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Endeavour House
Stansted Airport

4

27th July 2007

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Before:

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Alan Boyland, Lead Inspector
Terry Phillimore, Assisand Inspector

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BAA Public Inquiry - Stansted Airport

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

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

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

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STANSTED AIRPORT G1 PUBLIC INQUIRY

held at

Endeavour House

Stansted Airport

Essex

on Friday, 27th July 2007

commencing at 10.00 am

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2 APPEARANCES

3 The Inspectors:

4 Mr Terry Phillimore [not present]
Mr Alan Boyland

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For BAA:

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Mr Michael Humphries, QC
Mr Phillpot

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8 For Stansted Airlines Consultative Committee:

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Mr David Holgate [not present]

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For National Trust:

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Mr D Smith [not present]

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For Uttlesford District Council, Essex County Council and
13 Hertfordshire County Council:

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Mr Tom Hill
Ms Lisa Busch

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For Stop Stansted Expansion:

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Mr Paul Stinchcombe
Ms Sarah Hannett

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18 For Saffron Walden District Friends of the Earth:

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Ms Pat Elliott [not present]

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Friday, 27th July 2007

2 (10.00 am)

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Procedural matters

4 MR BOYLAND: Good morning, ladies and gentlemen, the inquiry

5 is resumed. Could I just ask everyone to make sure they

6 have signed the attendance sheet and would members of

7 the press please give the details of their organisations

8 on the press forms as well. Could I also please ask

9 everybody to make sure all mobile phones are switched

10 off or to silent while the inquiry is in progress.

11 One matter I wish to raise before we carry on with

12 the main business of the day is something which I have

13 forewarned the main parties of. As they are aware,

14 ministers are taking a very keen interest in this matter

15 and they have asked for my report by Christmas, which is

16 considerably earlier than it would normally be. Based

17 on the original programmed date for the end of the

18 inquiry, which was 5th October, and subject to requests

19 to expedite the reporting, I had indicated that this

20 would be possible without sacrificing the quality of the

21 report.

22 However, difficulties have arisen mainly between BAA

23 and Essex and Hertfordshire County Councils with

24 regarding to issues of surface access and I know they

25 have been making efforts to reconcile the differences

1 between them on the matters, but at the moment, anyway,
2 it appears that that will delay the closing of the
3 inquiry, which would then make it almost definitely
4 impossible to meet the deadline that the ministers have
5 set.

6 My office is keen to minimise any delays to the
7 report. It is willing to try to expedite the matter
8 and, to this end, it may be possible to invite another
9 inspector who is suitably qualified and experienced, but
10 has not had any involvement with the case so far, to
11 meet with those involved in the technical work on
12 surface access to see whether it is possible to broker
13 an agreement between them where they might be struggling
14 to reach agreement, and also to advise, if necessary, on
15 how much needs to be done in order to meet the
16 requirements of the inquiry.

17 The role of such an inspector would be that of an
18 independent mediator or facilitator. He or she would
19 not have any decision-making powers. They would not, as
20 currently envisaged anyway, have any role in the report
21 that I will prepare or in the inquiry itself. But they
22 would liaise with me and advise me on the procedural
23 aspects of the matter.

24 As I say, this is an offer which is put to the main
25 parties, which may expedite matters -- of course, it may

1 not do so -- and it is not for this main hearing. I
2 wonder whether the main parties have had time to
3 consider this -- I appreciate this offer was only made
4 yesterday -- but whether they have any views on the
5 matter. Could I start with Mr Hill for the Council?
6 MR HILL: Sir, I think I would just like to say something
7 very provisional at the moment. I have not taken
8 instructions on this -- I will do so during the course
9 of the day, and perhaps we could return to the matter
10 before you adjourn the inquiry for the summer recess at
11 the close of the evidence today.

12 Firstly, may I say that the offer is received in the
13 spirit in which it is made, and thank you for that and
14 thank you to your colleagues at the inspectorate for
15 thinking of it.

16 Second, I think I ought to make plain that the
17 problem is really not that the parties have not been
18 trying to reach agreement, or not working towards
19 it; the problem has been that the figures changed
20 dramatically in April --

21 MR BOYLAND: Yes. I have resisted going into the
22 background, Mr Hill, but I do understand.

23 MR HILL: Yes, and the figures have changed again, and the
24 figures are about to change again. We will not know
25 what the final position is until next Tuesday. The

1 picture is a very complex one and there are a series of
2 different models which are overlain one on the other,
3 and what I would fear would be that the time taken to
4 educate someone coming to this from scratch, bearing in
5 mind that people are going to be all over the place over
6 the next month, I am not sure really how much one could
7 usefully achieve. We are going to have our resources
8 stretched to the absolute limit just grasping the
9 material that we receive next Tuesday, and understanding
10 what it means and analysing it.

11 So, sir, my initial thoughts are, I am not sure at
12 that we could make use of this offer at the moment,
13 although I am going to take instructions during the
14 course of the day and, if I may, report back to you
15 before you adjourn.

16 MR BOYLAND: Thank you very much. Mr Humphries?

17 MR HUMPHRIES: Thank you, sir. We do welcome this offer,
18 which we think is very helpful. We do see a role for,
19 as you have described it, a suitably qualified inspector
20 to help facilitate the discussions between the parties.
21 We see that principally in the area of helping the
22 parties to identify the broad areas where there is
23 agreement, and we believe genuinely that there will be
24 many areas of agreement. The figures have changed in
25 detail, but the picture is one which is very similar to

1 the previous data we have had before us.

2 But I think, sir, the value also of identifying the
3 areas of agreement will be that, as a consequence, we
4 will be able to identify and perhaps focus attention on
5 the areas in dispute. We are very keen that the
6 resources of both parties and inquiry time is focused in
7 areas where there is genuine dispute which needs to be
8 examined. So we think this is a very helpful offer.

9 MR BOYLAND: I take it from that, then, that BAA would be
10 willing to co-operate with such an exercise?

11 MR HUMPHRIES: Yes, sir.

12 MR BOYLAND: Mr Hill, can I just ask, when you do take
13 instructions, whether your councils would be willing to
14 co-operate with this even if they have reservations as
15 to the value of it?

16 MR HILL: I do not think there is any unwillingness as to
17 co-operate, sir, that is not the issue. But at the
18 moment we are going to be fully stretched assimilating
19 the work that will be presented to us for the first time
20 next Tuesday. BAA know what is going on, they have been
21 working away at it, beavering away behind the scenes,
22 probably to make sure that the figures look all right,
23 and we have to go through all that material. We have to
24 go through the model files and that means looking at the
25 detailed outputs of the computer. Whilst there will not

1 be any question of an unwillingness to co-operate, there
2 is a real issue of time -- time and resources of people.
3 I have to receive -- I will not receive instructions on
4 this new material until 24th August.

5 MR BOYLAND: Very well.

6 MR HILL: That is the real problem, sir. If the figures had
7 been as they were in the Transport Assessment as
8 originally presented in the Environmental Statement, or
9 subject to some minor change, we would not be in this
10 situation. The problem is the late changes in the data.

11 I think you have to report back to those in the
12 Secretary of State's office who are champing at the bit
13 that this is in no small part due to the fact that some
14 of the DfT's inputs have changed, and that has resulted
15 in the necessity for re-running the models and that in
16 no way could any finger of blame be pointed at the
17 Highways Authorities, so far as the state we find
18 ourselves in now is concerned.

19 MR BOYLAND: I am not seeking to point fingers at anyone.

20 MR HILL: No, but if the impression is gained back in the
21 Government office that the Highways Authorities are not
22 putting sufficient effort into this, or are dragging
23 their feet, or stonewalling in some way, then I think
24 you have a duty to put them right on that, sir.

25 MR BOYLAND: I will convey that message, thank you.

1 Mr Stinchcombe, as far as I understand it, SSE has
2 not been involved in these discussions, but if they were
3 to go forward, is it your understanding that they would
4 be willing to participate?

5 MR STINCHCOMBE: Sir, I am very much in the position of
6 Mr Hill. I have not had a chance yet to discuss these
7 matters fully with SSE. I do know, however, that they
8 share Mr Hill's instinctive concerns. So once I have
9 taken full instructions I can come back to you, if need
10 be, this afternoon.

11 MR BOYLAND: Thank you very much, that is helpful. Any more
12 procedural things before we carry on?

13 Mr Stinchcombe, your next witness.

14 MR STINCHCOMBE: Thank you, sir. My next witness is
15 Mr Roger Levett, talking to the series of documents
16 SSE/21. Sir, if I can introduce Mr Levett by reference
17 to his main proof, then ask him a few preliminary
18 questions, then take as read large parts of his summary
19 proof before taking us through that summary.

20 MR BOYLAND: Thank you.

21 MR ROGER LEVETT (called)

22 Examination-in-chief by MR STINCHCOMBE

23 MR STINCHCOMBE: Mr Levett, if I can introduce you to the
24 inquiry from your main proof. You are Roger Levett, you
25 appear on behalf of Stop Stansted Expansion. You have

1 a Bachelor of Science degree in Politics and Philosophy
2 from Bristol University and 24 years' experience in
3 energy and sustainable development policy, strategy and
4 management.

5 A. Yes.

6 Q. You are the founding partner of Levett-Therivel
7 Sustainability Consultants. Prior to that, your career
8 background included six years with the Department of
9 Energy, three years with Scottish Enterprise Energy and
10 Environmental Technologies Group, and nine years as
11 a director of CAG Consultants specialising in
12 sustainability policy and management.

13 A. Yes.

14 Q. You tell us in 1.2.2 what your recent publications have
15 included. You tell us in 1.2.3 of your main proof that
16 you have had lead responsibility for the sustainability
17 appraisal and strategic environmental assessment of the
18 draft East of England RSS.

19 A. Yes.

20 Q. And for the assessment of climate change impacts in the
21 draft South West RSS.

22 A. Yes.

23 Q. You tell us also that you are currently advising -- or
24 at least you were at the time of writing the proof --
25 Birmingham, Coventry and Black Country chief executives

1 on carbon neutral policies and you are involved in
2 preparing a climate change action plan for the
3 Buckinghamshire Strategic Partnership?

4 A. Yes.

5 Q. I am obliged. If I can take you to your summary proof,
6 in due course I will ask you to read from parts of
7 section 3, but before I do so, I wonder if you have
8 anything to say in respect of the reading of the
9 transcript evidence of Mr Rhodes and whether that alters
10 any of the evidence which you wish to give today in any
11 way?

12 A. Yes, I think I can save you some time.

13 MR BOYLAND: Your microphone is not switched on.

14 A. I think I can save you some time on this, because
15 I think your cross-examination of Mr Rhodes on 13th July
16 established that BAA actually accept quite a lot of the
17 points which the first half of my proof was trying to
18 make: that climate change is a great threat; that
19 government policy rightly gives very high priority to
20 reducing climate change emissions; and that the increase
21 in traffic at Stansted from 25 to 35 million passengers
22 per year will increase emissions by about 1 million
23 tonnes of carbon a year.

24 So I am not proposing to run through all the
25 material that establishes those points, but instead what

1 I would like to do is concentrate on the main point of
2 difference, which is whether a clear emission policy to
3 cut greenhouse gas emissions, which is requiring all
4 existing Stansted activity to cut their emissions by an
5 average of 16 per cent by 2050, does not have
6 implications for this application to allow new
7 activities -- flights we have managed to get by without
8 are now increasing their emissions.

9 Q. I am obliged. If I might remind you to speak relatively
10 slowly when you give your answers, because some of us
11 have to try and write them down.

12 A. Sorry. Keep reminding me.

13 Q. Before we come on to the sections of your summary proof
14 that you do need to read to the inquiry, is there
15 anything about the climate change science that you wish
16 to add in the light of Mr Rhodes' evidence?

