matter.
15 I think that's a matter beyond the scope of this
16 enquiry. I will leave you to raise it through the
17 appropriate channels.
18 MR HILL: It certainly goes beyond the scope of the query
19 that was being pursued. Thank you very much, sir. Just
20 before we go back to cross-examination can I say I did
21 indicate that I would spend a few moments in the
22 luncheon adjournment just talking to my learned friend
23 about the documentation, but it relates more to
24 Mr Humby's evidence than Mr Wang. We have had a brief
25 word. I know he is taking instructions on one point.

1 I~am inclined just to leave that for the time being. We
2 will press on with the cross-examination and come back
3 to it.

4 MR BOYLAND: Deal with it when Mr Humby is called. That
5 would be a sensible thing to do.

6 Mr Humphries.

7 MR HUMPHRIES: Mr Wang, good afternoon.

8 A. Good afternoon.

9 Q. Mr~Wang, let's move from the officer's report that we
10 were looking at just briefly now to the UDC reason for
11 refusal to see the way in which the matter has been
12 transposed into a reason for refusal. CD/42 you will
13 need to have to hand?

14 A. I have that.

15 Q. Thank you. There are two surface access reasons for
16 refusal, number 6 and number 7. You are dealing with
17 rail issues in your evidence. So let us just cast our
18 eyes over the reason for refusal 7. We can see there,
19 again my reading it all out, that the thrust of the
20 point is that mechanisms and measures proposed for rail
21 access improvements are insufficiently clear to enable
22 the authority to have reasonable certainty they will
23 take place and the concern is that they will not take
24 place in a proportionate and timely manner. The
25 consequence of that is that there could be increased

1 reliance on the use of private car. So clearly in
2 looking at your evidence we need to pay particular
3 attention to those issues, don't we?

4 A. Yes, we do.

5 Q. Thank you. Now let us move on then from that and go to
6 the statement of common ground. That we now have as
7 BAA/21.1 in its revised version. Mr Wang, again I am
8 not going to just read large sections of it out to you
9 so that you can agree with what it says, but can we just
10 identify some highlights for the inspector of where we
11 are in agreement?

12 Paragraph 2.2.1, we can see there, can't we, that
13 the methodology adopted in the transport assessment,
14 which, of course, has not changed as a result of
15 detailed modelling points, the overall methodology is
16 agreed between all the parties as being an appropriate
17 one to address all the issues?

18 A. Yes, that's right. We have always said that it was the
19 assumptions and uncertainties in the forecast that is of
20 our main concern.

21 Q. Sure. So methodology appropriate. Paragraph 2.4.1 in
22 its first part dealings with the modelling suite as it
23 was at the time of the TA. Then deals in the second
24 part with the modelling suite as updated. It is agreed
25 between the parties that the modelling suite itself does

1 provide an appropriate basis for undertaking the
2 assessment?

3 A. That is correct. Again obviously the forecast -- the
4 assumptions and inputs that feeds the assumption is our
5 main concern.

6 Q. As far as those various models are concerned, I think
7 they have all now been declared fit for purpose by the
8 Department. I think that now includes EERM most
9 recently, but certainly you would acknowledge I think
10 that the Department has put considerable time and
11 resource into checking and reviewing the models,
12 approving them as fit for purpose and I don't think you
13 criticise that approval process by the Department, do
14 you?

15 A. No, but I think the point to take away from here is,
16 first of all, we haven't seen the EERM validation report
17 yet. That's still outstanding. Secondly, although you
18 have seen the various letters from the Highways Agency
19 and DFT about the model fit for purpose, we do not
20 challenge that, but we do consider how that model, that
21 base model has been applied to produce the forecast and
22 the assumptions that go into the forecast is our main
23 concern.

24 Q. Mr Wang, you I think put your finger on it. As
25 I understand it, you don't have now any remaining

1 concerns about the models. What you are concerned about
2 is some of the inputs to the models, for example, you
3 know, planning data and other inputs?

4 A. Yes, but it is only we don't have any concerns about the
5 base model.

6 Q. Correct?

7 A. Not the forecast model, which is something else. It is
8 different. We do have concerns about them.

9 Q. Well, I just want to -- by the forecast model you are
10 not talking there about the suite of models from EERM,
11 LASAM, CSAM, SRTM. All of those I think you accept the
12 Department has correctly approved them as fit for
13 purpose?

14 A. In terms of base year, yes.

15 Q. So they are validating well against the base year data?

16 A. The base year 2003 as shown, yes.

17 Q. So no concern about that. The latest models have used
18 all the latest information available, CAA and other data
19 to calibrate them and calibrate the various equations
20 within the models. That's one of the updating things
21 that happened, is it not?

22 A. For the base year, yes, 2003 base year.

23 Q. That's extremely useful. Obviously for future years
24 into the models are put the various inputs to do with
25 things like populations and so on, and it is in relation

1 to some of those things, as I understand it, that the
2 Council has some reservations?

3 A. The uncertainties lies with the forecasts assumptions,
4 yes.

5 Q. Right. Thank you. Now, of course, some of the
6 forecasting assumptions are agreed, paragraph 2.4.2 in
7 the statement of common ground tells us that the model
8 inputs described in appendices J and K of the TA were
9 appropriate and the inputs which were in part updates
10 described in appendices A and F of the TAAU again are
11 appropriate?

12 A. Can I just double check that? They refer to the highway
13 network for highway improvements are planned in appendix
14 J, which.

15 Q. K, I think, is economic data?

16 A. K is economics and we do not -- which is from Webtag,
17 and we do not take any of our concerns along that lines.

18 Q. In the TA addendum update, appendices A and F, appendix
19 A again deals with the highway network, but F again
20 deals with various economic -- sorry. I have it the
21 wrong way round. F is the highway network and A,
22 I think, is the economic data. Can you just look that
23 up? Yes. Appendix A is economic forecasting and
24 assumption revisions and those things were all agreed?

25 A. Yes. We agreed to that, yes.

1 Q. Thank you. That obviously includes, as we can see,
2 coach fare assumptions?

3 A. That obviously is a snapshot in time of those
4 assumptions, yes.

5 Q. It is not a snapshot in time. We have agreed the
6 assumptions that go into the model. Now just move on in
7 the statement of common ground. 2.6.1, we have agreed
8 also, haven't we, that the tests provide -- there are
9 appropriate tests to investigate the effect of the
10 changes to the RSS and the views put forward by SH&E, so
11 we have appropriately tested those changes for the RSS?

12 A. The range of tests which have been provided which
13 includes the 35 MPPA plus 15% in our view are
14 appropriate to test the range of effects of the
15 development.

16 Q. 282. Again I will not go into the detail of it at this
17 stage, but we have agreed heads of terms on appropriate
18 highway improvements for G1 with the exception of the
19 contribution to the Little Hadham bypass?

20 A. For Essex County Council, yes, we have agreed.

21 Q. For Essex we have agreed?

22 A. Yes, Essex County Council we have agreed head of terms.
23 Little Hadham bypass is Hertfordshire.

24 Q. Absolutely. So far as the highway authority for
25 Stansted Airport is concerned we have agreed all highway

1 matters including all the contributions?

2 A. That's correct, yes.

3 Q. 291. We have also agreed, all of us, that the proposals
4 in chapter 11 of the TA, that's the strategy for dealing
5 with the effects of the growth to 35 million are aligned
6 with the policies in chapter 2 of the TA and part 2.1 of
7 the statement of common ground. In other words, subject
8 to the point about the contribution to Little Hadham
9 bypass and subject to the point about the mechanism for
10 securing the rail improvements, there is complete
11 agreement that the strategy is one which accords with
12 policy?

13 A. You are correct, yes.

14 Q. That's helpful. Now let us move on to where there is
15 disagreement and just touch on and identify the areas
16 first and then we can look at them in a bit more detail.
17 First, the mechanism for securing the rail strategy,
18 reason for refusal 7, that's something that we have got
19 to consider and discuss, you and I, is it not?

20 A. Sorry. Where are you referring to?

21 Q. I am not referring to anywhere?

22 A. Yes.

23 Q. I am just identifying that's an area where there is
24 a dispute between us?

25 A. In terms of the mechanism to deliver.

1 Q. To deliver the rail strategy?

2 A. The rail provision, yes.

3 Q. Also you have concerns about road traffic modelling,
4 but, as we have agreed already I think, you are content
5 as the Highway Authority that the modelling at 35 MPPA
6 plus 15%, that sensitivity test, takes account of the
7 uncertainties in a way that allows you to agree the
8 mitigation package with us?

9 A. Yes. That allows us to look at some of the
10 uncertainties and take on board those uncertainties and
11 allows us to expedite what we need to do in the Inquiry,
12 yes.

13 Q. The mitigation package, in other words, has satisfied
14 Essex County Council's highway concerns?

15 A. That's correct, yes.

16 Q. Now again I am just sort of moving on. I am trying to
17 identify, Mr Wang, things where we agree which we can
18 hopefully pass over quickly and then things where we
19 disagree where we will take a bit more time. Areas
20 where we agree in relation to highways, you have
21 identified three particular highway schemes, the A120 to
22 A 1250 junction. That's the first one. The A120/B 1383
23 junction and then the east bound approach to the
24 A120/M11 intersection. Three schemes where you would
25 like some highway improvements and you would like

1 a contribution from us and we have agreed the sum of
2 £0.8 million as the appropriate contribution?

3 A. Yes, that's correct. That was based on the 35 MPPA plus
4 15% forecast.

5 Q. Correct, and that reflects that growth from 15 MPPA up
6 to 35 with the 15 MPPA to 25 MPPA element of it being in
7 effect the unspent contribution from the 2003
8 obligation?

9 A. Yes. The assessment was based on the 2003 to 2004 team
10 flows.

11 Q. The second package that has been agreed with you relates
12 to other Essex road safety schemes, and I think there
13 are ten potential sites within about five miles of the
14 airport. We have not identified them. The intention,
15 as I understand it, is that the highways working group
16 of the Stansted Airport Transport Forum would identify
17 those schemes and identify the appropriate contributions
18 in accordance with circular 05/2005?