17 A. Yes, I think there is one point that didn't come across
18 with as much emphasis as I think it deserves, which is
19 the time direction. One of the Stern Report's most
20 striking messages is the crucial importance of starting
21 to reduce emissions as early as possible, so as to lower
22 the peak that greenhouse gases reach in the atmosphere
23 before they start falling. That is absolutely critical
24 for reducing the risks of triggering really dangerous
25 climate change.

1 Stern warns very strongly against the idea that we
2 can overshoot and then pull back. He warns very
3 strongly against the idea of waiting, and he emphasises
4 again and again the importance of starting to reduce
5 emissions as soon as possible. That is echoed by
6 a number of quotes from very eminent economists, which
7 I have put in the main proof, all of which harp on this
8 importance of starting to change trajectories as soon as
9 possible, which obviously has implications for decisions
10 taken which would actually add to emissions over the
11 next few years.

12 Q. I think, in light of those answers, we can take as read,
13 can we, paragraphs 3.1. to 3.7 of your summary proof?

14 A. Yes.

15 Q. In which case, can I ask you to read 3.8 and 3.9.

16 A. Okay:

17 "The government's only current concrete proposal for
18 reconciling climate change policy with aviation
19 expansion is to include international aviation in the EU
20 Emissions Trading Scheme. We have therefore considered
21 its potential in detail, and conclude that:

22 "It has not yet happened, and nobody can be certain
23 it will;

24 "It cannot begin to have any beneficial effect for
25 3 and a half to 4 and a half years at the earliest,

1 disagreements and negotiations about any number of
2 contentious issues could very easily put this back years
3 more, and it may have malign effects until whatever
4 point it comes into force;

5 "Whether including aviation in the ETS will actually
6 secure real emissions reductions is highly dependant on
7 the answers eventually agree to these currently
8 unresolved and potentially highly controversial
9 implementation questions;

10 "Phase 1 of the scheme has received little, there is
11 no justification for assuming that future phases will be
12 reformed to do significantly better, and there are
13 currently not even proposals to make them do well enough
14 to meet post-2012 emissions targets;

15 "Emissions trading is anyway only a means to
16 incentivise and share out reductions. They still need
17 to be made somewhere."

18 "We therefore conclude that:

19 "Managerial and technical fixes have no realistic
20 prospect of decoupling climate impacts from aviation
21 enough to make the expansion in aviation of which this
22 application is part compatible with the Government's
23 stated policies on climate change over the period that
24 matters most, the next two decades;

25 "[Second] there is no basis in evidence for assuming

1 that including aviation in the European Union Emissions
2 Trading Scheme will do so either, given the
3 disappointing performance of the first phase, the
4 complexity and contentiousness of the issues to be
5 resolved not only within the EU but internationally
6 before it can happen, and the high chance that
7 politically acceptable resolutions of these could make
8 the resulting scheme ineffectual;

9 "[Third] In any case, emission trading merely moves
10 responsibility for reducing emissions around, and could
11 therefore only genuinely offset the impacts of aviation
12 expansion to the extent that somebody, somewhere is
13 ready to reduce emissions from existing activities which
14 will already have generally been subject to cuts of the
15 order of 60% or more by 2050 -- an assumption that could
16 most politely be described as extremely optimistic."

17 Q. Pausing there, Mr Levett, is there anything new to
18 report on the ETS and its progress since drafting your
19 proof?

20 A. Yes, indeed, there was a very recent press report, which
21 I think has just been circulated this morning in CD/420,
22 which is a press report from European Voice about
23 progress on the ETS. I would highlight a few pieces
24 from that. At the top of the second page of the
25 printing.

1 Q. If you go a little bit slower, and enable people first
2 of all to get the document down. Sir, do you have it,
3 CD/420?

4 MR BOYLAND: Yes, I do, thank you.

5 MR STINCHCOMBE: So can you read it in a time span that we
6 can actually take notes?

7 A. Sorry. At the top of the second page, the first full
8 paragraph says:

9 "The Portuguese EU presidency has put aviation's
10 emissions trading ... (Reading to the words) ... which
11 confirms the case which BAA have made, which is that the
12 Government is committed to this and there is progress on
13 moving towards agreement."

14 However, the bulk of that page, and I will not read
15 through it all, details the different negotiating
16 positions taken by a number of European countries and
17 reminds us that the Americans don't think this should
18 apply to American carriers at all and believe there is
19 no legal power to apply it. Therefore the conclusion of
20 this article, which is just after the passage I read
21 a moment ago, is:

22 "Given the number of outstanding issues still up for
23 debate, many politicians and interest groups are not
24 taking Portugal's ETS ambition too seriously."

25 In other words, the position is as I suggested in

1 the brief: there are many people who are very keen to
2 make progress on this, but there are huge complications
3 to be solved and therefore there is no guarantee or no
4 certainty that aviation is going to be included in the
5 ETS, certainly over the next few years.

6 Q. Can I take you back to your summary of proof and ask you
7 to read from paragraph 3.10 to the end of
8 paragraph 3.13.

9 A. "Thus it is possible to have an evidence-based policy
10 for air traffic expansion or for climate security, but
11 not both together. Indeed, it is only possible to
12 support air traffic expansion and climate security
13 together by replacing a respect for evidence with
14 a vague hope that 'something will turn up' to rescue us
15 from the contradiction to which all current evidence
16 points.

17 "It is therefore not possible for a decision either
18 to allow this Appeal or to refuse it to be consistent
19 with Government policy on air traffic expansion, climate
20 security and respect for evidence simultaneously. It
21 is, accordingly, impossible for the inquiry to avoid
22 taking a position, implicitly or explicitly, on the
23 relative merits of the three.

24 "The Government has rightly made it clear that
25 tackling climate change is the gravest of all

1 contemporary challenges. That objective must therefore
2 take priority. In the light of the above evidence and
3 analysis, if the Government means what it says about
4 climate change, in aviation there is no realistic and
5 responsible alternative to the simplest and most obvious
6 response of avoiding further increases in aviation
7 emissions by refraining from allowing any further
8 increases in aircraft or passenger movements, and
9 therefore upholding Uttlesford's rejection of the
10 application which concerns this inquiry.

11 "This is one issue where sustainable development
12 unavoidably entails constraining consumer demands. This
13 should not be assumed to be a bad thing. Other proofs
14 show that the economic benefits of the proposed
15 expansion are highly questionable, while it would have
16 severe impacts on human health and wellbeing. There is,
17 accordingly, no compelling reason why this expansion
18 needs to go ahead, and a range of reasons quite separate
19 from climate change why it should not."

20 Q. Just a couple of supplementary questions before I invite
21 you to read your concluding paragraph.

22 Firstly, do you have any response to make to
23 Mr Rhodes' argument that, because Government has stated
24 its policy, it is not for this inquiry to question it?

25 A. Yes, and I think I can make those points most clearly,

1 if I may, by going through a few points in the Air

2 Transport Progress Report, CD/88.

3 Q. Let's get CD/88 to hand then. Where do we start in

4 CD/88?

5 A. We start right at the beginning -- sorry, this is

6 chapter 3. I only have an email printout, so I hope my

7 references line up with yours. Chapter 3, "The Global

8 Challenge of Climate Change". Sorry, it is 2.1.

9 Q. I think that is on page 7 of our document.

10 MR BOYLAND: Paragraph 2.1.

11 MR STINCHCOMBE: Yes. Take us through CD/88 and the

12 relevant passages, and make your comments.

13 A. Okay. The first point is right at the beginning of 2.1:

14 "Climate change is the biggest single issue that we

15 face."

16 Which is good to have it acknowledged. In

17 paragraph 2.2, the second sentence is:

18 "We must act now to mitigate the environmental

19 impacts that it [climate change] will cause."

20 Then paragraphs 2.6 and 2.7 are politely pointing

21 out that the ICAO on this is not currently very helpful,

22 but I will not go into that in detail.

23 I think the first key point I want to make is in

24 paragraph 2.10, and this relates back to something which

25 you pointed out in your legal submissions on 17th July,

1 which is the difference between a statement of
2 Government policy and a claim about facts, because 2.10
3 starts off with what is very clearly a statement of
4 Government policy:

5 "The Government continues to believe that this
6 ... (Reading to the words) ... can best be done by
7 emissions trading."

8 Then it describes emissions trading. Then further
9 on it says:

10 "Inclusion of aviation in the Emissions Trading
11 Scheme is the most efficient and cost-effective way to
12 ensure that the sector plays its part in tackling
13 climate change."

14 Now that, I suggest, is a claim of fact and a claim
15 which my detailed evidence, looking at the history of
16 the Emissions Trading Scheme, suggests is at the very
17 least not proven and not something which we can safely
18 assume.

19 Then at the end of paragraph 2.10 it says:

20 "This approach was endorsed by Sir Nicholas Stern in
21 a recent report."

22 Which in the general sense is true. It says:

23 "Stern strongly supports carbon pricing to ensure
24 ... (Reading to the words) ... fully reflect social and
25 environmental costs."

1 That is absolutely fair, but that implies that the
2 costs are high enough to reflect their full costs, and
3 that they give a reliable statement, to be able to make
4 decisions on the basis of them. Again, the European
5 Emissions Trading Scheme is not currently doing that.

6 The next point is at the bottom of paragraph 2.11.
7 They say how the Government is working with the European
8 Commission to work up proposals. The last sentence of
9 that says:

10 "Our approach to these negotiations will be to
11 ensure that the full climate impact of aviation is
12 addressed."

13 Now, I would argue that the Government has already
14 failed in that ambition, because the proposal that has
15 come out from the European Commission deals only with
16 carbon emissions and does not make any correction for
17 a Radiative Forcing Index. The ETS proposal has a vague
18 comment to the effect that other measures will be
19 brought in in future to deal with the non-carbon climate
20 change impacts of aviation. That is only a very vague
21 statement of intention and certainly does not live up to
22 that Government claim of ensuring that the full climate
23 impact of aviation is addressed.

24 The next point I would like to raise comes a little
25 later in the first paragraph under the heading,

1 "Emissions Trading", which I do not think has
2 a paragraph number in my version. It says that Stern
3 sets out --

4 Q. Bear with us, and let us see if we can identify where
5 that is. How many paragraphs --

6 A. After paragraph 2.12, there is a heading "Emissions
7 Trading".

8 MR BOYLAND: Certainly in my copy it is in a block.

9 A. Oh, sorry, there are no blocks in mine. Right, so that
10 would be the first paragraph inside the block:

11 "Sir Nicholas Stern set out his strong belief that
12 market mechanisms was our most effective way of reducing
13 carbon emissions."

14 Actually what Stern says is three things are
15 necessary: putting a price on carbon through market
16 mechanisms, including trading, or tax, or regulation,
17 technology and behaviour change. So this is a little
18 bit inaccurate in just highlighting the market
19 mechanisms.

20 Then a little further on -- I think this is probably
21 still in the same box -- there is a series of bullets
22 starting off:

23 "A trading scheme delivers a market price of
24 carbon."

25 MR BOYLAND: Yes. It is in the second part of the box in

1 the printed document.

2 A. Great. Now that whole passage is asserting as if it is
3 proven fact that the Emissions Trading Scheme is
4 delivering all these splendid outcomes. The evidence we
5 have to date is that everything hopes it will, but that
6 it is not currently doing any of these things. So again
7 I think we have to distinguish between Government policy
8 and claims about facts which are not supported by the
9 evidence -- particularly what I think is probably the
10 last sentence in your block:

11 "Emissions trading or alternative market-based
12 mechanisms provide cost effective ways of reducing
13 carbon emissions while responding to the strong demand
14 for air travel."

15 That is a hope. Nobody could claim it is currently
16 a proven fact.

17 Now, a bit further on, after paragraph 2.20 -- it is
18 probably another block -- there is a heading "How
19 Industry is Delivering"?

20 MR BOYLAND: Yes, as you say, it is a block.

21 A. Great. Now, that lists a number of commitments and
22 aspirations by the aviation industry to reduce its
23 climate change impact, all of which would be absolutely
24 splendid, but none of which have actually happened and
25 been proven yet. So, again, it would be very dangerous

1 to assume that all of these things are happening and
2 they are part of a settled solution to a problem, rather
3 than hopes for things which may in the future achieve
4 benefits.

5 The same applies to the energy efficiency targets
6 within airports mentioned within paragraph 2.21.

7 Excellent, airports are reducing their emissions, but
8 those are only a very, very small percentage of the
9 total impacts of aviation compared to the impacts of
10 aircraft in flight.

11 Those are the main points I wanted to bring out from
12 the progress report. I think the overall message which
13 I am suggesting this shows is that Government has stated
14 its ambition and its intention to deal with the climate
15 change impacts of aviation through emissions trading and
16 possibly other economic instruments, unspecified. That
17 is a policy decision which we have no right of office to
18 question, but the assumption that this is working or
19 that it is going to work rests on a number of claims of
20 fact which I think any sensible person would have to
21 look at and conclude that the evidence is, at best, very
22 shaky and inconclusive. In fact, the evidence so far
23 points us to suggest that these things are not going to
24 achieve the benefits that the Government is claiming for
25 them in this document.

1 Q. Thank you, Mr Levett. Just one final question before
2 I ask you to read paragraph 3.14. Do you have any
3 response to Mr Rhodes' other argument that because the
4 material effects of any individual planning application
5 might not be measurable in terms of global temperature,
6 it should not be taken into account at the planning
7 inquiry?

8 A. Yes. If you follow that argument, you would never be
9 able to make any project decision on the basis of its
10 climate change impacts, because any project, anywhere in
11 the world, is not going to have detectable, measurable,
12 provable direct consequences for the climate.

13 Now, I think that would be an absurd conclusion and
14 it would suggest that we can't actually, as a species,
15 cope with the idea of making decisions to deal with
16 climate change. I think, just because of that absurd
17 consequence, we have to treat that argument with
18 distrust.

19 I also think that it is quite inconsistent with good
20 practice in environmental assessment and sustainability
21 appraisal. All the guidance, including a number of
22 government guidance documents, which I and a colleague,
23 Riki Therivel, have drafted emphasise that you look at
24 the most significant impacts not in terms of whether you
25 can measure effects on particular receptors, but in

1 terms of whether they add to an overall trend which is
2 going in the wrong direction.

3 I think it is common ground amongst everybody here
4 now that global climate change is a serious threat and
5 that aviation emissions are contributing to it and
6 therefore any addition to aviation emissions is a trend
7 in the wrong direction and should be treated as
8 something to be avoided if possible.

9 Incidentally, Riki emailed me something last night,
10 which I am afraid is not a core document yet -- I do not
11 know whether we have copies of it available. It is
12 a excerpt from the report of the Secretaries of State of
13 the inspector in the Thames Gateway Bridge Inquiry. I
14 don't know, did we circulate that or shall I just say
15 what is in it?

16 Q. Why don't you tell us what is in it and then we can
17 circulate it when we have copies available.

18 A. Great, okay. He reviews the fact that the Thames
19 Gateway Bridge will increase carbon emissions actually
20 by a number much smaller than the numbers we are talking
21 about here -- by only 55,000 tons of carbon dioxide.
22 I say "only 55,000", but that is the equivalent of
23 10,000 households' annual use, and here we are talking
24 about 200 thousand total household carbon emissions.
25 What the inspector says is, it seems to me that even

1 a small increase offers no assistance in achieving
2 a reduction to which the Government has made
3 a commitment, which I think is the point we should be
4 keeping in mind here, which is that any significant
5 increase in emissions is going in the opposite direction
6 to the direction that Government policy says we should
7 go, and which Stern has repeatedly emphasised we need to
8 try and achieve quickly. So saying, "Well, emissions
9 can go up over the next few years and then all these
10 emissions trading schemes and economic instruments will
11 kick in to deal with them", misses one of the most
12 urgent points that Stern is making.

13 Q. My Lord, I will endeavour to get that document copied at
14 the mid-morning adjournment and circulated. If you can
15 read paragraph 3.14 of your summary.

16 A. "In conclusion, then, allowing an inessential increase
17 in climate impacts at just the point when reduction is
18 most urgent and important would seriously undermine the
19 Government's credibility on climate change. The only
20 decision which could potentially reconcile climate
21 security with expansion would be to allow the expansion
22 to proceed if and when -- but not until -- some
23 combination of technical improvements or emissions
24 trading can be demonstrated to have actually achieved a
25 net reduction of climate change impacts from aviation in

1 line with Government and EU targets for reduction of
2 other categories of emissions."

3 Could I just add after that, to underline this point
4 about credibility, the Government has taken a very
5 energetic and very admirable stance in international
6 climate change negotiations, but its credibility
7 internationally is being undermined by a perception that
8 actually we are only talking the talk, we are not
9 walking the walk. And a decision to allow a major
10 increase in emissions without compelling reasons is not
11 going to help us in our credibility internationally, or
12 indeed the Government's credibility persuading people
13 within Britain to take action.

14 A few years ago the Government had a programme
15 called "Doing Your Bit", which was a set of exhortations
16 to citizens to take environmentally responsible actions.
17 And there was an independent appraisal done of that
18 programme after it had finished, about its impact and
19 effectiveness, and one of the main messages that came
20 back from the public that this programme was attempt to
21 go influence was that people were very ready to do their
22 bit, but they perceived the Government was not doing its
23 bit, and there was a certain cynicism and unwillingness
24 to make behaviour changes by individuals while
25 Government was perceived to be still pushing in the

1 wrong direction. And I think that is very relevant to
2 this decision.

3 Q. Thank you very much. If you stay there, I am sure my
4 learned friend will have some questions for you.

5 A. Thank you.

6 MR BOYLAND: Mr Phillpot.

7 Cross-examination by MR PHILLPOT

8 MR PHILLPOT: Good morning Mr Levett.

9 A. Good morning.

10 Q. I would like to start please with CD/202, specifically
11 the report you provided for SSE entitled "Environmental
12 Statement for Stansted Generation 1, Analysis of Climate
13 Change Issues".

14 Can you turn to that, please. I would like to take
15 you first, please, to page 5. I just want to alight on
16 a couple of passages on that page, and then just with
17 your help understand their implications. At the top of
18 that page, the first paragraph, the last sentence, you
19 say:

20 "The climate security requires a reduction rather
21 than an increase in climate change impacts from air
22 travel."

23 And in the third paragraph down you say:

24 "Therefore reducing greenhouse emissions requires
25 reducing air travel."

1 Then the next paragraph you say in:

2 "In principle this could be achieved with growth at
3 Stansted, if other airports reduced their traffic by at
4 least as much as Stansted increases."

5 Now I read those passages and, as I understand your
6 concern, it applies to the net expansion of airport
7 capacity generally?

8 A. Yes, correct.

9 Q. And if I go to your proof of evidence next, your main
10 proof, and for the avoidance of doubt, all references to
11 your proof will be to your main proof, not to your
12 summary. And if I go to page 30 -- you have that?

13 A. Yes.

14 Q. At paragraph 12.14, you say three lines down:

15 "In the light of the above evidence and analysis, if
16 the Government means what it says about climate change,
17 in aviation there is no realistic and responsible
18 alternative to the simplest and most obvious response of
19 avoiding further increases in aviation emissions by
20 refraining from allowing any further increases in
21 aircraft or passenger movements ..."

22 So your evidence is arguing that there should not be
23 any further increases in airport capacity. That is the
24 way you put it?

25 A. I would be happy to insert the word "net" into the

1 paragraph 12.14.

2 Q. Yes, indeed, any net further increases. So if we come
3 back then to the start of your proof of evidence, and to
4 page 2, where you identify your overall argument -- do
5 you see that?

6 A. Sorry, page 2?

7 Q. Page 2 of your proof of evidence, paragraph 2.2.1, you
8 say:

9 "This proof argues that the consequences of the
10 proposed expansion of air traffic at Stansted are
11 sufficiently grave as to make allowing the expansion
12 incompatible with Government policy on climate change."

13 But the nature of your objection, as we have just
14 established, is that it is not limited to Stansted, but
15 would apply to any net expansion of airport capacity in
16 this country?

17 A. Correct.

18 Q. I am grateful. Now, that is helpful. You can put away
19 CD/202 for the moment. I do not think we need to come
20 back to it, so we will just clear some space. The next
21 document I need you to take up is CD/33.1, which is the
22 officer's report to Committee of the 29th November.
23 Now, I don't anticipate this question will be
24 controversial from listening to your evidence-in-chief,
25 but just for the sake of certainty, let's go, please, to

1 page 64 and to paragraph 270?

2 A. I think I have a different page 64 to you.

3 Q. If you go to paragraph 270 -- I think we have had this
4 difficulty before with my version having different page
5 numbers, but go please to paragraph 270.

6 A. "The importance of climate change", does it start?

7 Q. It is just below a subheading, "Conclusion on Climate
8 Change". Do you see that?

9 A. Yes, I have that.

10 Q. I am grateful. Now if you look about two thirds of the
11 way down you will see a sentence beginning:

12 "It is acknowledged that no climate change effects
13 directly linked to additional movements on the existing
14 runway could be demonstrated."

15 As I understand your evidence-in-chief, you don't
16 seek to take issue with that as a statement of fact?

17 A. No, I don't. That would apply to any individual
18 project, I think.

19 Q. Indeed, and the concern expressed in your proof of
20 evidence is not dependant on any particular figure for
21 a level of contribution that G1 would make or, as we
22 have seen, any particular effect it would have.

23 A. It does not depend on any particular effect which
24 G1 would have. It does not depend on any precise figure
25 of impacts. It does depend on overall scale of impacts,

1 and as you will see from other parts of my proof, the
2 total of the aviation emissions caused by the growth of
3 aviation, of which this is part, would result in
4 emissions by 2050 accounting for, at the very least,
5 a quarter of the UK's total ceiling of greenhouse gas
6 emissions, and quite possibly up to four times that
7 total. So the scale of impact is significant. If, for
8 example, we were talking about a G1 application as part
9 of an aviation industry that, by 2050 was only going to
10 be causing 1 or 2 per cent of the UK's total emissions
11 I would feel far more relaxed about this.

12 Q. I hear what you say about the overall impact of
13 aviation, but so far as G1 is concerned, if the total
14 amount of carbon emitted was twice as much, or half as
15 much, you would still be making the same general point.
16 That is the point I am making.

17 A. Twice as much or half as much, it would be the same
18 general point but, as I have just tried to explain, if
19 it was 1,000 or 2,000 as much, we would not need to
20 worry. Numbers matters, scale matters, although not
21 precise numbers.

22 Q. You see there has been some discussion through the
23 evidence between the SSE and ourselves about the precise
24 number, but I do not think the scale of difference is
25 significant as far as your point is concerned?

1 A. No, it looks as if -- I looked at Mr Pratt's evidence,
2 and that comes to very similar conclusions. But we are
3 talking about an extra million tons of carbon dioxide,
4 without any radiative forcing correction, ie 2 million
5 or possibly 4 million if you apply the commonly used
6 factors of 2 or 4.

7 Q. I am just trying to get an idea to see whether one needs
8 to spend time on it, and I do not think, for your
9 purposes, we have to.

10 So let us go back, please, to your proof of evidence
11 at page 2, at paragraph 2.2.1, the one we looked at
12 a little while ago. We have identified that this is
13 a concern that would apply to any net increase in
14 capacity, and what you say is that expanding -- a net
15 expansion of airport capacity would be incompatible with
16 Government policy on climate change, and that is the
17 essential case you are putting?