19 A. Yes. I think there is a slight -- there are quite a few
20 questions in there. Just to confirm that, yes, it will
21 be the Stansted Transport Forum and its working groups
22 that will determine it. There are alternative schemes
23 that will be looked at and considered by that Transport
24 Forum, but the schemes do exist now.

25 Q. Mr Wang, I am simply trying to summarise things for the

1 inspector. It is all written down. The sum that we had
2 agreed on there is £0.5m?

3 A. That's correct, yes.

4 Q. And again the inspector can see it all in the statement
5 of common ground. It is all in section 3.2.

6 Now there is a disagreement in relation to highways.
7 We have touched on forecasting uncertainty. You
8 identify for us some forecasting uncertainties in
9 appendices A, B and D of your evidence ECC/1/H. Now, as
10 you know, BAA does not accept those as significant
11 uncertainties, but, Mr Wang, it seems to me that there
12 is little point us debating them in circumstances where
13 the two parties have actually agreed the appropriate
14 mitigation?

15 A. Yes, you are correct. I just put on record they do
16 exist and it will be a matter for consideration for the
17 team too.

18 Q. Mr Wang, I am trying not to -- you say as a matter of
19 record they do exist. As I have said, BAA does not
20 accept that they are significant points, but, you know,
21 let us you and I leave that. Can I, however, just take
22 up one overall point with you to see we can agree on
23 this? You do make the point in your evidence -- you
24 make it in two places, paragraph 2.5 and then
25 paragraph 3.8 -- where you refer to the difference in

1 flows as between the original TA and the TA addendum
2 update, and you mention that first at paragraph 2.5 and
3 then in paragraph 3.8 you refer to the planning data and
4 the Government's proposed changes to draft RSS 14, the
5 fact that there are more jobs and dwellings and that you
6 would have expected an increase in future trip
7 generation. You recall the point I expect?

8 A. I do see it, yes.

9 Q. Can I just get you to examine with me that appendix you
10 refer to at the end of that paragraph, appendix E? Sir,
11 this is going to be in ECC/1/H, appendix E?

12 A. Yes, I have it.

13 Q. You set out there in two tables firstly the employment
14 growth changes and then the household growth changes for
15 various regions and you have them in the TA, which were
16 based on the original draft RSS 14 and then after three
17 columns of numbers there's a heading that says
18 "revised", which is the TA update addendum figures based
19 on the Secretary of State's proposed changes. The point
20 you are making is that the Secretary of State was
21 proposing some higher figures, particularly for
22 population growth. Yes?

23 A. That's correct, yes.

24 Q. Can I just -- I just want to explore with you whether
25 there are -- whether you are able to accept why some of

1 the numbers in the TA addendum update might have fallen.
2 I want to look with you at balance. Can you just look
3 for me at firstly 2003/14 in the TA for Essex both in --
4 you might want to put a mark next to it -- both in
5 employment where the figure is 46,200 and households,
6 where the figure is 64,100, and you will see that as
7 taken account in the TA, which was based on draft RSS 14
8 in its original form, in Essex there were proposed --
9 I~have done the maths but you can check it later -- some
10 17,900 more dwellings than jobs. When you drop down
11 a line and you look at the figures for Herts, you will
12 see in Herts where the figure for employment was 60,500
13 and for households 37,200, there was some 23,300 more
14 jobs than households. Do you see that?

15 A. Yes, I do see that, but --

16 Q. Obviously that is going to cause that spatial planning,
17 because this is what is fed into the model --

18 A. Could I just -- when I said that we have an issue with
19 this information we provided with is on an overall
20 basis, a general. You can imagine that Herts County
21 Council and Essex County Council are very large counties
22 in their own rights. How its model -- there are lots of
23 zones and such like. Each zone might have different
24 information and different number of jobs growth and
25 employment growth. So which -- it is not presented

1 here. So what that bit of information that you pointed,
2 the 3.8 and 2.5, was there to demonstrate that there are
3 issues that --

4 Q. Mr Wang, I have not actually asked a question yet.

5 Mr Wang, let us just go back, as it were. What I want
6 to put to you, clearly those two in balances in the
7 draft of RSS 14 which have been modelled on regional
8 models in the original TA data, would suggest
9 imbalances, people having to move from one area to
10 another to go from dwellings to households?

11 A. I agree, but the point I am trying to make here is if we
12 look in overall terms, you have an increase but if you
13 look at even Essex County Council, you have employment
14 growth in the last column. If you look at 2003 to 2023,
15 it is 59% in Essex. That's employment and in household,
16 Essex, 63%. What we have is it is a situation where
17 there are reductions. So that's --

18 Q. Mr Wang, can we move on now? I have pointed out to you
19 the spatial imbalance between jobs and housing in the
20 draft RSS data, but when we look at the revised data
21 I want you to look at the equivalent numbers but under
22 the revised 2003/2014 data to understand why the models
23 might have lower flows on the overall network and
24 non-airport traffic. We can see for Essex the
25 employment numbers are 65,700 against households of

1 67,500; in other words, a difference now of only 1,800.
2 Yes? If we look at Herts, the employment during that
3 period is 37,400. The households 44,600, a difference
4 of 7,200, but again significantly better than the
5 23,000-odd imbalance before.

6 So the point I want to put to you is it is not
7 surprising or it shouldn't be surprising when one digs
8 down into the data that the regional models, looking at
9 regional traffic, are actually shown at some lower flows
10 in the network than with the original RSS data. It is
11 because of better spatial planning?

12 A. I do not accept that.

13 Q. I know you don't, but --

14 A. Could I say why, please.

15 Q. Of course you can in a moment, but, of course, it is
16 perfectly plausible, isn't it, perfectly explainable why
17 the models which you say and the regional model which
18 you say is fit for purpose, you accept that, with the
19 Department's data put in it will produce those results?

20 A. It's the application of the data that we are concerned
21 with. It is not the data itself that we are concerned
22 with.

23 Q. Well, Mr Wang, what does that mean? You accept the
24 models. You accept the data?

25 A. It is to do with the forecasting. I think I have

1 pointed out to you before we do not take any dispute
2 with the fit for purpose label on the base year model,
3 but once you go on to actually producing the forecast,
4 the problem with that is the assumptions and
5 applications that we are concerned with. Now --

6 Q. This assumption -- let us try to keep ourselves
7 compliant -- this assumption you told me a moment ago
8 you don't disagree with. Of course it is right, is it
9 not, that we should put into the models the future RSS
10 data. Now the models are correct. They have been
11 validated well against the base year. All that has
12 happened is we have put in the future planning data.
13 You agree that. I don't understand what you mean by the
14 application?

15 A. Okay. I'll explain to you. In modelling you have
16 various zones. The zones actually load on -- whether it
17 is attraction or generation, the information is required
18 to assign the traffic on to the various roads. Now
19 depending on how it is applied you might have numbers in
20 which -- and there are further assumptions that are
21 required in terms of number of trips per household, what
22 type of jobs it would generate, what sort of number of
23 households that would be built from 2003 to 2014 and
24 from 2014 to 2023. Various percentages of completion of
25 households and a proportion -- and also the population

1 where they are going to be based. So they are all the
2 assumptions that have been applied to make the model
3 work. Those assumptions are uncertainties. Those
4 uncertainties are our concerns.

5 Q. That's very helpful. So we can now see what it is you
6 are concerned about, the type of dwelling that might be
7 provided I think you said and things of that sort. Of
8 course, Mr Wang, with the best will in the world, all
9 sorts of decisions have to be taken about the future.
10 The Secretary of State is going to have to form
11 a judgment about this planning application and the data
12 we have used is the data based on the proposed changes
13 to the RSS. I have not seen any detailed criticism
14 suggesting other figures that we should have used. You
15 talk about uncertainties, but no alternative is put
16 forward, is it?

17 A. That's correct. That's why we have put to the Inquiry
18 that the 35 plus 15% MPPA does allow for those
19 uncertainties which we could not pinpoint ourselves but
20 at the same time it would be helpful to the Inquiry to
21 progress that.

22 Q. Okay. You are not able to point to the uncertainties
23 yourself. We have moved on. Let us then move on from
24 that. Public transport. Let us just identify some
25 areas of agreement in relation to that. Safeguarding.

1 The BAA proposals to safeguard land for platform
2 extensions at Stansted. All of that is agreed, is it
3 not?

4 A. I think so, yes.

5 Q. Funding of on site rail works, BAA's understanding with
6 DFT is that it shall fund on site works and that the
7 off-site works will be funded in the normal way from
8 general funds. I think you have discussed that with DFT
9 directly, haven't you, at meetings?

10 A. We did in the past, yes.

11 Q. I have correctly identify, haven't I, the understanding
12 that BAA will be responsible for the funding of the on
13 site works?

14 A. BAA is responsible for the on site and I think there was
15 also in the original obligations a Section 106
16 obligation from 15 to 25 MPPA tends to suggest that BAA
17 should be looking to fund, for example, Stansted
18 Mountfitchet platform extension that will be able to
19 accommodate 12 car trains.

20 Q. But, Mr Wang, as you know, that was under the new
21 obligation. It has not been triggered and that's
22 superseded by the new obligation. You do understand,
23 don't you, as I say, you have had meetings with DFT what
24 the current arrangement is to be?

25 A. Yes.

1 Q. It is that we will fund the on site works and general
2 rail funds will fund the off-site works required for any
3 station lengthening?

4 A. Yes, that's our understanding of the situation.
5 Obviously we are quite concerned that provision for
6 improvements of STEX train have not been secured.

7 Q. That's the mechanism about timing. We are going to come
8 to that. Monitoring passenger growth on Stansted
9 Express, that again is something that's proposed as part
10 of the current obligations. That's agreed and
11 acceptable to Essex?

12 A. Could you please point me to the ...

13 Q. It is page 9 of BAA/21.1. It is point 11 there. It is
14 part of paragraph 3.2.2. It is under the heads of
15 terms. Paragraph 11:

16 "BAA monitor rail patronage on airport-related rail
17 services and patronage generated by the airport from
18 2008. Prior to 2008 rail operator surveys will be used.
19 All monitoring will be reported to the rail working
20 group of the Transport Forum. STAL will agree the exact
21 details of the monitoring study with DFT Rail in
22 consultation with the rail working group of the Stansted
23 airport forum?

24 A. Yes, that's correct.

25 Q. Now that's something that's agreed, is it not, with

1 Essex and, indeed, Herts?

2 A. In terms of the monitoring, but we are still concerned
3 about the delivery.

4 Q. Mr Wang, I know that point. You know, please, you have
5 said it about ten times. I am trying to identify the
6 things that we have agreed. One of them is that there
7 will be monitoring. That's agreed, isn't it?

8 A. That's correct, yes.

9 Q. Bus and coaches, again we have agreed, haven't we, a £2m
10 contribution towards bus and coach provision, public
11 transport provision?

12 A. £2 million and a total sum of 150 hypothecated to
13 Hertfordshire County Council and also the Department
14 levy to run alongside.

15 Q. Now there are some issues you have raised on coach and
16 bus. I just want to discuss some of those with you.
17 Your paragraph 3.15?

18 A. Is that the one EEC/1/G?

19 Q. Yes?

20 A. Thank you.

21 Q. You make the point there that there is no certainty that
22 the relationship between coach and rail fares and air
23 passenger mode preference would not change in the
24 future, but BAA has pointed out to you, hasn't it, that
25 reduction in coach fares only has a minor impact on mode

1 shares?

2 A. I think that's the point of dispute I think. We feel
3 that --

4 Q. First of all, has it been pointed out to you from the
5 modellers that that is the case?

6 A. We have seen the information that was provided this
7 morning in 4.4 and 4.5 tables.

8 Q. Provided in response to your joint position statement.
9 Let us look at CD/326, Mr Wang. You see, Mr Wang, this
10 is one of the problems. You raise points. We have
11 given you answers and you just carry on. Page 39, 2.6.
12 One of the points you raise was appendix A of the TA
13 addendum indicates that the relative cost of future
14 coach fares to London has been reduced in the updated
15 models. This reduction appears to have a major impact
16 on road share and needs to be justified.

17 So the response that we gave you was:

18 "As indicated in note 12 above, the model has been
19 adjusted to reflect changes between 2003 and 2006. This
20 does result in a reduction in coach fares to London but
21 the fares only have a minor impact on mode shares."

22 The modellers are able to look at these things to
23 understand from the various algorithms in the model what
24 the effect is. Now, Mr Wang, you have no evidence, do
25 you, that you can give to the inspector or to me to

1 indicate that that's wrong?

2 A. That's correct, but at the same time we have -- I think
3 it is based on common sense on the information that we
4 are putting forward to the Inquiry here, that if there
5 is a shift that is not purported to be what BAA says, we
6 have a situation, we have a problem. We have more
7 people on the roads. I think that BAA has put forward
8 a scenario that can happen. We have stated our concerns
9 about these scenarios. I think the Inquiry should be
10 aware that it has been discussed. There is a lot of
11 uncertainties, a lot of variabilities in the forecast,
12 and with that in mind I put to the Inquiry that based on
13 common sense it must be one of your considerations to
14 consider whether BAA's forecast is so reliable and that
15 you will have no further concerns.

16 Q. Now there has been a shift in recent time towards coach
17 and BAA did explain, didn't they, why that was? What
18 was the explanation?

19 A. BAA explained that there was a change. It was a huge
20 market with a lot of marketing moving people on to and
21 so a marketing ploy, as it were, to promote coach and
22 bus, and that has been successful in this snapshot in
23 time. Our case has always been we are concerned that we
24 do a snapshot in time. We are not disputing that
25 information. That snapshot information in time is there

1 for everybody to see. We are just pointing out some of
2 our concerns.

3 Q. But, Mr Wang, in answer to any number of points you
4 simply resort to snapshot in time. You are
5 a forecaster. Of course, all forecasts have to look at
6 the data available and have to forecast forward, don't
7 they?

8 A. Yes, I do not dispute that at all with you.

9 Q. Let us go back then to the explanation. Page 16 of
10 CD/326, the explanation of why there has been a shift in
11 preference to coach amongst the very distinct group of
12 air passengers. This is foreign passengers travelling
13 to central London?

14 A. Sorry. Is that the --

15 Q. Page 16?

16 A. Of the addendum update?

17 Q. No, of the response document, CD/326, the one we were
18 looking at. It gives the answers to lots of your
19 concerns?

20 A. Thank you.

21 Q. Paragraph 5.3.5:

22 "After the analysis it was concluded there had been
23 a significant shift in the preference of foreign
24 passengers to central London away from Stansted Express
25 towards the coach. It probably related to the marketing

1 strategy of some coach operators which enables foreign
2 travellers to pre-book tickets at many European
3 airports."

4 So what has happened in the market which the model
5 are reflecting is that the coach operators are selling
6 coach tickets in the foreign airports and that is very
7 attractive to foreign passengers, and therefore is one
8 of the reasons why there has been this shift very
9 successfully to coach in recent times?

10 A. Is that a question or ...

11 Q. Well, Mr Wang, I suppose the question is: how is it you
12 were not able to tell the inspector that and you
13 continue to peddle the line that paragraph 3.15, there
14 is no certainty in the relationship between coach and
15 rail fares and that that will not change in the future.
16 It was pointed out to you that was a minor factor?

17 A. I think you have quite rightly said that all the
18 marketing has helped promote the coach and bums, as it
19 were. I do not dispute that. I think what we are
20 putting forward, our concerns here, that once they get
21 the market share, like all commercial, where they cut
22 the cost right down to the bone with all these new buses
23 they are putting forward and have to be financed in some
24 way, that is not sustainable in terms of the low costs
25 relative to the costs of Stansted fares currently. So

1 what we are saying here is that Essex County Council is
2 concerned that that is not a sustainable way ahead.

3 There are -- once they acquire market share they will
4 start moving up the coach fares. So the trend that's
5 known, we do not accept that that's a long-term trend.

6 Q. Which coach operators have you talked to about viability
7 of their operations, because BAA talks to a lot. Which
8 have you talked to, Mr Wang?

9 A. None at all.

10 Q. None at all?

11 A. It is again based on common sense.

12 Q. Ah, yes! Now let us just understand this line where you
13 say in paragraph 3.17, "We are over reliant on the coach
14 sector". Have, please, CD/27?

15 A. Okay.

16 Q. That's, of course, the officer's report from the 2003
17 planning permission. It's a 2002 officer's report.
18 I want you to turn to page 64, paragraph 114. This is
19 what fairly recently the two County Councils were
20 telling us.

21 "Essex and Hertfordshire County Councils therefore
22 seek better bus and coach collections to the airport
23 accessing potential markets not currently served and
24 increasing the number of passengers using bus and coach.
25 Both the number of passengers and the proportion up from

1 36 to 37%. Initiatives would require funding from BAA.
2 The Councils have suggested 2 million would be
3 appropriate."

4 Mr Wang, the strategy that has been so successful in
5 increasing coach and bus proportions and shares was
6 exactly the strategy your clients in Hertfordshire were
7 telling us we ought to be pursuing, wasn't it?

8 A. That's correct. All I am saying to you is that the
9 Council then in 2002 put forward a view that they would
10 like the strategy to be being pursued, but at the same
11 time the inspector, the Inquiry should be mindful that
12 there is this pressure on the commercial sector that
13 could move the situation away and aggravate the
14 throughput on to the road. That balance should be
15 struck and should be understood that it is not an exact
16 science, that this has been put forward and it is
17 a strategy that we worked upon, but not necessarily
18 an outcome that will definitely happen.

19 Q. Of course, the point was made there that the counties
20 were particularly keen that we should improve services
21 to other destinations than London. Look in the TA to
22 look at what the bus and coach enhancements we
23 anticipate, having discussed them with operators, will
24 be in the 35 MPPA enhanced case. CD/14, page 175?

25 A. I have it. Thank you.

1 Q. You can see, in this proposal -- sir, this has not been
2 challenged at all -- that the enhancements being
3 proposed are to places like Birmingham, Norwich, Oxford,
4 Cambridge. There is an increase assumed in the service
5 to Victoria from five services to six services per hour.
6 Then other ones to Peterborough, Kent?

7 MR BOYLAND: Forgive us. We are having difficulty finding
8 that page.

9 MR HUMPHRIES: It is page 175 in section 11. It is after
10 those various pages, A3 pages.

11 MR BOYLAND: Yes, we are there. Thank you.

12 MR HUMPHRIES: Sir, you also need to note, if you haven't
13 done it already, that that was one of the tables where
14 the erratum sheet was applied. So the printed page is
15 slightly different from the one I have just read out.
16 You just need to make sure that the errata is placed in
17 there.

18 Short point, Mr Wang. The strategy for coach and
19 buses that BAA has pursued is precisely in line with
20 what the County Councils have been urging BAA to do, to
21 improve services particularly to locations not served by
22 rail?

23 A. I am not disputing that at all. Yes, they are.

24 Q. And again I don't know whether we need to look at this
25 in detail. We can. In the policy document, New Deal

1 for Transport, the Government gives express support,
2 doesn't it, to better coach provision, including to
3 airports. Do you want to look at that document?
4 CD/129?

5 A. Thank you.

6 Q. Now does yours have page numbers?

7 A. No.

8 Q. That's going to make things...

9 MR BOYLAND: We have a copy each. So we can lend Mr Wang
10 one of those.

11 A. Thank you very much.

12 MR BOYLAND: Can I have it back afterwards, please?

13 A. Thank you.

14 MR HUMPHRIES: Mr Wang, let's start on pages 65 and 66. 65
15 in the right-hand column has a heading "Making Better
16 Use". Then on page 66 the left-hand column has the
17 subheading "Giving Greater Priority to Coaches". The
18 first bullet point there says:

19 "Modern coaches can provide a flexible way of
20 filling gaps in the services provided by trains as well
21 as competing with them on their own merits and in many
22 cases offering a lower cost alternative."

23 It is quite clear, Mr Wang, is it not, that BAA's
24 strategies of promoting buses and coaches as well as
25 rail is in accordance with Government policy?