18 A. In outline, yes.

19 Q. Yes. However, you don't, as I understand it, seek to
20 argue that the proposal, the G1 proposal is incompatible
21 with the Government's specific stated policy for
22 addressing the climate impacts of aviation?

23 A. Well, insofar as the specific application is an instance
24 of general policy, I think it follows that it is
25 incompatible.

1 Q. Well, the Government has a specific stated policy for
2 addressing the climate change impacts of aviation;
3 you appreciate that?

4 A. Yes, I do.

5 Q. And you are not seeking to argue that G1 proposal is
6 incompatible with that part of the Government policy on
7 climate change?

8 A. Well, in fact I am, in the absence of anything to make
9 the G1 proposal consistent with the Government's policy
10 on climate change. The Government's policy on climate
11 change is to try and reduce emissions. The Government,
12 as I have just tried to explain, assumes and claims that
13 the Emissions Trading Scheme is going to deal with
14 emissions from G1 and, indeed, any other aviation
15 increases. A large part of my evidence was devoted to
16 trying to say that that was a claim of fact rather than
17 a policy, and a claim of fact which the evidence does
18 not back up.

19 Q. Well, let us just -- we will look in a moment then, in
20 the light of that, at what the Government has said about
21 the specific issue of aviation and climate change, but
22 before we do that, I might just have to ask you to go
23 back to your document in CD/202 on climate change
24 issues, and page 6, please. The passage is the summary.
25 Do you see that?

1 A. Yes.

2 Q. You say at the beginning of that that Government policy
3 is inconsistent. As I had understood your evidence,
4 I had understood you to be saying that there was
5 a tension between Government policy on climate change
6 generally and the specific stated policy on how to
7 address the climate change impacts of aviation. Now,
8 I had understood that is what you were saying?

9 A. I am not sure I understand the difference you are
10 seeking to draw.

11 Q. In that case, we need to look at what the policy
12 documents say. Let's go first, please, to CD/87. That
13 is the White Paper.

14 A. Yes.

15 Q. Now turn to page 39 of that, please.

16 A. Yes.

17 Q. We start off with some general points, see if we can
18 agree this: the Transport Policy in the white paper was
19 clearly informed by the consideration of the issue of
20 climate change and aviation's part in it?

21 A. That statement is made, yes.

22 Q. Well, it is clearly informed by a consideration of those
23 issues. You may disagree with the way it did it but
24 that was clearly a consideration?

25 A. Yes, okay, correct.

1 Q. What one finds here now forms part of the Government's
2 policy on climate change?

3 A. Correct.

4 Q. I am grateful. Now, if one goes, please, to page 40,
5 the next page on this, I just want your help on what we
6 find at paragraph 3.37. The first sentence tells us
7 that:

8 "Reduction in greenhouse gas emissions across the
9 economy does not, however, mean that every sector is
10 expected to follow the same path."

11 So clearly the Government's policy is not expected
12 to be uniform across different sectors, some will follow
13 different paths?

14 A. Yes.

15 Q. I am grateful. Then one reads on:

16 "The Government is committed to a comprehensive
17 approach using economic instruments to ensure that
18 growing industries are catered for within a reducing
19 total."

20 Now, two points I want to just ask you about there.

21 The first is this: the Government's approach is one that
22 is focused upon using economic instruments?

23 A. Yes.

24 Q. The second point is this: growing industries which would
25 include aviation are to be catered for within a reducing

1 total. That is the Government's policy.

2 A. Yes.

3 Q. Now, when I go to your proof of evidence --

4 A. Sorry, before we leave that, can I just make a further

5 point.

6 Q. Please do.

7 A. Which is -- I think this is, again, a very useful

8 example of the difference between statements of

9 Government policy and claims about fact. The second

10 last sentence in that paragraph about the Government's

11 commitment is a statement of policy, which I would not

12 question for a moment. However, the last sentence, "The

13 use of emissions trading allows coverage of

14 environmental costs through a mixture of emissions

15 reduction within the sector and purchase productions

16 that can be produced or achieved by other sectors", is

17 a claim about facts, which emissions trading so far has

18 not lived up to.

19 Q. I see. Let me just clarify the way that you present

20 this. First of all, so far as your approach to this

21 issue is concerned, should the inspector note that you

22 don't treat all of the Air Transport White Paper as

23 being a statement of policy, but it is a sort of pick

24 and mix, where you take some bits as being policy and

25 some bits as being non-policy?

1 A. I do not think I am picking and mixing. I think I am
2 observing a mixture of different kinds of statements,
3 statements of policy, statements of fact, some of which
4 are true and some of which are not proven. I do not
5 think we are picking and mixing. I think I am --

6 Q. Let me clarify that a little further. Are you saying
7 that you understand the Air Transport White Paper, that
8 some parts of it are open to challenge and some parts
9 are not?

10 A. I think I am pointing out that claims of fact have to be
11 tested against evidence.

12 Q. Answer my question first, please. Are you saying that
13 some parts of it are open to challenge in this inquiry?

14 A. Sorry, I think I can only answer that question by using
15 the words I used a moment ago, which is to say that
16 statements of fact or claims about fact must always be
17 tested against evidence.

18 Q. I see. So you are saying: yes, that you understand that
19 parts of the white paper are open to challenge and
20 others are not?

21 A. Well, I do not think I can say anything more than I have
22 said already.

23 Q. Now, let us go to your proof, please, at page 12,
24 paragraph 8.2, where you say:

25 "So at a legalistic level it could be argued that

1 Government could meet its stated climate change targets
2 while letting international aviation rip, and therefore
3 that none of the policy so far quoted has any bearing on
4 decisions about air traffic expansion. However, this
5 would make any UK climate policy absurd and dishonest."

6 Now when you say that, the approach that you have in
7 mind, and that you criticise there, is that the approach
8 we have just seen in the white paper of not every sector
9 expecting to follow the same path and that growing
10 industries will be catered for within a reducing total?

11 A. No, it is not. I have no problem with the principle of
12 growth in some industries being off set by reduction in
13 other industries; I am not disagreeing with that at all.

14 Q. I see. So, so far as that part of the government's
15 policy we have just looked at in 3.37, in the first and
16 second sentences there, not only are you not suggesting
17 that is absurd or dishonest, but you don't take issue
18 with it at all?

19 A. No.

20 Q. I am grateful. Now let us go on, please, to page 14 of
21 your proof of evidence, paragraph 8.6, where you say in
22 the penultimate sentence in that paragraph that:

23 "... any claim that inclusion in the ETS in some
24 sense 'solves' aviation's contribution to climate change
25 should be tested against evidence of its effectiveness."

1 I just want to examine that with your help, please.

2 Back to CD/87, page 40.

3 A. Yes, I have that.

4 Q. Just turn to paragraph 3.39:

5 "The Government therefore believes that the best way
6 of ensuring that aviation contributes towards the goal
7 of climate stabilisation would be through
8 a well-designed emissions trading regime."

9 Just pausing there, that is a clearly a statement of
10 policy even on your analysis?

11 A. Yes.

12 Q. I am grateful.

13 "And the government's view [and we will come on to
14 what else it says] is that emissions trading is the best
15 way of addressing this issue."

16 A. Yes.

17 Q. Now, if we turn over the page to page 41, 3.41, it says:

18 "Such an economic instrument would give added weight
19 to other emissions reducing actions for which the
20 Government will press."

21 And then it sets those out and identifies them. You
22 see that?

23 A. Yes.

24 Q. 3.42 says:

25 "All these measures provide a solid foundation for

1 action in tackling aviation's global impacts. However,
2 the Government recognises that they may not provide
3 a total solution. In view of this, the Government will
4 continue to explore and discuss options for the use of
5 other economic instruments for tackling aviation's
6 greenhouse emissions."

7 Now, the Government recognises that they
8 don't -- these measures may not provide a total
9 solution, but the other measures it has in mind as
10 potentially supplementing this approach are other
11 economic instruments, are they not?

12 A. Well, the only one that I think has been talked about
13 explicitly is the emissions cost assessment which was
14 committed to in the progress report, and there was
15 supposed to be consultation on that in the first half
16 of 2007, but there does not seem to have been any more
17 action on that, but yes.

18 Q. But I am right, am I not, that when the Government talks
19 about supplementing emissions trading and the other
20 matters it identifies in 3.41, what it has in mind is
21 other economic instruments?

22 A. I believe so, but I can't second guess the Government.

23 Q. One does not need to, because that is what it says?

24 A. Well, yes.

25 Q. I am grateful. Clearly no statement here that the

1 supplementary measures would include preventing any
2 further increases in capacity at UK airports?

3 A. It is not mentioned there, no, but that does not mean
4 that it is excluded. As you see in 3.41, it says
5 "including", which I think intentionally does not leave
6 any limits to what is decided.

7 Q. Be fair to yourself, please, Mr Levett, let us look
8 at 3.41. 3.41 is identifying other matters in addition
9 to emissions trading, and then 3.42 talks about all
10 these measures, so it is talking about what has gone
11 before, recognising they don't provide a total solution,
12 but then:

13 "In view of this, the Government will continue
14 ... (Reading to the words) ... for the use of other
15 economic instruments."

16 So clearly, in addition to those other matters, it
17 is considering the possibility of other things, but
18 those other things will be other economic instruments.
19 That is its policy?

20 A. Yes.

21 Q. It is clearly no part of the Government's policy, as
22 expressed in this document, to tackle the contribution
23 of aviation to climate change by preventing any further
24 increases in capacity at UK airports?

25 A. It is not stated there, certainly not.

1 Q. Now, let us look at another document of Government
2 policy on climate change, CD/156, please. This is
3 "Climate Change, the UK programme 2005". Sir, do you
4 have that?

5 MR BOYLAND: Yes, I do, thank you.

6 MR PHILLPOT: Now, we need to start off, please, in the
7 Executive Summary at page 3.

8 A. Yes, I have that.

9 Q. Third paragraph down the left hand column, second
10 sentence:

11 "This climate change programme sets out our policies
12 and priorities on action in the UK and internationally."

13 So we see that this is a helpful digest of the
14 Government's policies and priorities --

15 MR BOYLAND: Forgive me, Mr Phillipot, I cannot find that
16 text.

17 MR PHILLPOT: On the Executive Summary, this is page 3,
18 third paragraph down, second sentence.

19 MR BOYLAND: "Climate change is a global problem"?

20 MR PHILLPOT: No, sir, it is the sentence above that. The
21 first sentence is:

22 "We want to go further."

23 Full stop. Then:

24 "This climate change programme ..."

25 MR BOYLAND: Oh sorry, yes, thank you.

1 MR PHILLPOT: So, Mr Levett, this document is a useful
2 digest of the Government's policies and priorities for
3 taking action in respect of climate change?
4 A. Mm-hm.
5 Q. Now, if we go, please, to page 70, we find that as part
6 of that overall approach we have here the Government's
7 policy, specific policy, for addressing the climate
8 change impacts of aviation. That is right is it not?
9 A. Yes.
10 Q. And you will be familiar with this, we can work through
11 it if necessary, but the policy expressed there closely
12 reflects what was set out in the white paper?
13 A. Yes.
14 Q. Your proof does not seek to argue that this proposal is
15 incompatible with that policy?
16 A. Sorry, I am not sure I understand you.
17 Q. Well, we go through this part of the policy, and you
18 don't point to anything here that G1 would be
19 incompatible with?
20 A. I have to come back to my overall point.
21 Q. Just before you do that, could you just answer my
22 question. I don't find anything in your proof that says
23 that the G1 proposal is incompatible with any part of
24 this policy, that is the policy on aviation?
25 A. I am sorry, I am going to have to answer the question in

1 the way that I think I can make sense of it, which is
2 that the overall aim of this document is to set the
3 UK on a path to reducing greenhouse emissions by
4 16 per cent by the year --

5 MR BOYLAND: Mr Levett, it would be helpful if you could
6 answer the question. If you could point to me where it
7 makes that point in your proof, then that will answer
8 the question.