1 A. I do not dispute that at all, but all we point out is
2 that Essex County Council is concerned about the
3 sustainability of those two kind of issues to the city,
4 London city. That's where our concern is. That's where
5 the bulk of the promotion goes into and has the most
6 share shift to the buses. So that's where our concern
7 is. I am not taking any sort of dispute along the
8 lines of if it is going to, you know, the more rural
9 sort of towns and villages, as it were. I think you can
10 see that we are concerned about the possibility of all
11 the various things, about parking issues and the
12 reduction and not -- and the reliance on the STEX train,
13 which we feel is the most sustainable form of transport
14 to the third busiest airport in Britain. That's the
15 crux of our concern.

16 Q. If we turn on to page 76, which deals with better
17 integration of airports and ports, you see that's what
18 the section is dealing with. The first subheading there
19 is airport policy. I ask you to turn on then to page 79
20 for the particular quotation. Paragraph 3.2 06:

21 "Integrating airports into the wider transport
22 networks also means developing the connections to
23 national and regional rail and coach services to reduce
24 the present reliance on private road based transport."

25 Therefore BAA and other airport operators are being

1 specifically exhorted to improve coach services to
2 reduce reliance on private road-based transport?

3 A. I think I agree with you that's what it says, but
4 I think the point is being made here that the Council
5 obviously is concerned that if Stansted Airport, for
6 example, it does have a train -- a good train service
7 and it could be better, and that this statement does
8 relate to airports like the East Midlands Airport where
9 there is a less good, if you like to say that, train
10 services there, and hence this is another way of making
11 good public transport access to those sort of airports,
12 but in terms of StEx and in terms of Stansted Airport,
13 the third busiest airport, it is paramount and has the
14 concern that Essex County Council has that it should be
15 relying on the most sustainable form of transport, which
16 is the StEx train.

17 Q. Well, the guidance doesn't say that it does not apply to
18 Stansted, does it? You agree it does?

19 A. I agree, but at the same time that's our interpretation
20 of it.

21 Q. Now, indeed coach operators are continuing, are they
22 not, to put on further services. Easybus has now
23 started a new service to Baker Street in June of this
24 year, haven't they?

25 A. I am not disputing that, yes.

1 Q. 44 services per day I think with originally 12, moving
2 up to 19 seater minibuses?

3 A. We are not disputing that but we like to see a long-term
4 provision and a sustainable provision. Whether that's
5 the case or not once those come on line, we have seen
6 a lot of businesses go bust. Like everything else, new
7 ventures like this one, Easybus. So we are not
8 discouraging them, but at the same time we are taking
9 a view and expressing our concerns that Essex County
10 Council is concerned that in the long-term we need to
11 have a plan for a sustainable form of transport and
12 that's the train.

13 Q. National Express, of course, has also announced
14 upgrading of its fleet from 49 seater to 61 seater
15 coaches. It runs 152 services per day, a lot of them to
16 Golders Green, some to Victoria and some to Stratford in
17 London. That's adding 2,000 seats per day in each
18 direction. Shall we just look at their analysis in
19 that's CD/440. Indeed, if we look at the -- it says
20 2,000 seats will be available each way every day. If we
21 look at the next page, notes to editors, the fourth
22 bullet point, they make the point there that in terms
23 of --

24 MR BOYLAND: We don't have the second page in our copy.

25 MR HUMPHRIES: Sir, we will have to get that for you. The

1 fourth bullet point:

2 "Using the measure of carbon emissions on a per
3 passenger per kilometre basis on data that have been
4 calculated independently by the Edinburgh centre
5 a National Express coach in fact produces less carbon
6 than do trains CO2 per passenger per kilometre."

7 Both of them are less than the car and all three of
8 those are less than air passengers flying, but it is
9 wrong to just say that coaches are not sustainable.
10 They are sustainable, very sustainable?

11 A. Obviously if the roads are not congested then it is
12 sustainable, but the roads are congested and that figure
13 that you have just pointed us to, you know, it is
14 an atypical figure. It does not take into account
15 congestion. If there are buses that are going down into
16 London and they are "parking" rather than moving, then
17 we have a problem. Then those figures will be much,
18 much higher indeed.

19 Q. What data does Essex County Council produce on this?

20 A. Again it is based on common sense. That's what we
21 pointed out.

22 Q. Ah, right!

23 A. Because that does not qualify it in any way at all.
24 29 grams CO2 per passenger per kilometre. What duration
25 is it. What day is it? What does that mean?

1 Q. Do you produce any data?

2 A. No, but I am disputing your data.

3 Q. ECC, of course, want, as do HCC, as part of this
4 application a further £2 million contribution to public
5 transport initiatives. We looked at that in the
6 statement of common ground heads of terms. That's to be
7 overseen by the Bus and Coach Working Group, isn't it,
8 of the Stansted Airport Transport Forum?

9 A. Yes, that's our understanding.

10 Q. That's chaired by Essex County Council?

11 A. Yes, there are people involved in it, yes.

12 Q. And presumably the two authorities have asked for this
13 2 million-pound because they want to see more buses and
14 coaches?

15 A. Yes, but at the same time they would like to see more
16 train services as well.

17 Q. Let us come on then to rail. We know, don't we, that
18 the Railways Act 2005 made important changes to the
19 structure and operation of the rail industries in the
20 UK?

21 A. We have returned to the inspector the ... that's the
22 one.

23 MR BOYLAND: You didn't want it again.

24 A. I didn't want it to get lost. Sorry.

25 MR HUMPHRIES: I will ask again. Don't worry. The Railways

1 Act 2005 made, didn't it, important changes to the
2 structure and operation of the rail industry in the UK?

3 A. That's correct, yes.

4 Q. And it implemented a number of the proposals in the
5 future of rail White Paper from 2004?

6 A. That's correct, yes.

7 Q. It, amongst other things, wound up the strategic rail
8 authority and passed on its responsibilities to various
9 other bodies, including the DMT Rail?

10 A. That's correct, yes.

11 Q. Now can we just have a look at CD/441 and give ourselves
12 a little insight into the way in which the industry
13 operates now. This is a Department of Transport
14 briefing note on the development of the high level
15 output specification fee. It is called the HLOS as you
16 know. Paragraph 3 in this document gives the inspector
17 an overview of various changes that occurred as a result
18 of the 2005 Act. All right? Let us turn on, however,
19 you and I to paragraph 7, which is looking at the high
20 level output specification. It tells us that the HLOS
21 will be framed at a high level. It doesn't go into more
22 geographic and other detail than necessary. To make the
23 Secretary of State's requirements clear and unambiguous,
24 the Secretary of State doesn't wish to become involved
25 in the detail. That can be left to Network Rail and,

1 indeed, others.

2 Then paragraph 8. The HLOS will be cast in terms of
3 outputs for the railways to deliver, not the inputs.
4 For example, it will specify the improvement that the
5 Secretary of State wishes to see, not the investment
6 that needs to be undertaken to secure the improvement.
7 That's a different approach from the one adopted under
8 the 2003 review of access charges.

9 So we need to understand, don't we, when we are
10 approaching this issue of mechanisms, the way in which
11 the rail industry now operates. We need to understand
12 that, don't we, Mr Wang?

13 A. Yes, we do.

14 Q. And the way that the rail industry now operates is that
15 through the HLOS the Secretary of State specifies the
16 levels of capacity and various other things that he
17 wishes to see brought forward. Yes?

18 A. We do not dispute that.

19 Q. Yes, and specifying capacity is identified as one of the
20 most important things that the HLOS produces?

21 A. Yes. We don't dispute that as well.

22 Q. No. Let us just look on to paragraph 19. Again, I will
23 try not to take us through the entire document but if
24 there is anything else you want to draw attention to,
25 please say. Paragraph 19. This is talking about the

1 way the HLOS itself was produced. We will have a look
2 at the HLOS in a minute. Work is now in hand jointly
3 with the office of Rail Regulation and Network Rail to
4 establish the base cost of the railway and to build the
5 integrated suite of models which will help us establish
6 the incremental cost of improvements in reliability and
7 safety. Estimating the cost of increasing capacity of
8 the railway requires us to look beyond that models. The
9 approach we shall adopt here is to build up a route by
10 route picture of the likely trend in demand and the
11 options available to address demand growth informed by
12 both the rail original planning assessment and the route
13 utilisation strategies.

14 So the way in which Government now approaches the
15 provision of rail service is to build up the HLOS which
16 it specifies what is to happen, and it does that in
17 terms of capacity and the costs by looking at route
18 utilisation studies, doesn't it?

19 A. That's correct, yes.

20 Q. So let us have a look at the route utilisation study,
21 the RUS, that's CD/312. Just to understand what
22 Government has looked at for the particular rail
23 corridor we are interested in, if I can just get you to
24 turn to page 119. There are lots of things we could
25 look at in this. Let us for the moment just look at

1 page 109?

2 MR BOYLAND: You said 119 first of all and then 109.

3 MR HUMPHRIES: Sorry, sir. I meant 119. I do apologise.

4 We can see that one of the options which was examined by
5 Network Rail in the route utilisation strategy, the RUS,
6 upon which the HLOS is based is option A: lengthening
7 peak services between Cambridge, Stansted Airport and
8 London Liverpool Street to 12 cars.

9 A. Yes.

10 Q. I suggest we need not go into vast amount of detail, but
11 we can see that Network Rail considered this option in
12 detail. The concept is proposed as lengthening all
13 platforms between Cambridge, Cheshunt to accommodate 12
14 car trains and operating lengthier trains up to 12 car
15 during peak. This increases seating capacity by around
16 50%, which is intended to accommodate the increase of
17 53% increase in morning peak journeys to London as
18 predicted for the outer services to 2016.

19 Infrastructure we can see. Some platforms on the West
20 Anglia mainline can already handle 12 car trains.
21 Platform extensions and SDOs, that's Selected Door
22 Openings, where you don't make a platform but just
23 introduce equipment that allows trains to just open
24 certain doors, would be required at Cheshunt,
25 Broxbourne, Royden, Harlow Mills, Sawbridgeworth,

1 Stansted Mountfitchet, Elsenham, Newport, Great
2 Chesterford and Shenfield. It is clear, therefore, that
3 the strategy the Government and, indeed, Network Rail is
4 looking at does not require all platforms to be
5 lengthened. It could require SDOs to be fitted.

6 A. I think it is important to appreciate first of all the
7 document you quoted from is draft for consultation.
8 That's the first point the Inquiry should be aware of.
9 The second point is the information is based on the
10 PLANET model which is used to assess it and there is
11 only an AM peak model. There is no pm peak at all. So
12 we don't know really what happens in the pm peak. All
13 that information is again a guideline on which they base
14 the information, but I understand they are trying to
15 improve the models to maybe come up with a different
16 outcome. So I think the Inquiry should be aware that,
17 you know, yes, we have that information. It is in
18 a draft consultation. By no means they are still doing
19 some further work on it and it is only based on an am
20 peak, no pm peak at all and we have submitted --

21 Q. Mr Wang, what is the answer to the question?

22 A. The answer to the question is yes, I agree with you that
23 I have no dispute on this at all, that the information
24 shown by this is what it is, but I would like the
25 enquiry to be aware that the information is evolving and

1 that the Inquiry should take that into account.

2 Q. Yes. We will come on to look at the HLOS and what the
3 HLOS specifies. We can see from crowding impact, the
4 next heading here:

5 "Our demand forecasts indicate that this option
6 would provide too much passenger capacity on the route
7 north at Stansted Mountfitchet but not enough further
8 south. The intervention provides enough capacity to
9 maintain the current average morning peak lead factors
10 until 2016."

11 Then again we need not go through all of the things
12 on the next page, but clearly a lot of work has been
13 done on the financial and economic analysis. Of course,
14 all of that has then led in, has it not, to the
15 Government's high level output specification?

16 A. Yes, it has.

17 Q. Mr Wang, all your reservations about how Government and
18 Network Rail shouldn't use the PLANET and should not do
19 this and should not do that, is that the Government is
20 moving on and has now set the high level output
21 specification, hasn't it?

22 A. You are correct, yes, but at the same time I point out
23 to you this is only a draft for consultation and that
24 the information will change in the future as they have
25 more information available.

1 Q. Mr Wang, the HLOS is not a consultation draft, is it?

2 A. No. That's correct, yes.

3 Q. So let us look then at the HLOS which is part of the
4 Government's White Paper delivering a sustainable
5 railway. 433.1.

6 MR BOYLAND: I see you looking at your watch. Are we
7 nearing the end or at an appropriate point?

8 MR HUMPHRIES: An appropriate point, sir. At 3.30 advocates
9 automatically seem to twitch and look at their watch.
10 I don't think I am even close to my time estimate yet.
11 It may seem longer.

12 MR BOYLAND: No, no. I thought if by any chance you were
13 ahead of yourself, then clearly we would carry on until
14 you finished, but if not, then I am content to take
15 a break at the next convenient point.

16 MR HUMPHRIES: This would be convenient. We are about to
17 look at the White Paper. This is convenient.

18 MR BOYLAND: That's fine. We will adjourn for 15 minutes
19 until just after 3.40. Thank you.

20 (2.25pm)

21

22 (Short break)

23 (3.40pm)

24

25

1

2

3 MR BOYLAND: Thank you .the Inquiry is resumed. We now have
4 a full copy of CD/440 by the way.

5 MR HUMPHRIES: Thank you, sir. I am sorry you didn't have
6 one before. I don't know what happened.

7 Mr Wang, let us start looking now, please, at the
8 White Paper CD/43 3.1. Again it's a long document.
9 I don't want to read out large sections of it, but if
10 there is anything in the document you want to take me
11 to, then please do, but can we start by looking at
12 page 19 just to get a flavour of what the White Paper
13 and the HLOS which is the appendix to the White Paper,
14 does. Paragraph 1.20, this is reflecting the
15 requirements under the new Act, tells us that once every
16 five years the Secretary of State must state out rail
17 improvements he or she wants to secure for the coming
18 five year control period.

19 Then in the next paragraph, 1.2 1:

20 "The letter annexed to the White Paper discharges
21 that remit for the next control period by starts in
22 April 2009 and runs until March 2014. The improvements
23 being purchased by the Secretary of State are set out in
24 appendix A and are formally termed the Runways Act 2005
25 statement. This comprises high level output

1 specification and various other requirements. For
2 simplicity these are referred to collectively as the
3 White Paper. In the White Paper is the HLOS. The
4 budget is termed the statement of funds available."

5 So we can see under the new regime what this
6 document is doing is setting out various policy matters
7 but also in relation to the Act discharging legal duties
8 of the Secretary of State to identify the services that
9 are being purchased by the Secretary of State. Now
10 again I imagine, Mr Wang, you are familiar with all of
11 this?

12 A. I don't have any argument with them.

13 Q. I wouldn't expect you to have argument, but I don't want
14 to take you too far through something and then you say
15 you weren't very sure. So we can see, therefore, the
16 basic remit of what the document does. Just turn over
17 the page to page 20, paragraph 1.27 tells us the White
18 Paper sets out how the three goals are to be achieved
19 and the three goals relate, don't they, to capacity,
20 reliability and safety, how they are to be achieved over
21 the three time horizons which could be summarised as
22 commit, plan and anticipate. Then it tells us for the
23 period to 2014, which is commit:

24 "The Government has made the most robust demand
25 forecast possible and specified levels of improvements

1 to be delivered in safety, reliability and capacity.
2 These are commitments."

3 So we know, don't we, when we get to the HLOS and
4 what is set out there, that these are Government
5 commitments. Yes?

6 A. I agree with you that's what it says here. They are
7 Government commitments. All I am pointing out to the
8 Government Inquiry that it is based on a tool that is
9 only half, if you like, half assessed. We don't know
10 what the other side of the picture is in terms of pm
11 peak. That's all I am saying. Then page 43,
12 paragraph 4.21 tells us in terms that the details --

13 MR BOYLAND: It is a conspiracy, Mr Humphries. Ours goes
14 from 41 to 44.

15 MR HUMPHRIES: Sir, I carefully planted those documents in
16 your set.

17 MR BOYLAND: I do realise that.

18 MR HUMPHRIES: Again I am very sorry. Well, sir, the quote
19 on that page, we will need to replace your copy. The
20 quote I am going to refer to is short. Would you mind
21 just bearing with me?

22 MR BOYLAND: As long as you can give us the precise
23 reference. That's fine. Mr Wang, paragraph 4.20 on
24 page 43.

25 A. Yes.

1 Q. Again just orientating ourselves with the document tells
2 us that the details of the capacity increase that the
3 Government wants to secure by 2014 are set out in the
4 following chapters and in appendix A. So that's just
5 really giving us some pointers as to where we need to
6 go.

7 Then let us turn on to paragraph 5.29, which is on
8 page 52. Sir, I hope you have that one?

9 MR BOYLAND: Yes, we do.

10 MR HUMPHRIES: That paragraph tells us that figure 5.4 shows
11 the improvements in the high level output specification
12 contained within the White Paper -- contained within
13 this White Paper is forecast to deliver in London by
14 2014. One of your favourite words at the bottom:

15 "It is important to notice that this is a snapshot
16 of the position but at 31st March 2014."

17 So the snapshot is, of course, in the forecasting
18 year for the generation 1 development. So let us look
19 at figure 5.4. We can see there the various London
20 terminus stations off to the east is Liverpool Street.
21 We can see there what is anticipated for Liverpool
22 Street. 35,700 peak hour passengers. That's the
23 increase in demand. You can see the key is in the top
24 left-hand corner. 18% 3 hour peak demand growth by
25 2014. Load factor increases from 69 to 70%. Then train

1 lengthening on these services is Chingford, Enfield
2 Town, Cambridge and Stansted and some additional
3 services on Great Eastern. We can again see there,
4 can't we, that the lengthening of both the Stansted and
5 indeed the Cambridge services are part of the
6 Government's commitment in HLOS?

7 A. Yes, that's right, yes.

8 Q. If we then move on to HLOS that's the appendix. It
9 starts at page 140. This is the Railways Act 2005
10 statement which, as I hope is clear from that passage we
11 looked at before, contains the HLOS and the statement of
12 funds and various other statements that are required
13 under the 2005 Act. Paragraphs A1 and A2 really go
14 through the legal background, Mr Wang. They explain the
15 various duties that the Secretary of State is under and
16 that are being discharged by the Railways Act 2005
17 statement. We can see in paragraph A2 a few lines down
18 it tells us that paragraphs A3 to A12 of the statement
19 together with the attached schedule set out high level
20 output specification matrices. Then again a little bit
21 further down various other paragraphs again constitute a
22 statement for the purposes of another paragraph in the
23 Act. So we can see here this is what Government expects
24 to happen. Paragraph A8 tells us:

25 "The Secretary of State's priority for investment in

1 CP4 is to secure an increase in carrying capacity of the
2 franchise passenger railway to reflect the growth in
3 demand and to relieve crowding."

4 So again the context, Mr Wang, for consideration of
5 your client's concerns that there should be some
6 mechanism or guarantee that train lengthening is coming
7 forward, the context of that is that that is exactly
8 what the Government is doing in the HLOS, is it not? It
9 is specifying that those services are to come forward?

10 A. Yes, but if you look at the way it is scripted, in terms
11 of time-frame it is not very clear, because for a start,
12 as we presented in our snapshot survey, in EEC 1/I we
13 have overcrowding problems already now, never mind 2014
14 when you have more people coming through
15 Stansted Airport. We have that problem there. I think
16 that's Essex County Council's main concern, that the
17 information, the tool that's used to produce even this
18 sustainable railway is not down to those specific routes
19 and, you know, it is only half a story. You don't have
20 the pm peak story there and that story is we have
21 a problem there. I think that's all we want to present.

22 Q. Mr Wang, what we can, I am sure, agree is that
23 Government is clearly seized of these issues. Capacity
24 it says is the Secretary of State's priority?

25 A. Everything that -- I agree with you that's what it says,

1 but there are so many conflicting requirements that the
2 Government needs to do and needs to put in place like
3 Cross Rail. There are so many various things in terms
4 of their requirements. If we have no guarantee in terms
5 of the mechanism commitment in place who is to say that
6 the service will not worsen as more is piled on to the
7 STEX train.

8 Q. That is a matter for Government. That statement is true
9 for every development in this region in the future. Any
10 new house, new employment location, anything has the
11 potential to generate an additional trip by rail,
12 doesn't it?