9 A. Well, the whole proof is based on the premise that the
10 Government is committed to an emissions reduction. I am
11 sorry, I do not think I understand.

12 MR PHILLPOT: Let me make this as clear as I can. The
13 Government has a policy in the Air Transport White Paper
14 for supporting the expansion of aviation, you understand
15 that?

16 A. Yes.

17 Q. That has been, as we have seen, a policy decision taken
18 in the light of considerations of climate change. We
19 then have a policy, a specific policy, on how to tackle
20 the climate change impacts of aviation, both as we have
21 seen in the white paper and here. Do you follow me so
22 far?

23 A. Yes.

24 Q. I am grateful. What I am asking you to do is to look at
25 the specific policy for tackling the climate change

1 impacts of aviation starting at paragraph 47 on page 70,
2 and going over to paragraph 53 on page 72, and tell me
3 if there is anything here which you say G1 is
4 incompatible with?

5 A. Not directly, but in the context of its overall effects,
6 given the facts about the way emissions trading and all
7 the other things referred to in this Climate Change
8 Action Plan and the Aviation White Paper are referring,
9 then in practice, empirically, it is not consistent.

10 Q. You see that was my point about picking up the passage
11 in your earlier report which said that the Government
12 policy is inconsistent. What you are saying is not that
13 we are in conflict with those parts that deal with
14 aviation; what you are saying is that the Government's
15 policy for addressing aviation in climate change is
16 incompatible with other parts of this policy on climate
17 change. That is what you are saying.

18 A. In practice and empirically, yes, but that policy does
19 obviously bear on G1.

20 Q. Let us look at another statement of policy, in CD/88,
21 please. This is the progress report that you went to in
22 examination-in-chief. And, as you alighted upon,
23 section 2 of this document is devoted to the issue of
24 aviation and climate change?

25 A. Yes.

1 Q. Again, when one reads through this, it is clear that the
2 Government has considered this issue very carefully,
3 yes?

4 A. Yes.

5 Q. As we saw, if one goes to page 3 of this document, at
6 paragraph 1.5 --

7 A. Sorry, my page 3 is the contents list.

8 Q. Well, if you go to paragraph 1.5, I think you have
9 perhaps a different version, but nevertheless the
10 paragraphs should be the same. Do you see that?

11 A. Yes.

12 Q. "The Stern Review also recommended that the best way to
13 tackle the complex pattern of carbon emissions is to
14 ensure that each activity which consumes carbon is
15 priced in a way that reflects its true cost to society
16 and the environment. The review thus supported the
17 policies set out in the 2003 'The future of Air
18 Transport' white paper, which stated that the price of
19 air travel should, over time, reflect its social and
20 environmental impacts."

21 So as part of its consideration of the relationship
22 between aviation and climate change, the Government has
23 taken on board the Stern Review?

24 A. Well, that is a selected quotation from Stern, and
25 I think I pointed out a moment ago, Stern said there

1 were three necessities, one is pricing, the second is
2 technology, the third is behaviour change. So this is
3 true, but only part of the picture that Stern quotes.

4 Q. Mr Levett, if I may say so, you are jumping ahead
5 several questions. The simple question I put to you,
6 which I do not think you can, let alone will dissent
7 from, is: in formulating its position in this document,
8 the Government has clearly taken on board the Stern
9 Review. It has looked at it, and taken from it what it
10 feels is the appropriate message. You may disagree with
11 their conclusions, but they have clearly looked at it,
12 have they not?

13 A. They have clearly looked at it, but whether that fully
14 reflects it does not necessarily follow.

15 Q. In a sense I don't need to argue with you about whether
16 or not it does, because we know what the Government
17 thinks, don't we, because it says so?

18 A. Well, we know what the Government thinks here, yes.

19 Q. Now it goes on in the page:

20 "In the light of all that, the Government remains
21 committed to the strategies set out in the white paper.
22 It strikes the right balance between economic, social
23 and environmental goals."

24 So in the light of all that, the Government remains
25 committed to the strategy in the white paper of

1 expansion of airport capacity?

2 A. Yes, I don't dispute that.

3 Q. No. And if you go back to your proof, you see, page 30,
4 paragraph 12.14, where you say that:

5 "There is no realistic and responsible alternative
6 to the simplest and most obvious response of avoiding
7 further increases in aviation emissions by refraining
8 from allowing any further increases in aircraft and
9 passenger movements."

10 It is clear the Government does not agree with you,
11 is it not?

12 A. Well, I think this is where the distinction between
13 statements of Government policy and intention and
14 statements of fact becomes important, because the
15 Government can only sustain the position that aviation
16 expansion can be reconciled with its climate change
17 commitments on the assumption that emissions trading is
18 achieving all the benefits that the Government hopes for
19 it. And the evidence so far is that that is not the
20 case.

21 Q. You see, Mr Levett, you are, of course, entirely free to
22 disagree with the conclusions that the Government has
23 reached, but whether you describe it as a conclusion of
24 policy or a conclusion of fact, the Government clearly
25 does not feel that it has no alternative but to refrain

1 from allowing any further increases in aircraft
2 passenger movement. It clearly takes a different view,
3 does it not?

4 A. Yes.

5 Q. What your proof is doing is challenging the merits of
6 the current Government policy on addressing the climate
7 change impacts of aviation. That is what you are doing?

8 A. I think it is identifying the consequences and the
9 implications of some parts of the Government stated
10 policy for other parts of Government stated policy.

11 Q. Yes, but the part of the policy that we have been
12 looking at is that part of the Government policy which
13 makes it clear what its approach is to tackling the
14 climate change impacts of aviation. And what you are
15 doing is challenging the merits of that part of
16 Government policy, are you not?

17 A. I do not think we are challenging the merits, I think
18 I am challenging the factual assumptions and claims on
19 which it is basing one part of its argument.

20 Q. Do you think that the Government's policy on tackling
21 the climate change impacts of aviation is wrong?

22 A. I think that I have shown that the Government's policies
23 that you have just been drawing my attention to are not
24 likely to achieve the results which the Government
25 assumes and claims they do.

1 Q. So you think they are wrong?

2 A. No, I say they are inconsistent with other policy
3 statements.

4 Q. So you don't think they are wrong?

5 A. No, I say they are inconsistent with another part of
6 policy on climate change.

7 Q. I have given you every fair opportunity to answer that
8 question. Thank you very much, Mr Levett. Thank you,
9 sir.

10 MR BOYLAND: Thank you.

11 Re-examination by MR STINCHCOMBE

12 MR STINCHCOMBE: Yes, Mr Levett, just on those last series
13 of questions on Government policy, I wonder if I can ask
14 you to look up CD/91, "Securing the Future". I wonder
15 if you can take that and turn up page 147. You see this
16 is the Department of Transport speaking, and can you see
17 what they say in respect of number 3 in the top box?

18 A. Yes, indeed. Shall I read it out?

19 Q. Read it out.

20 A. Okay. These are the contributions from the different
21 Government departments to the UK Sustainable Development
22 Strategy. Under Department for Transport, the third one
23 is:

24 "Reducing aviation emissions: pushing the EU at
25 international level for the inclusion of aviation

1 emissions in emissions trading schemes."

2 Now, I think, allowing for this to be a very
3 condensed bullet point, I think this clearly falls into
4 two parts. One is an overall objective to reducing
5 aviation emissions, which is not the same thing as to
6 shift them around, or pay somebody else to do offsets,
7 or to hope for something in the future. Then the second
8 part of it, as we are very familiar with, is an
9 intention to try to achieve this by pushing for
10 inclusion of aviation emissions in emissions trading
11 schemes.

12 But I think the very key point that this makes is
13 there is actually an objective for the Department for
14 Transport, in this statement of Government policy, to
15 reduce aviation emissions.

16 Q. I am obliged. If I can now ask you to look up CD/239,
17 and I hope that can be placed before you.

18 MR BOYLAND: Mr Stinchcombe, I am sorry, I was making a note
19 then. CD/239 was that?

20 MR STINCHCOMBE: CD/239, sir. The Energy White Paper. If
21 I can ask you to turn up page 72. We see the heading on
22 the right hand side, could you read that to the inquiry?

23 A. Yes, the heading is:

24 "We need to reduce emissions from aviation."

25 Q. And it sets out thereafter how demand is rising in the

1 aviation sector, and it indicates again how the
2 Government is committed in the long term to dealing with
3 that issue?

4 A. That is right.

5 Q. Just --

6 A. It discusses a range of instruments there, but I think,
7 again, the key point is the objective stated is:

8 "We need to reduce the emissions from aviation."

9 Which could hardly be clearer.

10 Q. Just one final matter on that. In the light of the
11 evidence as we now have it, how can that Government
12 policy best be fulfilled?

13 A. Well, as I think I have suggested already, the simplest
14 and most foolproof first step towards it, in fact,
15 a precondition for any other steps to have any meaning,
16 is to refrain from allowing emissions to increase,
17 because all methods of reducing emissions are to greater
18 or lesser degrees uncertain. The only foolproof way of
19 making sure emissions do not rise is by not allowing
20 activities that create those emissions. So if the
21 Government's commitments to reducing greenhouse gas
22 emissions are sincere, and, in particular, if they take
23 the Stern message that action to stop emissions rising
24 further in the next few years is the single most
25 important thing we need to do for climate security, it

1 would follow that nothing could beat just avoiding any
2 further increases in the emissions.

3 MR PHILLPOT: Sir, just before we move off that, I hope that
4 my learned friend is going to draw the witness'
5 attention to the sentence in the bold type on 523 in on
6 that page just to put that into a fair context.

7 MR STINCHCOMBE: Do you see that sentence? It says:

8 "We are planning an Air Transport White Paper ..."

9 A. Yes, and as we have been discussing this morning, the
10 Government has indeed set out its plans, and it has
11 indeed confirmed a lot of them in the progress report,
12 none of which alters the points I have been trying to
13 make about the way that some of these statements there
14 are written on assumptions about facts which the
15 evidence does not support.

16 Q. And on that final matter, so far as the economic
17 instruments route is concerned, and the trading of
18 carbon, or the internalisation of the social and
19 economic costs of carbon, what is your comment on the
20 assumptions of facts which underpin the White Paper?

21 There are a lot of intentions, a lot of good work and
22 determined work is being done to try to use these
23 various instruments to reduce emissions, but currently
24 the position is that the main plank of the Government's
25 policy, inclusion of aviation in the Emissions Trading

1 Scheme with the European Union has not been agreed.
2 There are many, many things that will need to be
3 resolved before it can be agreed. The earliest it could
4 come into force for international contributions would be
5 the year 2012. Incidentally, since we have been looking
6 at the Air Transport White Paper, there was a very
7 confident statement in that, that the UK presidency
8 in 2005 was going to resolve the outstanding issues with
9 a view to bringing aviation into the Emissions Trading
10 Scheme by 2008. That very optimistic statement
11 obviously has not come true.

12 We are now hearing optimistic statements for which
13 the evidence is very flimsy, so it may well be that in
14 the future our emissions trading will provide part of
15 the solution, although there are many detailed technical
16 caveats to that in my full proof which suggest that it
17 may be limited in many cases. But the key point is that
18 it has not happened yet, and nobody can assume it will
19 happen. And even if it does happen, it will not start
20 having an effect for many years. And therefore it
21 really does not provide a reason for saying: fine, we
22 can let emissions continue to increase at the moment.