13 A. I agree, but this is the third busiest airport in
14 Britain, in the UK. So we have in planning terms to
15 look after this airport and ensure that it's viable
16 commercially and so forth and allow that to -- it is not
17 any development, as you put it, because it is any mean
18 development.

19 Q. Do you think the Government is not aware this is the
20 third busiest airport?

21 A. I am sure they are. I don't disagree at all.

22 Q. Clearly the Government has a strategy to bring forward
23 reinforcements on the rail network in this corridor, but
24 of which access to Stansted is merely a part, is it not?

25 A. I agree. In our case then we saw no reason why BAA

1 should be intimidated by the Grampian condition being in
2 place. If you are that assured, if you are -- like in
3 Mr Forshe's proof the Government will do the right
4 thing, as you put it, it is the third busiest airport
5 and the Government knows about it, why is there an issue
6 of putting in the Grampian condition to guarantee that
7 commitment to Essex County Council.

8 Q. Mr Wang, the obvious problem with your Grampian
9 condition is you are seeking to persuade the Secretary
10 of State for Transport as one of the two secretaries of
11 state dealing with this that a condition should be
12 imposed because the Secretary of State for Transport
13 can't be trusted to bring forward appropriate rail
14 infrastructure. Why would the Secretary of State for
15 Transport not trust herself and thereby impose
16 a condition?

17 A. I don't disagree with what you said but at the same time
18 this is not a new condition. It has been agreed in the
19 Shellhaven area, the Thames gateway area. If you go on
20 the Internet you can find many, many cases of the
21 Grampian condition that has been applied. It is not
22 unusual. All Essex County Council wants to do is
23 protect in terms of rail provision to Stansted Airport.
24 So it is not unreasonable for that condition to be
25 placed if the Secretary of State is mindful to implement

1 it anyway.

2 Q. Mr Wang, the circumstances at shell haven-- I was one of
3 the barristers were -- were just completely different,
4 weren't there?

5 A. The Grampian condition has been applied in that area as
6 well. That's all I am saying.

7 Q. Grampian conditions are often applied. All right. Let
8 us move on. We can sew then finally, Mr Wang, in the
9 HLOS page 150, table A3, that the total demand to be
10 accommodated by strategic route number 5, West Anglia,
11 the increase wants to see is for 482 million passenger
12 kilometres to be accommodated by 2013/14. Clearly
13 Government anticipates a huge increase in passenger
14 capacity on this particular route?

15 A. I do not disagree that's the case. That's what's shown
16 there. All we are saying again is we would like our
17 concerns and commitment in terms of commitment from DFT
18 Rail.

19 Q. Clearly BAA and, indeed, any other developer in the
20 Cambridge/Stansted/London Corridor and, indeed, anyone
21 else is entitled to place considerable reliance on
22 Government statements of policy in the White Paper and,
23 indeed, on the commitments set out in the HLOS?

24 A. I don't disagree with you at all, and at the same time
25 there is also a requirement on BAA to promote and secure

1 funding under the white -- the airport -- the Air
2 Transport White Paper.

3 Q. Indeed there is and we agreed earlier that the funding
4 arrangements were that BAA would pay for the on airport
5 improvements. Do you remember?

6 A. Yes, I am not disputing that.

7 Q. You said that that had been discussed with the
8 Department and explained?

9 A. Yes, I am not disputing that. All I am saying is that
10 we require -- Essex County Council requires a commitment
11 to ensure that that airport has a sustainable and
12 well -- good quality train services.

13 Q. Let us move on then from the overall structure
14 pertaining to rail and improvements in rail that are
15 coming forward and just consider for a moment the DFT's
16 rail capacity standard. Could you have CD/443? This is
17 the DFT Rail definition of PIXC -- P-I-X-C in capitals.
18 This is the Government's or the Department's standard
19 for overcrowding and what is acceptable in terms of
20 overcrowded trains in various circumstances, commuter
21 trains, long distance trains and so on. Again I imagine
22 you are familiar with this?

23 A. Yes. I am so sorry to interrupt. I think this is
24 coming in as a CD. Would it be possible just to provide
25 the source for this and the date?

1 MR HUMPHRIES: Yes. This copy to make sure we got the
2 latest one was downloaded from the DFT's web site
3 yesterday, but it should be the same as that referred to
4 in the TA addendum update CD/14.2. We will see at
5 paragraph 4.7.7 and 4.7.8 we refer to the PIXC standard.

6 MR HILL: I should make it absolutely plain you have
7 referred to it in the document.

8 MR HUMPHRIES: Thank you. Impartially doing that as
9 a cross-reference for the inspector.

10 Now, Mr Wang, there have been various comments
11 during your evidence-in-chief about the DFT's loading
12 standard of one sheet per passenger by reference to that
13 DFT letter. So far as we are aware this is the DFT's
14 overcrowding standard. We are not quite sure what the
15 reference in the letter is referring to but it is
16 certainly not referring it a DFT standard?

17 A. It does refer to -- I am sorry -- it does refer to G1
18 and G2 airport strategies.

19 Q. Maybe that's a reference to BAA but even then I don't
20 think we have a strategy. What do you think the DFT G2
21 rail strategy is?

22 A. It is not for me to comment at this point, because it
23 has not been submitted as an application.

24 Q. That's precisely my point. As far as we are aware there
25 is no DFT loading standard of one passenger per seat?

1 A. Well, we can only go by the letter that we have been
2 provided and that's what we are going by.

3 MR HILL: Sir, can I just put down a marker now in the light
4 of those questions. I will be asking Mr ForsheW to
5 disclose any correspondence he has had from DFT to see
6 if he can explain the document we put in many months ago
7 because if it is being explained to you or queried
8 that's not accurate I need to get it from the horse's
9 mouth.

10 MR HUMPHRIES: There is no correspondence. As far as we are
11 aware DFT has standards. The standards clearly have to
12 be the same standards for all trains. You can't have,
13 you know, one train coming in that has come from
14 Stansted applying one seat per passenger and a train
15 coming in two minutes later from Cambridge that applies
16 a different standard. Indeed, if you did, you would
17 tend to get all the passengers moving from one train to
18 the other. So this is the DFT's overcrowding standard.

19 Now, Mr Wang, apart from that reference in a letter,
20 is there anything else, anything you have seen that
21 tells you that there is a DFT Rail standard that applies
22 to the Stansted Express services which is anything other
23 than the standard applied nationally?

24 A. I haven't seen any other documents.

25 Q. Okay. Let us just move on slightly. Recent growth in

1 rail passengers. We know, don't we, that the changes to
2 the one timetable in December 2005 has led to strong
3 growth in numbers of passengers on the Stansted Express?
4 A. It's an element of -- yes, that's contributed to it,
5 yes.
6 Q. And we can see that if we look in the TA addendum
7 update, CD14.2. If we look at 14.8, you can see there
8 the results of the 2002 and 2006 terminal census. We
9 can see that the numbers on the Stansted service have
10 grown considerably.
11 MR BOYLAND: Did you say table 4 .8?
12 MR HUMPHRIES: Yes, sir, page 25, CD14.2.
13 MR BOYLAND: We have figures in the 4 point series as well
14 which are out of step with the tables. Yes, I have it.
15 Thank you.
16 MR HUMPHRIES: We can see there, can't we, that there has
17 been considerable growth?
18 A. Yes, I don't dispute the figures.
19 Q. That was also reported in the surveys in the Route
20 Utilisation Strategy, wasn't it, the RUS?
21 A. Yes, it was.
22 Q. And your own survey in ECC/1/I confirms broadly the same
23 point, doesn't it, that on some services there are
24 passengers in excess of seating capacity?
25 A. That's correct, but they are during the peak hours,

1 which is important, as we see it, for the service, as it
2 were. So yes.

3 Q. I mean, in this data, the ECC/1/I data there is nothing
4 particularly surprising, is there? I mean, it is
5 well-known that going into and, indeed, leaving London
6 at the am and pm peak hours that there is some
7 overcrowding?

8 A. I think you are right to say that, but the point we are
9 trying to make here is that it is already overcrowded
10 and that that would result in a deterioration of the
11 service, the quality of the service and also would
12 result in people possibly being discouraged from using
13 it, the train service, and use other modes of transport
14 to the detriment of the highway.

15 Q. It also confirms the point, doesn't it, that really
16 Government is not applying a one passenger per seat
17 threshold?

18 A. It could be the case. It also could be the case that
19 because you have used the information that is from the
20 planet's model, which is obviously not informing them,
21 although they now have the latest information in front
22 of them, how they can articulate that. We wouldn't like
23 to leave it to chance. That's why we are hoping to
24 impose -- they are proposing the introduction of the
25 Grampian condition.

1 Q. We also need to note, don't we, that you give us data
2 very properly for departure at Liverpool and departure
3 at Tottenham Hale, but obviously there are other
4 stations as one moves north -- Harlow, Stansted
5 Mountfitchet, Bishop Stortford -- before one gets to
6 Stansted and the loading factors as one travels north
7 will decline again as people get off the train?

8 A. We don't have the full information obviously. I can't
9 agree or disagree with you on that. It could be more
10 people piling on. We don't know. So I can't say which
11 way it will go.

12 Q. All right. Certainly the other surveys we do have
13 indicated that people getting on at Liverpool Street,
14 many of them are going to get out at Harlow, Stansted
15 Mountfitchet and Bishop Stortford. That's why those
16 trains stop at those locations?

17 A. Yes.

18 Q. Therefore if we do get off at those locations the levels
19 of numbers of passengers will decline.

20 A. But people will also get on the trains because they are
21 trying to get to the airport. So there is no guarantee
22 what you just said unless you observe the information
23 train by train and service by service and coach by coach
24 and two people in each train at each door which record
25 the on board and alighting passengers.

1 Q. Mr Wang, you could have produced that data if you
2 carried out surveys and you haven't?

3 A. So could you. We are the authority that is looking at
4 information that's provided. We have been very helpful
5 and we have spent a lot of money -- Essex County Council
6 has spent a lot of money considering its application
7 which should have been fully provided in terms of
8 information by BAA and it is lacking and as we have done
9 some snapshot at the expense of the County Council.

10 Q. Mr Wang, you know, we were not aware at all that you had
11 done any surveys. Of course, there are complete
12 operator surveys. They are carried out and they have
13 all this data, which does show where people get off.
14 Now you have chosen to do this as a matter for yourself.
15 What I am suggesting to you is that had you continued
16 the surveys all the way to Stansted you would have shown
17 that by the time the trains get to Stansted, the
18 passenger numbers shown here as a peak around Tottenham
19 Hale would have reduced?

20 A. They might do and they might not. I don't have the
21 information.

22 Q. You are saying you don't know?

23 A. I don't have the information.

24 Q. Let us just look then at data we do have, firstly on
25 airport passengers and the numbers of passengers on the

1 Stansted Express. Look at 14.2, please?

2 A. Sorry. What document is it?

3 Q. CD14.2?

4 A. What page is it? Sorry.

5 Q. 451, paragraph 4.5.1, which tells us that for the 25
6 MPPA case the PLANET runs for Stansted Airport related
7 passengers were 1,800 passengers in the AM peak three
8 hour period and 2,030 passengers in the pm peak leaving
9 London. Now those passenger numbers are consistent,
10 aren't they, with the latest RUS counts? They are
11 higher than the latest RUS counts, which is consistent?

12 A. They could be higher. Yes, they are consistent, but
13 they could be higher.

14 Q. No. The forecast here?

15 A. Yes.

16 Q. Are higher than the actual counts reported in the RUS.
17 Have open also CD/312, turn to page 40. You will see
18 table 3.10, the right-hand columns there. In the three
19 hour peak period actually observed in 2007 were 1,062
20 and in the pm 1,339. In other words, the model figures
21 for 2014, 25 MPPA case are higher and as the text in
22 CD14.2 makes clear, that's consistent, (a) because the
23 forecasts are for a later year and (b) because of the
24 time of year at which the counts were taken. So there
25 is nothing unusual, nothing inconsistent there, is

1 there, between the actual counts and the model forecast
2 for airport-related passengers?

3 A. I disagree with you on that. I think --

4 Q. Why do you disagree?

5 A. I don't disagree. I don't disagree with you on that.
6 All I am saying is our concerns were on obviously
7 different periods in the time-frames, as it were, within
8 that and our snapshot has shown that there are trains
9 very crowded, overcrowded currently now. That is what
10 we are saying.

11 Q. Mr Wang, the next point is the reason why discrepancy
12 has been suggested between the forecasts and the latest
13 RUS data relates not to the airport passengers. It is
14 the non-airport passenger numbers that have grown very
15 strongly, is it not?

16 A. Yes. I don't disagree with you on that. I think it is
17 easier a job to forecast airport traffic than
18 non-airport traffic, but we have to understand that the
19 service does provide for the totality airport and
20 non-airport passengers. So ...

21 Q. Mr Wang, just identify where it is you had a concern.
22 It is not airport passengers. I am just identifying
23 where it is non-airport passengers. In relation to
24 non-airport passengers what BAA then did was to carry
25 out a further sensitivity test which modelled the

1 Stansted Express in 2014 but with higher numbers of
2 non-airport passengers based on the RUS, Route
3 Utilisation Strategy, counts. Do you recall that?
4 A. Yes, they have done that, but at the same time it is
5 also stated that in -- it is likely that the 35 plus 15%
6 forecast scenario, it is likely to go over the DFT
7 specification as well.
8 Q. Mr Wang, step by step. I am just trying to do it step
9 by step. So a sensitivity test was carried out which we
10 can see at section 4.5 of the addendum update, CD14.2:
11 at least that's where it is first identified. The
12 sensitivity --
13 A. Sorry. What document are you looking at if?
14 Q. If you start on page -- sorry. 14.2.
15 A. Yes. Right.
16
17 Q. Section 4.5 is a comparison with STEX forecasts,
18 S-T-E-X?
19 A. Yes.
20 Q. And the RUS counts?
21 A. Yes, I have that.
22 Q. And that looks at whether there is an underestimation in
23 the non-airport passengers. Then when you come on to
24 section 4.7 in the document, Mr Wang, we carried out
25 a rail sensitivity test, which if you look at the

1 paragraph immediately above that meeting, 4.6.4, that
2 used the 2006 terminal census for both Cambridge and
3 STEX services. In other words, it used these higher
4 counts that have been coming forward recently and fed
5 those back into the modelling exercise. Yes?

6 A. Yes, I see it, yes.

7 Q. Now, as I understand it, having used that higher
8 observed count data, we have met the principal concern
9 you had about the rail forecasts?

10 A. We have always said we were concerned but not just one
11 time period. There is a pm time period as well, which
12 was why we did the surveys we did. I am not disputing
13 what you said at all.

14 Q. Okay?

15 A. All I am saying is that Essex County Council is
16 concerned with more than just the am peak period, the pm
17 as well.

18 Q. Indeed, but by using those higher 2006 counts we have
19 certainly -- I think we are in agreement, Mr Wang, we
20 have closed out the principal concern?

21 A. You moved nearer to closing it out.

22 Q. Very well. I think the other point you have raised is
23 pm peak. Now we did have work and ran the models again
24 and they gave the various results that we have in table
25 4 .9 and also shown graphically in figures 4.1 through

1 to 4 .6 and in those figures we can see the build-up
2 during the morning peak and then again in the later ones
3 in the evening peak of the STEX service. We can see the
4 proportion of airport passengers during each -- in each
5 train and the number of commuter passengers during
6 periods on each train. Yes?

7 A. I can see that, yes.

8 Q. And we can see quite clearly from that on the assumption
9 of an eight car seating capacity of 460 seats that some
10 trains in the am peak and some trains in the pm peak are
11 forecast to be over-capacity, more passengers than
12 seats?

13 A. I am not disputing that, but it's got to be said that
14 our survey has already shown that those services are
15 already at capacity.

16 Q. Yes, but that doesn't mean the forecasts are wrong?

17 A. No, I am not saying -- I am saying the forecast is
18 an underestimate, because what has happened is it is
19 already congested.

20 Q. Mr Wang, you have already taken the RUS counts which
21 showed very high levels of demand for trains and fed
22 them in. They are part of the basis of these forecasts,
23 aren't they?

24 A. Yes, I am not disputing that. All I am saying is that
25 if the tool is not up to the job, you can put whatever

1 you want on it and you will not get there. It will not
2 produce the right level of accuracy. That's all it is,
3 because what we are saying is now we have a situation
4 where it is overcrowded.

5 Q. Yes. Mr Wang, what is being forecast here is in the
6 future?

7 A. That's correct.

8 Q. There is nothing inconsistent with one or two trains
9 being overcrowded now and the forecasts shown here in
10 the future?

11 A. All I am saying is yes, I agree with you but at the same
12 time it could be a higher level of demand than what's
13 shown here.

14 Q. That presumably comes back to one of your common sense
15 points. The modelling which is used by the department
16 and by others generally to model rail demand forecasts,
17 these levels of demand, isn't it?

18 A. It does model this level of demand. What is important
19 to appreciate is that there is no pm peak model at all.

20 Q. All right. There is no pm peak model at all, but
21 judgments have been made, haven't they, on observing the
22 relationship over time, I think it is five years,
23 between the am peak and the pm peak?

24 A. Judgment that you make, yes.

25 Q. What BAA has then done, Mr Wang, is look at those

1 forecasts of demand, including the fact that there are
2 more passengers than seats during some periods, and has
3 compared them with the Government's PIXC standards?

4 A. Yes, that's what has been done here, yes.

5 Q. That's where the PIXC standard is described at 4.7.7 and
6 4.7.8 and then at table 4 .10, applying the Government's
7 standard of what is an acceptable level of overcrowding
8 on a commuter train, what it demonstrates is that the 35
9 MPPA case, using the higher 2006 counts in the am peak
10 and the pm peak and a combined am and pm peak periods
11 does not breach the Government's overcrowding standard?

12 A. That is what it says there, but the statement I think
13 I refer you to 4.7.10 where it says that passengers
14 would not have to stand for more than 20 minutes.

15 Q. Yes?

16 A. And from our survey that we have undertaken here and
17 based on the timetables that we have got, to Tottenham
18 Hale, for example, in our EEC/1/I, we have a train
19 service that is 17.55, the last one, for example, from
20 Tottenham Hale -- sorry, I am a bit blind here --
21 Tottenham Hale. 18.07 to Harlow town, 18.29. That's
22 more than 20 minutes. We have also --

23 Q. Mr Wang, that's where an allowance is made for the
24 20 minutes. Obviously I do realise that the train all
25 the way from Liverpool Street to Stansted is more than

1 20 minutes but you make an allowance between stops and
2 you look at overcrowding and we believe -- you may tell
3 me I am wrong -- we believe we have applied the standard
4 correctly and this is what it shows, Mr Wang. Now it
5 does show in table 4.10 that if we use data not only
6 with the 2006 higher counts but also place on top of
7 that plus 15%, so we inflate the airport passenger
8 numbers by 15%, then we do begin to breach the
9 Government's PIXC standard. Yes?

10 A. That's what's there, yes.

11 Q. That's in 2014. Of course, that may well be a proper
12 reason for Government bringing forward the train
13 lengthening that's set out in the HLOS. That's exactly
14 the sort of indicator and bearing in mind we have
15 undertaken to supply monitoring data on the rail --
16 that's exactly the sort of data the Government would use
17 to tell the franchisee to bring forward longer trains,
18 isn't it?

19 A. Yes, I am not disputing that, yes.

20 Q. And armed with that data that we are required under the
21 section 106 agreement to supply, Government will be able
22 to take informed decisions on this, won't it?

23 A. Yes. The information that it provides here does suggest
24 that, yes.

25 Q. Now let's move on. We are not too far from the end.

1 Just one more short point. If we can go back, please,
2 to section 4.3 in CD14.2, what we have also modelled
3 here so that the inspector can get an understanding of
4 the effect is to look at the effect of not increasing
5 capacity on the Stansted Express, but to allow greater
6 overcrowding on the Stansted -- greater overcrowding on
7 that train on the Stansted Express. What the modelling
8 shows, and this is the LASAM model, which is described
9 as fit for purpose, is that overcrowding during that
10 peak period does have, depending on its level, some
11 effect on the number of people that choose to use the
12 service do decline with time, as you would expect, but
13 many of them, in fact, transfer to coach which, as we
14 know, is plentiful. We discussed earlier the additions
15 to the services that have taken place and some transfer
16 to car and taxi modes, but the increase, Mr Wang, in the
17 car and taxi modes is well within the 35 MPPA plus 15%
18 sensitivity we have undertaken, isn't it?