23 I hope the overall message that I have been giving
24 is clear: that allowing emissions to rise now cannot be
25 made consistent with the Government's commitments to

1 reduce emissions and the message of the Stern Report,
2 that that we need to peak as quickly as possible and
3 start cutting as soon as possible rather than allowing
4 things to go up further.

5 MR STINCHCOMBE: Thank you very much. Sir, do you have any
6 questions?

7 Questions from THE INSPECTOR

8 MR BOYLAND: Just a couple. Just going back to the Energy
9 White Paper that Mr Stinchcombe put to you first of all,
10 and then Mr Phillpot raised. The statement that we will
11 set out our plans in an Air Transport White Paper.

12 The Energy White Paper was published in I think
13 February 2003, and the Air Transport White Paper was
14 December 2003, so clearly as you have recognised that
15 fulfils that undertaking. Is there anything in this
16 part of the Energy White Paper that suggests that it is
17 the Government's intention that the growth in capacity
18 at airports should be curtailed?

19 A. I don't believe so.

20 MR BOYLAND: Thank you. Then just going back to your
21 overall position. Would it be fair to categorise your
22 position as being that you do question the merits of
23 Government policy, because, as you just said, it is
24 based on flimsy evidence. Is that the position?

25 A. I think I have to question the -- parts of the train of

1 deductive reasoning, starting from a policy commitment
2 to use economic instruments to deal with aviation
3 emissions, which I think is a statement of Government
4 policy which is not anything anyone is likely to
5 challenge. The bit I would challenge is the assumption
6 that this is actually working and can be shown to be
7 working and that therefore the Government's intentions
8 are being realised.

9 MR BOYLAND: Thank you very much. We will take a break now.

10 It is just coming up to 11.20, so we will adjourn until
11 11.35.

12 (The witness withdrew)

13 (11.20 am)

14 (A short break)

15 (11.35 am)

16 MR BOYLAND: Thank you, the inquiry is resumed. There are,
17 as I see, a number of cameras in the room. I am happy
18 for them to carry on filming or taking photographs,
19 providing they stay on the edge of the room and don't
20 interfere with proceedings in any way. But if I find
21 them disruptive I shall ask them to stop.

22 All right, Mr Stinchcombe.

23 MR AQQULUK LYNGE (called)

24 Examination-in-chief by MR STINCHCOMBE

25 MR STINCHCOMBE: Thank you, sir, if I could introduce SSE's

1 next witness, and the final witness for this stage of
2 the inquiry. Sir, what I intend to do is to introduce
3 that witness by reference to his proof of evidence, and
4 then invite him to read that proof to the inquiry.

5 MR BOYLAND: Very well. Welcome Mr Lyngé.

6 MR STINCHCOMBE: You are Aqquluk Lyngé. You appear on
7 behalf of Stop Stansted Expansion. You are
8 Vice President of the Inuit Circumpolar Council,
9 Greenland, as well as Vice Chair of the United Nations
10 Permanent Forum on Indigenous Issues. I think we can
11 make a correction to paragraph 1.3 of your proof: you
12 were a member of the Greenland Parliament from 1983 to
13 1995, and from 2002 to 2005, and you served as Minister
14 of Social Affairs, Housing and Environment from 1984 to
15 1988, and were Chairman of the Board of Greenland Trade
16 from 1992 to 1995. You were the ICC Representative to
17 the Arctic Council from 1995 to 2000, and a member of
18 the Joint Commission on Greenland's Self-Government
19 from 2003 to 2005. You hold the Order of Dannbrog
20 (First Grade) from Her Majesty the Queen the Denmark and
21 the Order of Merit, Nersornaat in silver from the
22 Greenland government.

23 A. Yes.

24 Q. I am obliged. If you can ensure your microphone is
25 turned on and read from section 3.

1 A. Thank you.

2 "The Arctic is no longer isolated from the rest of
3 the world. What happens in countries such as Britain
4 affects us [all] in the North. Many of the economic and
5 environmental challenges facing the Inuit result from
6 activities well to the south of our homeland and Inuit
7 traditions are being severely tested by the changing
8 Arctic environment.

9 "Inuit live near the Bering Strait in Russia, in
10 Alaska, Arctic Canada and Greenland. We are all
11 affected by climate change. We have lived there for
12 thousands of years -- long before there was such a place
13 called Canada, or Alaska, or Greenland. We are the same
14 people, speak the same language, eat the same whale
15 [meat], and subsist off the same Arctic Ocean.

16 "It wasn't until 1977 that Inuit were first brought
17 together from across these new nations by an Alaskan
18 Inupiak, [Mr] Eben Hopson. It was there that the Inuit
19 Circumpolar Council -- or ICC was born. The ICC is the
20 organisation that represents all Inuit on matters of
21 international concern, environment and human rights.
22 I was the chair of the larger organisation for six years
23 and for the past five, I have been the President of the
24 Greenland Chapter.

25 "Inuit are experiencing first-hand the adverse

1 effects of climate change. We are on the front line of
2 globalisation. We are not, however, powerless victims
3 and refuse to act as though we are. We are resolved to
4 remain connected to the land, and sufficiently resilient
5 to adapt to changing natural forces. I do not, however,
6 know how well we will be able to adapt to the impacts of
7 human-induced climate change.

8 "It is my personal belief that strong cultures
9 usually adapt to change and, in fact, are strengthened
10 by it. I believe that this has happened with Inuit over
11 time. We continue to be a strong people in spite of
12 foreign whalers having decimated our stocks starting
13 a few hundred years ago; in spite of missionaries
14 changing our religion; in spite of colonisation; and in
15 spite of foreign diseases that temporarily weakened us.
16 Other evidence, I admit, points to cultures that have
17 been severely threatened and indeed destroyed by various
18 outside influences. And, of course, Inuit have taken on
19 many negative aspects of the outside world and some
20 parts of us have been weakened by them.

21 "There is no longer any doubt that climate change is
22 upon us and that it is real, that it is dramatic and
23 life-altering for Inuit. For my people. Similar to
24 some of our first experience with allunaat from Europe,
25 there is fear among us because of this new outside force

1 called climate change. Yet, I think it would be unwise
2 for us to throw in the towel. Our traditions are strong
3 and we have adapted in the past. Let us hope we can do
4 so once again with this new and devastating threat.

5 "Climate change is something that the [Inuit
6 Circumpolar Council] ICC takes very seriously and has
7 done much lobbying internationally to try to halt it.

8 We are active within many international bodies,
9 including the eight-nation Arctic Council where we and
10 five other indigenous peoples' organisations have
11 permanent participant status.

12 "The ICC is working on many fronts to combat climate
13 change. That is why I am here today explaining what is
14 [already] happening in my homeland.

15 "Following a trip to the Arctic in 2002,
16 Michael Meacher, the then UK Environment Minister,
17 pointed out that what happens in the world happens first
18 in the Arctic. He is right. Inuit hunters and elders
19 have for years reported changes to the environment that
20 are now supported by American, British and European
21 computer models that conclude climate change is
22 amplified in high latitudes.

23 "In February 2003, the Government Council of the
24 United Nations Environmental Programme ('UNEP') passed
25 a resolution effectively recognising the Arctic as

1 a 'barometer' or 'indicator region' of the globe's
2 environmental health. This resolution called upon
3 Arctic states to significantly increase environmental
4 monitoring arrangements in the Arctic.

5 "The Inuit people and the Arctic are sometimes
6 overlooked, but in relation to global climate change,
7 I suggest you do so at your peril. What is happening
8 now to Inuit will happen to you soon in the South. This
9 is why the UNEP is looking to the Arctic and why you
10 should do so as well.

11 "Discussion of climate change frequently tends to
12 focus on political, economic and technical issues rather
13 than human impacts and consequences. I want to alert
14 you to the impacts the Inuit and other Northerners are
15 already experiencing as a result of human-induced
16 climate change and to the dramatic impacts and social
17 and cultural dislocation we face in coming years.

18 "For generations uncounted Inuit have observed the
19 environment and have accurately predicted weather,
20 enabling us to travel safely on the sea-ice to hunt
21 seals, whales, walrus and polar bears. We don't hunt
22 for sport or recreation. Hunters put food on the table.
23 You go to the supermarket, we go to the sea-ice. Eating
24 what we hunt is at the very core of what it means to be
25 Inuit. When we can no longer hunt on the sea-ice, and

1 eat what we hunt, we will no longer exist as a people.
2 "Not so long ago, Inuit hunters came to the ICC to
3 tell us that there was something radically different
4 going on. With Inuit science guiding them, they bought
5 reports of thinning ice, disappearing ice floes,
6 changing animal migration patterns, and eroding shores.
7 Their traditional knowledge, which they received from
8 their grandparents, who in turn received it from their
9 great grandparents before them, had given them an
10 understanding that animal migration patterns change, as
11 does the climate. But something was different they told
12 us. They could no longer rely on their hunter knowledge
13 in the same way [they have done].

14 "I [myself] have never been a full time hunter, but
15 like all Greenlanders, I grew up around ice and observed
16 its behaviour. Not as keenly as the seasoned hunter on
17 a kayak attempting to harpoon a beluga whale, but I do
18 still have a lot of respect for ice. I come from the
19 Disko Bay area [in West Greenland], where most of the
20 North Atlantic's icebergs are produced by breaking off
21 the Greenland ice cap and thunderously crashing into the
22 sea below. It is quite a breathtaking site, even for
23 those of us who grew up nearby. UNESCO, in fact, has
24 recently named the Ilulissat Ice Fjord [in the Disko Bay
25 area] with its thousands of floating icebergs -- a world

1 heritage site.

2 "A hunter gets to know his territory and the
3 behaviour of 'his' ice. He understands where the ice is
4 thick and where it is thin and too dangerous to travel.
5 He also knows how and when to approach the ice, if he
6 respects it. Who knows what will happen in a few years
7 from now, but already hunters are telling us that the
8 sea ice is unpredictable in many places and they are not
9 always sure of dealing with the different ice we see
10 today. Traditional hunting grounds of ice floes, in
11 some cases, have disappeared. They tell us that some
12 hunting areas are impossible to get to because of
13 eroding shorelines. Talk to hunters across the North
14 and they will tell you the same story. The weather is
15 increasingly unpredictable. The look and feel of the
16 land is different. The sea-ice is changing. Hunters
17 are having difficulty navigating and travelling safely.
18 We have even lost experienced hunters through the ice in
19 areas that, traditionally, were safe. As a result of
20 many melting glaciers it is now difficult sometimes even
21 dangerous for us to travel to many of our traditional
22 hunting and harvesting sites.

23 "Several Inuit villages have already been so damaged
24 by global warming that relocation, at the cost of
25 hundreds of millions of dollars, is now their only

1 option. Melting sea-ice and thawing permafrost have
2 caused:

- 3 "Damage to houses, roads, airports and pipelines;
- 4 "Eroded landscape, slope instability and landslides;
- 5 "Contaminated drinking water;
- 6 "Coastal losses to erosion of up to 100 feet per
7 year;
- 8 "Melting natural ice cellars for food storage.

9 "For example in Shishmaref, Alaska, a small Inuit
10 village on the Chukchi Sea, seven houses have had to be
11 relocated, three have fallen into the sea, and engineers
12 predict that the entire village of 600 houses could be
13 swallowed by the sea within the next few decades.

14 "Shishmaref's airport runway has almost been met by
15 rising seawater and its fuel tank farm, which seven
16 years ago was 300 feet from the edge of a seaside bluff,
17 is now only 35 feet from the bluff. The town dump,
18 which has sea water within 8 feet of it, could pollute
19 the nearby marine environment for years if inundated.

20 Advancing sea water has contaminated Shishmaref's
21 drinking water supply.

22 "We have documented similar changes to the
23 environment in northern Canada. Residents of Sachs
24 Harbour, a tiny community in the Canadian Beaufort Sea
25 region, report:

1 "Melting permafrost causing beach slumping and

2 increased erosion;

3 "Increased snowfall;

4 "Longer sea-ice free seasons;

5 "New species of bird and fish-barn owls, robins,

6 pin-tailed ducks and salmon invading the region;

7 "[Then you have, of course] invasion of mosquitos

8 and black flies.

9 "Plans are well under way to relocate certain Arctic

10 communities. Climate change is not just a theory to us

11 in the Arctic; it is a stark and dangerous reality.

12 Human-induced climate change is undermining the

13 ecosystem upon which Inuit depend for their physical and

14 cultural survival.

15 "Think about that for a moment. Emission of

16 greenhouse gases from planes, cars and factories

17 threaten our ability far to the north to live as we have

18 always done -- in harmony with a fragile, vulnerable,

19 and sensitive environment. I am sure you can see the

20 unhappy irony.

21 "Some might dismiss our concerns saying: 'Well, the

22 Arctic is far away and few people live there'. That

23 would be immensely short-sighted as well as callous.

24 The Arctic is full of vital importance in the global

25 debate on how to deal with climate change. That is

1 because the Arctic is the barometer of the globe's
2 environmental health. You can take the pulse of the
3 world in the Arctic. Inuit -- the people who live
4 farther north than anyone else -- are the canary in the
5 global coal mine.

6 "The Arctic climate impact assessment ('ACIA') and
7 the accompanying policy recommendations were initiated
8 in October 2000 by the eight Arctic states that make up
9 the Arctic Council -- Canada, Denmark, Finland, Iceland,
10 Norway, Sweden, Russia and the United States. The ICC
11 and other northern indigenous peoples participated
12 actively in the ACIA.

13 "The [Arctic Climate Impact Assessment] was prepared
14 by more than 250 authors from 15 countries and chaired
15 by the United States. It makes stark reading. Dramatic
16 and drastic depletion of sea-ice is projected. By 2070
17 to 2090 year-round sea-ice will be limited to a small
18 portion of the Arctic Ocean around the North Pole. The
19 rest of the Arctic will be ice-free in summer. Imagine
20 what that means for Inuit.

21 "Polar bears, walrus, ringed seals and likely other
22 species of seals are projected to virtually disappear.
23 Our ecosystem will be transformed with tragic results.
24 Where will we go then for our food? What then will
25 become of Inuit?

1 "Climate change in the Arctic is not just an
2 environmental issue with unwelcome economic
3 consequences. It is a matter of livelihood, food and
4 individual and cultural survival. It is a human issue.
5 The Arctic is not a wilderness or a frontier; it is our
6 home and our homeland.

7 "What can Inuit -- only 155,000 of us -- do about
8 this global situation? First, we refuse to play the
9 role of powerless victims. Responding to climate change
10 has split the nations of the world. Our plight and the
11 Arctic assessment show the compelling case for global
12 unity and clarity of purpose to forestall a future that
13 is not preordained.

14 "Our rights -- our human rights that we share with
15 all of you -- to live as we do and to enjoy our unique
16 culture -- part of the globe's cultural heritage -- are
17 at issue. The Arctic dimension and Inuit perspectives
18 on global climate change need to be heard in the
19 corridors of power.

20 "What can Inuit do to convince the world to take
21 action? How do we convince the major emitters of the
22 risks we face in the Arctic and the need for effective
23 international action? How can we bring some clarity of
24 purpose and focus to a debate that seems mired in
25 technical arguments and competing economic ideologies?

1 "We are not asking the world to take a backward
2 economic step. All we are asking is that our neighbours
3 in the south greatly reduce their emissions of
4 greenhouse gases. This does not need big sacrifices but
5 it will need some change in people's lifestyles, for
6 example, is that plane trip really necessary?

7 "Planes are the fastest growing cause of climate
8 change and if nothing is done to slow down the growth in
9 travel by planes, then the problem will get worse.

10 "You may say the expansion of London Stansted
11 Airport will play only a small part in increasing
12 climate change, but everyone can say that about almost
13 everything they do. It is an excuse for doing nothing.
14 The result of that attitude would be catastrophic. The
15 serious consequences affecting my people today will
16 affect your people tomorrow.

17 "Planes are sometimes necessary. I could not have
18 come here without travelling by plane. But I came here
19 for an important purpose; most flights from London
20 Stansted Airport are not for an important purpose. They
21 are mostly for holidays and leisure purposes.

22 "Is it too much to ask for some moderation for the
23 sake of my people today and your people tomorrow and for
24 the sake of our children? For the sake also of our
25 wildlife and everything else in the world's precious and

1 fragile environment that is more important than holiday
2 flights.

3 "I hope you will make the right decision."

4 Q. If you stay there, my learned friend may have some
5 questions for you.

6 MR BOYLAND: Thank you. Mr Humphries.

7 Cross-examination by MR HUMPHRIES

8 MR HUMPHRIES: Mr Lyngge, good morning.

9 A. Good morning.

10 Q. Mr Lyngge, your English is clearly very good, but if
11 I speak too fast or there is anything you don't
12 understand, will you please tell me to slow down?

13 A. English is only my third language, so ...

14 Q. This is my first, and I am not quite as good as you in
15 it. Mr Lyngge, most of your evidence, section 3, deals
16 with the impact of climate change on the Polar region,
17 and in particular on the Inuit people. I hope that you
18 have been told by the people at SSE that BAA, the
19 airport company, does not doubt the challenge of climate
20 change and the concern. That is not an issue between
21 us. You understand that?

22 A. Yes.

23 Q. The bit of your evidence that does, however, deal with
24 Stansted Airport are the paragraphs right at the end,
25 and that is the context in which I need to ask you a few

1 questions.

2 Can we agree, first of all, that global warming is
3 clearly a global challenge?

4 A. Yes.

5 Q. I think it is now recognised in most parts of the world
6 that it calls for a global response as well?

7 A. Yes.

8 Q. That global response is what Sir Nicholas Stern, in his
9 report called "international collective action". Again,
10 I imagine you are familiar with that concept?

11 A. Yes.

12 Q. Thank you. Clearly the goal of international collective
13 action is going to be to seek to stabilise greenhouse gas
14 emissions at appropriate levels. Again, I think that is
15 common between us, is it not?

16 A. Yes.

17 Q. And Sir Nicholas Stern has made suggestions as to what
18 those levels are, and we don't need to debate that. But
19 whatever the international collective action sets as the
20 overall goals, individual countries will clearly need,
21 in addition, to have their own targets that they will
22 need to meet, will they not?

23 A. Yes, I respect that.

24 Q. Absolutely. And Sir Nicholas Stern, in fairness to him,
25 recognises that some countries are already taking steps,

1 but recognises that more needs to be done. I think,

2 again, we are agreed on that, are we not?

3 A. Yes.

4 Q. Thank you. Now, UK Government policy, as we have said,

5 recognises the problem. The UK Government has described

6 climate change as the greatest long term challenge

7 facing the world today. And, again, you probably agree

8 with the UK Government on that?

9 A. Yes.

10 Q. The Government in the UK has already taken, of course,

11 some steps to tackle climate change, but recognises that

12 more needs to be done. For example, we have in this

13 country a climate change levy, climate change

14 agreements, renewable obligation, energy efficiency

15 commitments and there is already a UK Emissions Trading

16 Scheme, and we support the European Union Trading

17 Scheme. And, again, I am sure you endorse and support

18 all of those things as well, as steps on the way.

19 A. I think the UK's position and policies on climate change

20 is very important for the EU.

21 Q. Yes. I think sometimes the UK is described as one of

22 the world leaders, in fact, in trying to bring this to

23 the attention of the world and take appropriate

24 measures?

25 A. Yes.

1 Q. Now, I am going to ask you to look at one or two
2 documents. I hope that is okay. They may be things you
3 are not familiar with. Again, stop me of course if you
4 need to look at anything. Can I ask you to look at
5 a document -- I think someone will hand it to
6 you -- called CD/239. It is the Energy White Paper.

7 A. Yes.

8 Q. Mr Lynge, this is a document, a white paper, which sets
9 out Government policy, just so you understand what it
10 is.

11 A. Yes.

12 Q. Turn, please, to page 8. The page numbers are right at
13 the bottom, in white on black boxes; can you see them?

14 A. Yes.

15 Q. We see there paragraph 1.9, which is part of this
16 overview of the UK's Energy Policy. And in the bold
17 text there, it tells us that the UK Government will
18 continue to work with other countries to establish both
19 a consensus around the need for change, and firm
20 commitments to take action to reduce carbon emissions
21 world-wide within the framework of the UNFCCC, that is
22 the United Nations Framework Convention on Climate
23 Change. Again, I think that is something that, as
24 a policy approach, the Inuit Circumpolar Council would
25 support: that we should seek to work together as

1 nations?

2 A. Sure.

3 Q. Good. And it goes on to say that a key objective of the

4 UK's foreign policy in the future will be to secure

5 international commitment to this ambition. And, again,

6 I think that that is something that the ICC supports,

7 endorses, and recognises as something that is good?

8 A. Yes.

9 Q. Good, I am pleased. Now, just a slightly different

10 point, then, over on the right-hand column,

11 paragraph 1.10, the Government say that they accept the

12 Royal Commission on Environmental Pollution's

13 recommendation that the UK should put itself on a path

14 towards a reduction in carbon dioxide emissions of some

15 60 per cent from current levels by 2050. And if you

16 look at the footnote -- there is no need to read through

17 it -- it explains what it means by current levels.

18 That is obviously a unilateral commitment by the

19 Government to make cuts in its greenhouse gas inventory,

20 and, again, something I imagine that the ICC would

21 welcome?

22 A. Sure. Of course you can always discuss the percentage.

23 Q. Of course.

24 A. And also to update the knowledge that we have, because

25 the predictions are changing, and whenever there have

1 been new ice core drillings in the ice cap of Greenland,
2 you will see new studies that are asking us to do much
3 more.

4 Q. Indeed. I am sure this is something that all countries
5 will keep under review, but one can see there the UK
6 commitment.

7 Now, again, if you put that document to one side,
8 I am going to ask you just to look at another, please.

9 CD/241. Again, it will be handed to you. This is the
10 Draft Climate Change Bill, and, again, forgive me if you
11 understand these things: a bill is in the UK a proposed
12 Act of Parliament, so it is not the law yet, but it is
13 a proposal to make law.

14 A. Mm-hm.

15 Q. If we look in this section at page 5, you can see that
16 what the UK is doing, and the Government is doing here,
17 is to put in place a legal framework to underpin that
18 60 per cent target. So they had in the last document
19 a policy target, and they are now putting in place laws
20 to try and deliver that 60 per cent target. And, again,
21 that is something which the ICC would encourage, is it
22 not, support, endorse?

23 A. Sure.

24 Q. Good. Again, not wanting to blow the Government's
25 trumpet on this, but one can see in the penultimate

1 paragraph there that the UK says it is actually the
2 first country in the world to establish such a legal
3 framework, and that, again, is a step in the right
4 direction, is it not?

5 A. Yes.

6 Q. We can move on. Now, within the overall targets that
7 are set for each country, whatever they are, whatever
8 the appropriate targets that are set, within those
9 targets it is obviously a matter for that country, is it
10 not, to decide how it delivers its target?

11 A. Of course.

12 Q. I do not think you suggest, certainly your written
13 evidence does not suggest that it is appropriate for the
14 Inuit Circumpolar Council to tell the UK Government how
15 it should deliver its greenhouse gas targets. That is
16 not your purpose at all, is it?

17 A. No, we are just asking for reductions in the greenhouse
18 gas emission.

19 Q. Exactly. Very fair of you. Now, obviously, as you will
20 perhaps have picked up from this morning, it is not the
21 purpose of inquiries like this to discuss or question
22 the merit of Government policy, and we will not go down
23 that route; but obviously this inquiry, you understand,
24 has to operate within the framework of the UK Government
25 policy. Again, you understand that principle?