19 A. Yes, but the point that we make before in our opening
20 and evidence-in-chief is that the human rationale, the
21 human side of things, the human response are not taken
22 account of here, because what we have here is the 13.3%
23 Stansted Express with -- that's no crowding and with
24 160% overcrowding you have only a 23.1%, a reduction of
25 7%. Now surely there is something missed somewhere?

1 Q. Mr Wang, I don't know if you ever travel in London on
2 the tube, but most mornings when I go in people are
3 standing absolutely, you know, chock a block next to
4 each other. On your analysis everyone who didn't have
5 a seat would move and do something else?

6 A. With all due respect, sir, we are talking about
7 a service, a train service to an airport. We are not
8 just talking about a commuter train per se. It is
9 a mixed service, commuters and Stansted Express and like
10 the Heathrow Express which is solely on its own and
11 unlike other commuter services which are solely on their
12 own. What we have here is we would like to encourage,
13 as we have put it in Essex County Council's proof, we
14 would like to encourage people to go on the most
15 sustainable form of transport and not discourage them to
16 go elsewhere on other modes.

17 Q. Mr Wang, there is no dispute. We have made it very
18 clear we think train lengthening is desirable. What we
19 have tested here is if it doesn't happen is there, as
20 your reason for refusal 7 suggests, a significant impact
21 on local roads? The conclusion we can draw is that the
22 impact on local roads would be less than that which we
23 have tested at 35 MPPA plus 15% case numerically,
24 wouldn't it?

25 A. I think -- I agree with you in the sense that if you

1 believed information, that's one scenario. A scenario
2 could be people are all discouraged to go on the trains
3 and moved on to the highway and that's what we would
4 like to discourage and that's the scenario that I am
5 saying to the Inquiry please do consider that in the
6 light of all the information we have got and
7 overcrowding exists currently and the public transport
8 currently is serving Stansted Airport. What we would
9 just like, Essex County Council, we would just like to
10 put the serious concerns they have, quite rightly so,
11 that it is entirely reasonable that the Grampian
12 condition should be considered.

13 Q. Let us just look finally at --

14 MR BOYLAND: Just before you move off that point,
15 Mr~Humphries, I look forward to hearing some evidence on
16 how the propensity to shift modes was derived, as you
17 say, in this model but what assumptions are made about
18 the -- I suppose almost analogous to the elasticity of
19 demands and as factors change.

20 MR HUMPHRIES: It is factors of --

21 MR BOYLAND: Because clearly the output in that table does
22 depend very much on the assumptions that are made about
23 that.

24 MR HUMPHRIES: I remember many years ago being told that
25 this type of model was a nested logit model. It was

1 explained to me and, sir, there was a brief period,
2 probably no more than five minutes, about fifteen years
3 ago where I thought I understood it.

4 MR BOYLAND: We all have that problem. I am hoping you will
5 have somebody giving evidence who will be able to give
6 us an explanation.

7 MR HUMPHRIES: Yes, sir. Mr ForsheW is not the modeller,
8 but he has heard that point. We will make sure that we
9 can explain that point, sir.

10 MR BOYLAND: Thank you.

11 MR HUMPHRIES: Mr Wang, the final point, your
12 paragraph 3.31.

13 A. What document is that, sorry?

14 Q. Your paragraph 3.31?

15 A. Is that the supplementary evidence EEC/1/G?

16 Q. Yes. Now I don't want to ask you the detail about this
17 paragraph which relates to the Grampian condition and
18 I entirely endorse the comment, the detail. The wording
19 will be the subject of discussion, but I just want to
20 understand the principle. The principle, as
21 I understand it, is that the airport should not be
22 allowed to exceed 25 MPPA until two things have
23 happened. The first is it has been demonstrated to the
24 authority that the DFT peak hour loading specification
25 one seat per passenger has been achieved. So just

1 understanding what that first -- who is it who has to
2 demonstrate? Is it the DFT who has to demonstrate? Who
3 has to demonstrate?

4 A. I think the Grampian condition obviously is a condition
5 hopefully we are proposing to place on the application
6 and I --

7 Q. No, I understand that?

8 A. Yes.

9 Q. BAA does not run the local railways. It is called the
10 Stansted Express, but it is not actually owned or
11 operated by Stansted Airport. How is BAA or anyone else
12 to demonstrate that this has been achieved? I just want
13 to understand not the detail but just in broad details
14 what you have got in mind?

15 A. I think it would be a monitoring -- a monitoring plan of
16 sorts to show that one seat per passenger has been
17 achieved.

18 Q. Right, even though to the best of our understanding that
19 is not the DFT's capacity criteria?

20 A. Well, with all respect, we have gone through that and we
21 submitted the letter as what it is and we have taken it
22 as read and that's what we have got. So, you know --

23 Q. DFT I suppose knows what its standard is and will be
24 able to --

25 A. Yes, we have chased them many, many times and we have

1 not come...

2 Q. And then?

3 MR BOYLAND: Forgive me. I am not sure if you got an answer
4 to your first question which is who has to demonstrate.
5 It would be helpful to know.

6 A. I would -- it would be the monitoring process which
7 would be.

8 MR BOYLAND: Not a process. Who? Which body or individual?

9 A. I would assume it will be a joint approach looking at --
10 because it is a joint approach implementing the
11 monitoring process, will be DFT Rail and BAA. So it is
12 as per the White Paper, consistent with that, where it
13 is the responsibility of all those groups of people to
14 promote that. So it is entirely consistent with the
15 airport -- Air Transport White Paper.

16 MR BOYLAND: Thank you.

17 MR HUMPHRIES: But, Mr Wang, aren't you seeking to do by
18 condition what you can't achieve by agreement? I mean,
19 we both know that the DFT will not enter into a legally
20 binding agreement to provide additional services by
21 a particular time. We can't enter a contract with DFT,
22 nor can Essex, and they have made that very clear to
23 you, haven't they?

24 A. We are still chasing them on what the queries are, and
25 obviously they have not come back to our satisfaction

1 yet.

2 Q. Mr Wang, but in the meeting -- I don't know whether you
3 were in the meeting but certainly your colleagues were
4 in the meeting. DFT does not enter into agreements that
5 will require it to bring forward a particular train
6 line, a particular date, will it, so far as I am aware?

7 A. I think whether this is a condition -- I say this is
8 a condition -- you are right, yes, but this is
9 a condition that we hope to place with the planning
10 application to ensure that this is undertaken, although
11 we appreciate that it is not within -- entirely within
12 the control of BAA, but because of the possible impact
13 that would result from not having that condition would
14 create a problem. So Essex County Council as such is
15 concerned about that and has its proposal condition.

16 Q. But the effect of the proposal condition is not to stop
17 the growth of Stansted, growth which is specifically
18 identified as being Government policy in the Air
19 Transport White Paper, until Government undertakes to
20 bring forward rail services which the Government won't
21 do. Government operates now through the high level
22 output specification?

23 A. I agree with you on that matter, but at the same time
24 you have shown us this afternoon what Government is
25 capable of doing with various matters that have been

1 outlined. If they are mindful to support the third
2 busiest airport in the UK, they would put pen to paper
3 and get on with the job of implementation a condition
4 that has been imposed on them.

5 Q. Now what the inspector has to consider in looking at
6 this matter should there be such a condition, which is
7 what all of this evidence leads up to, is (i) what
8 reliance he feels he can place on Government policy in
9 the rail White Paper and the high level output
10 specification, whether he can rely on that, and the
11 Government to act properly in accordance with that and,
12 (ii) if that additional capacity does not come forward
13 as soon as overcrowding occurs at whatever level,
14 whether in those circumstances there is an unacceptable
15 impact on local roads which has not already been
16 mitigated in 35 plus 15% sensitivities. Those are the
17 two issues at the end of the day the inspector is going
18 to have to focus on, isn't he?

19 A. Yes, I agree, he has, and I think the last one probably,
20 if I may, inspector, should also focus on if it was not
21 implemented in a timely fashion, what would happen in
22 terms of the service worsening and resulting in a poor
23 quality third world service for the third busiest
24 airport in the UK and that's no way to plan for
25 an airport service.

1 Q. Sir, those are all of my questions?

2 MR BOYLAND: Thank you very much. Mr Hill, how much
3 re-examination do you think you have?

4 MR HILL: Sir, I have got about an half an hour. I also
5 have to take instructions from Mr Humby on the matters
6 that came before me this morning. I then have to go to
7 London. I think if it is all the same to you I would
8 prefer not to start re-examination now at 4.50.

9 MR BOYLAND: Would Mr Wang be safely in Purdah?

10 MR HILL: I will be in London, sir, so it will not be up to
11 me.

12 MR BOYLAND: What about the remainder of the team?

13 MR HILL: Sir, he knows the rules. So far as I am concerned
14 you can take my word that they will be kept.

15 MR BOYLAND: Mr Humphries, do you have any problems with
16 that?

17 MR HUMPHRIES: No, sir. If Mr Hill, as he says, is in
18 difficulty, then I am happy to go with that. I would
19 have preferred us to continue to be perfectly frank, but
20 ...

21 MR BOYLAND: In an ideal world, yes, we would, but I think
22 being pragmatic it may well be beneficial, because it
23 may shorten his re-examination. Equally it may lengthen
24 it, but we shall see.

25 MR HILL: Sir, I think you can be confident it will be half

1 an hour.

2 MR BOYLAND: Very well. In that case we will adjourn until

3 10.00 tomorrow morning. Thank you.

4 (4.50 pm)

5 (Hearing adjourned until 10.00 am tomorrow morning)

6 --ooOoo--

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I N D E X

1		
2		Page
3		
4	DISCUSSION OF ADMINISTRATIVE MATTERS	1
5	MR TERRY WANG (called)	25
6	Examination by MR HILL	25
7	Cross-examination by MR HUMPHRIES	46
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