1 A. Yes.

2 Q. Of course. Now, the UK strategy is set out in another
3 document -- sorry to get you to look at another one, but
4 could you look at CD/156. That was one of the ones,
5 again, this morning that was looked at. It looks like
6 this. (Indicates).

7 That is it, and this is a document that was
8 described this morning as a digest, a collection of
9 things relating to UK policy for meeting its targets.

10 Clearly, the strategy recognises that different
11 sectors of the UK economy will reduce their emissions at
12 different rates, and some will continue to grow and
13 others will contract, but am I right in thinking that
14 from the perspective of the Inuit people the important
15 thing is the overall total, not how the UK brings about
16 reductions in the overall total?

17 A. That is correct.

18 Q. Absolutely. The UK Government -- the approach of the
19 UK Government is currently to, as set out in policy, to
20 allow some growth in the aviation sector, but
21 recognising that that will require obviously deeper and
22 compensating cuts in other sectors.

23 Now, it is not for you and me to debate whether they
24 have the right policy, that is not for this inquiry, but
25 that is a legitimate strategy, is it not, from your

1 perspective, so long as the overall total in accordance
2 with the targets?

3 A. Yes, in general I am not here to discuss internal
4 matters, and mingle with your -- but I respect the
5 people's rights, the public's right to discuss that.

6 Q. Yes. I mean, in short, the UK strategy for meeting the
7 climate change targets is a matter for the UK and the
8 UK Government as a matter of policy?

9 A. It is a matter for the individual countries to meet the
10 international standard that the international community
11 have agreed to. But right now it is difficult to agree
12 to something that is more convenient for us or, you
13 know, would support our case in Greenland and in the
14 Arctic. I would say that that is what I was speaking to
15 when I spoke.

16 Q. Indeed. Mr Lyngge, it has been a great pleasure, thank
17 you.

18 A. Thank you.

19 MR BOYLAND: Mr Stinchcombe?

20 Re-examination by MR STINCHCOMBE

21 MR STINCHCOMBE: Yes, sir, just two or three matters. You
22 were taken by my learned friend through various
23 documents indicating the Government's commitment to
24 reducing emissions and tackling climate change. One of
25 those was the Climate Change Bill, CD/241. Can I ask

1 you to turn up page 22 of that document. Do you see
2 paragraph 5.8 on the left hand?

3 A. Yes.

4 Q. "The emissions reduction targets do not currently apply
5 to carbon dioxide emissions from international aviation
6 and shipping. These emissions are not part of the
7 Government's existing targets, nor are they part of the
8 current Kyoto protocol targets."

9 Do you see that sentence?

10 A. Yes.

11 Q. Can I take you on further in the document to page 17 of
12 the draft bill itself. If you carry on in the document,
13 after page 55, we have the Climate Change Bill itself,
14 so turn on to page 55. Then turn over and you can see
15 the bill.

16 A. Yes.

17 Q. If you turn on to page 17 of that document, we have
18 certain explanatory notes, and can you see
19 paragraph 110, on the right hand side of page 17,
20 subsection 3 provides:

21 "This clause is subject to clause 15.1, which
22 provides that emissions from international aviation and
23 shipping are not to be regarded as emissions from UK
24 sources for the bill."

25 So you will see that, and if I may in this just lead

1 to help the witness, with my learned friend's agreement.

2 MR BOYLAND: Before you do that, I am having difficulty in

3 finding the reference.

4 MR STINCHCOMBE: I do apologise, sir. If you read on

5 through the bill --

6 MR BOYLAND: I have the actual Draft Act itself.

7 MR STINCHCOMBE: At then, at the end the bill, there is

8 explanatory notes, and the pagination then starts again

9 at page 1.

10 MR BOYLAND: Bear with me. Right, yes, I have that.

11 MR STINCHCOMBE: Then if you go to page 17 of the

12 explanatory notes, it is published with the bill to help

13 us understand.

14 MR BOYLAND: We have all these documents where there are

15 several sets of page numbers with the same --

16 MR STINCHCOMBE: Indeed, sir. This will be the third

17 page 17 of the document. So in paragraph 110 we can see

18 that emissions from international aviation are not

19 regarded as emissions from UK sources for the purposes

20 of part 1 of the bill.

21 MR HUMPHRIES: No, you need to read to the end of paragraph

22 "unless provided for by regulation".

23 MR STINCHCOMBE: Unless provided for by regulations. So we

24 can see, Mr Lyng, that the bill on climate change

25 published by the government does not cover emissions as

1 it stands from aviation. Do you see that?

2 A. Yes.

3 Q. What view do you have as to the effectiveness in terms
4 of global warming and aviation of a climate change bill
5 that excludes aviation from its purposes?

6 A. It is a --

7 MR HUMPHRIES: Hang on, this is not a bill that excludes
8 aviation. It specifically allows aviation to be brought
9 in by regulation and that is because, at the moment, it
10 is not within the EU Emissions Trading Scheme. It would
11 need that step.

12 MR STINCHCOMBE: My learned friend can make his submissions
13 in due course. Let me put the question a different way
14 then. What view do you take of a climate change bill
15 that does not include the emissions from aviation within
16 its remit?

17 A. That is a handicapped bill.

18 Q. I am obliged. One final question. Bearing in mind
19 again the references my learned friend took you to
20 within Government policy to the importance of tackling
21 global warming and climate change as the gravest
22 challenge, what view do you take of a proposal to
23 increase the number of passengers permitted to travel by
24 aeroplane through Stansted by 10 million every year?

25 A. Well, for small nations like us that have no millions of

1 population, it is a great number.

2 Q. I am obliged. Thank you very much indeed.

3 MR BOYLAND: Thank you. Well, I have no questions. Can

4 I just thank you for your contributions to the inquiry.

5 A. Thank you.

6 MR BOYLAND: Thank you.

7 (The witness withdrew)

8 Housekeeping Matters

9 MR BOYLAND: Right, that then completes the main business of

10 this current session of the inquiry.

11 MR HUMPHRIES: Excuse me, sir. There are one or two things,

12 and I think Mr Phillpot needs to introduce just some

13 documents. It is just housekeeping, so that you are

14 aware of some documents. Would you mind if he did that

15 now, just before you close?

16 MR BOYLAND: Yes, please do.

17 MR PHILLPOT: Sir, just to let you know that we have been

18 putting into the inquiry a number of additional

19 documents relating to air quality. Just to explain what

20 those are. There are some which are simply matters of

21 updating, for example the air quality strategy is now

22 available in its final form, as I understand it, so it

23 is proper that that goes before the inquiry.

24 MR BOYLAND: That is an updating of a document that we

25 already have.

1 MR PHILLPOT: Indeed. We have the draft of the survey and
2 consultation and it has now come out in its final form,
3 so that is put in.

4 MR BOYLAND: Very well. That is very helpful, thank you.

5 MR PHILLPOT: The other point, sir, is that earlier in the
6 inquiry my learned friend Mr Hill raised the issue of
7 discussions between the parties about the applicability
8 of the limit value in the directive for NOx and
9 vegetation.

10 MR BOYLAND: This is in relation to the 5 kilometre --

11 MR PHILLPOT: Indeed. So what we have also put in, sir, are
12 some additional documents which we think will help shed
13 light on that matter, including in particular documents
14 that relate to the emergence of the directive -- the
15 expansion memorandum and documents of that sort -- and
16 what we were intending to do by putting them in now is
17 to give the other parties an opportunity to look at
18 those over the adjournment and then perhaps if we have
19 a discussion in the light of those documents outside of
20 the inquiry when we resume. We thought that would be
21 a helpful way forward.

22 MR BOYLAND: I am sure that will be helpful, thank you.

23 Mr Hill, you were going to, or hopefully going to,
24 receive some instructions in relation to the surface
25 access issue.

1 MR HILL: Sir, yes. I have discussed the matter during the
2 short adjournment with my clients and I think the
3 position remains rather as I indicated at the opening of
4 the day. We have no objection in principle to the idea.
5 Our concern really lies more with the timing of this
6 issue and when precisely such a third party might
7 usefully be able to engage with us. At the moment, I am
8 simply not in the position to give you any further help
9 with that, and will not be probably until the end of
10 August.

11 MR BOYLAND: No, thank you. Well, I appreciate your
12 position. I don't propose to debate the matter any
13 further in the inquiry now. Having heard the views of
14 the parties, and I gather that ACC has also made
15 a comment on the matter by email, although I have not
16 seen that yet, but I will pass those on and I will
17 suggest simply that those concerned make contact with
18 the parties to see whether it can be progressed any
19 further. I will leave you to liaise directly with
20 whoever is appointed to deal with this in due course.

21 MR STINCHCOMBE: Sir, if I might just make two points.
22 Firstly, we would be grateful if we could be contacted
23 as well, so that we might be able to be in the loop,
24 and, sir, to put on record, on instructions, that we are
25 not just unhappy with the practicality of it but also

1 with the principle of it.

2 MR BOYLAND: Right. Unhappy with the principle of
3 involvement of someone else as a mediator?

4 MR STINCHCOMBE: Indeed, sir, and in respect of this
5 isolated issue. Sir, partly because of timing, but
6 I appreciate that goes to practicality. So far as
7 principle is concerned, SSE's case of course is that
8 surface access is very intimately related to forecasting
9 and other evidence outwith the remit of that third party
10 inspector. Sir, we do not consider that it would be
11 appropriate, therefore, to hear that evidence and
12 consider that evidence in isolation without a further
13 understanding of other issues.

14 MR BOYLAND: Can I stop you. It is not the intention that
15 this inspector would hear evidence. It is simply to
16 facilitate the discussions between the parties.

17 MR STINCHCOMBE: But, sir, the point remains, so far as SSE
18 is concerned, that they are not happy with even that
19 facilitative role being undertaken by an inspector who
20 has not heard the arguments in respect of forecasting,
21 which would be the fundamental inputs into the
22 consideration of surface access.

23 MR BOYLAND: Very well. Well, I note your point, thank you.
24 Right, anything else before we adjourn?

25 MR HILL: Just, sir, that on this issue, it is obviously

1 exercising us very much and those who were hoping to be
2 able to down tools for a while during the August break
3 are not going to be able to do so as a result of what is
4 going to come from BAA next Tuesday. I will ensure that
5 you have an update from us in writing as soon as the
6 inquiry reconvenes on the first day, which I think is
7 4th September, so that even if I am not here on
8 4th September, we can consider at the earliest possible
9 opportunity what the best way forward is on surface
10 access.

11 MR BOYLAND: Thank you. Could I just ask the parties to
12 convey to Mr Osborn appropriate contacts for progressing
13 this matter, if it is taken forward, so that hopefully
14 we can shorten the chain of contact, at least. Thank
15 you.

16 Right, the inquiry now is about to adjourn until
17 September. I hope that those who are going to find time
18 for a holiday in the meantime will have an enjoyable one
19 and I make no comments about how they will get to
20 wherever they are going.

21 The inquiry will resume at 2.00 pm on Tuesday,
22 4th September at the Town Hall in Sudbury, Suffolk.
23 I just stress that will be a part of the main inquiry
24 although it is in a different venue; it will be under
25 the same procedures and rules that have applied here.

1 It is simply a matter of convenience for people in that
2 part of the world who wish to appear at the inquiry.

3 So there will be a afternoon and evening session in
4 Sudbury on 4th September and then the next session here
5 will begin at 10 o'clock on Wednesday, 5th September.

6 So until 2 o'clock on 4th September, the inquiry is now
7 adjourned. Thank you.

8 (12.30 pm)

9 (The inquiry adjourned until 2.00 pm on Tuesday,
10 4th September 2007)

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