

**STANSTED G2 INQUIRY – PROGRAMMING MEETING 19 JANUARY
2009 – SACC NOTES**

AGENDA ITEM	INSPECTOR'S REQUEST	SACC'S POSITION												
1. Introductions and Inspector's opening remarks	N/A	N/A												
2. Topics and appearances	Consider the list of topics and advise me in advance of the meeting:													
	<ul style="list-style-type: none"> if there are other topics that you consider should be added to the list; and/or 	"Alternatives" should be a separate topic to be considered towards the end of the inquiry. See running order discussed at agenda item 2 below.												
	<ul style="list-style-type: none"> if there are any material errors or omissions in the lists of witnesses expected to give evidence on each topic. 	Add Louise Congdon to Topic 3 (Economics). Louise Congdon will submit a single proof as the SACC's case in respect of Topics 1 and 3 is inextricably linked.												
3. Running order	Consider the order in which the topics should be heard and in particular whether an order different from that on the Inspector's preliminary schedule of topics would be beneficial.	<p>For the reasons set out below at agenda item 6, SACC considers that the proposed inquiry start date of 15 April 2009 is premature.</p> <p>However, in the event that the inquiry starts on 15 April 2009 as currently proposed, SACC's view is that the running order should be as follows:</p> <ul style="list-style-type: none"> Planning policy The proposals (including need, forecasting and alternatives considered by BAA) Economics Other topics as listed Alternatives proposed by objectors <p>SACC does not object to land-based topics being promoted up the running order.</p> <p>In the event that the start of the inquiry is deferred, SACC's view is that the running order should be as follows:</p> <ul style="list-style-type: none"> The proposals (including need, forecasting and alternatives considered by BAA) Economics Planning policy Other topics as listed Alternatives proposed by objectors 												
4. Time estimates for topics (round table discussion)	Consider how much inquiry time needs to be allowed for each of the topic areas identified to cover all evidence in chief, cross-examination and re-examination (the Inspector urges BAA and the main parties opposing the applications to consider the matter jointly).	Without knowing how long the parties intend to take with their witnesses and in cross examination, we are unable to provide an overall estimate of the time required for each topic. We set out below, as best as we are able in the absence of proofs of evidence, an indication of how long SACC will need at the inquiry.												
		<table border="1"> <thead> <tr> <th data-bbox="735 1738 911 1850">Topic</th> <th data-bbox="911 1738 1137 1850">Examination in chief [estimated times]</th> <th data-bbox="1137 1738 1492 1850">Cross Examination [estimated times]</th> </tr> </thead> <tbody> <tr> <td data-bbox="735 1850 911 1939">The proposals</td> <td data-bbox="911 1850 1137 1939">Michael Cawley [1 hr]</td> <td data-bbox="1137 1850 1492 1939">Colin Matthews (CEO, BAA) [½ Day]</td> </tr> <tr> <td data-bbox="735 1939 911 2029">Need and forecasting</td> <td data-bbox="911 1939 1137 2029">Ian Clayton [1 hr]</td> <td data-bbox="1137 1939 1492 2029">Stan Maiden (BAA, forecasting) [1 ½ - 2 days]</td> </tr> <tr> <td data-bbox="735 2029 911 2038">Layout and</td> <td data-bbox="911 2029 1137 2038"></td> <td data-bbox="1137 2029 1492 2038"></td> </tr> </tbody> </table>	Topic	Examination in chief [estimated times]	Cross Examination [estimated times]	The proposals	Michael Cawley [1 hr]	Colin Matthews (CEO, BAA) [½ Day]	Need and forecasting	Ian Clayton [1 hr]	Stan Maiden (BAA, forecasting) [1 ½ - 2 days]	Layout and		
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		Design Alternatives	<p>Louise Congdon [2 hrs]</p> <p>Joylan Brewis (Grimshaw, for BAA, design and layout) [½ to 1 day]</p> <p>Paul Fairbairn (Mott McDonald, for BAA, layout) [½ to 1 day]</p> <p>John Rhodes (RPS, for BAA, planning) [½ day]</p> <p>Graham French (CAA, forecasting) [½ day]</p>
		Planning Policy	<p>Ann Bartaby [2 hrs]</p> <p>John Rhodes (RPS, for BAA) [1 day]</p>
		Economics	<p>Louise Congdon [1 hr]</p> <p>Peter Wood (Tribal Group, for BAA) [1 day]</p>
		Surface Access	<p>David Bird [2 hrs]</p> <p>Geoff Copley (Faber Maunsell, for BAA, G2 Access Strategy) [1 – 2 days]</p> <p>David Ashley, SKM, for BAA, modelling) [1 day]</p> <p>Peter Norgate (Mott McDonald, for BAA, rail components) [1 day]</p>
	<p>Consider what time allowance needs to be made in the overall programme for the preparation and presentation of closing submissions (and any other matters not covered by the schedule of topics).</p>	Opening submissions	½ hr – 1 hr
		<p>Closing submissions</p> <p>For the following reasons SACC objects to the proposal for interim closing submissions to be made after each topic:</p> <p>(i) The different parts of SACC's case are inter-related and it would not be possible to sum up on individual topics without referring to the overall case, which it would be premature to do after each topic.</p> <p>(ii) SACC considers that at least one week would be required to prepare interim closing submissions for each topic and that this time is better used preparing for the next topic.</p> <p>(iii) As the inquiry proceeds, especially in light of the various risk factors referred to at agenda item 6, the parties' cases are likely to be revised to take account of the evidence presented.</p>	½ day

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		TOTAL ESTIMATED TIME FOR SACC	15 days							
5. Concurrent sessions	Consider (again jointly if possible) whether it there is scope for any of the inquiry sessions to be held concurrently (e.g. sessions considering Surface Access, Historic Environment and CPOs).	<p>SACC is concerned about the risk of challenge if concurrent sessions are held and on that basis SACC objects to the holding of concurrent sessions.</p> <p>However, in the event that any concurrent sessions are held, SACC's view is that none of the central topics should be heard concurrently ie the following topics:</p> <ul style="list-style-type: none"> • The Proposals • Planning Policy • Economics • Surface Access • Conditions and Obligations • Alternatives <p>SACC is content for Conditions and Obligations to be dealt with by way of roundtable discussion in the first instance, but inquiry time should be set aside in the event that this does not resolve all of the issues between the parties.</p>								
6. Risk factors and contingency	Consider (again jointly if possible) what risk factors the Inspector and the Secretary of State should take into account in drawing up the inquiry programme and timetable (e.g. the potential need to present evidence on alternative positions if some of the pending announcements are not made in advance of the inquiry start date).	<p>SACC's position is that the inquiry should be deferred until after the divestiture of Stansted Airport in accordance with the interim recommendations of the Competition Commission, or alternatively until the question of divestiture is resolved. An enormous amount of time and costs will be wasted if the inquiry were to proceed and a purchaser decided that it did not wish to adopt BAA's scheme but that it wished to advance a different scheme (which may be a scheme that is more attractive to objectors).</p> <p>In the event the inquiry is not deferred, SACC's position is that the start date of the inquiry should be postponed until at least September 2009 due to the risk factors discussed below.</p> <table border="1" data-bbox="740 1328 1497 2009"> <tr> <td data-bbox="740 1328 978 1464">1. Statement on Heathrow 3rd runway</td> <td data-bbox="978 1328 1497 1464">This statement affects the case for need.</td> </tr> <tr> <td data-bbox="740 1464 978 1675">2. DfT revised air passenger forecasts</td> <td data-bbox="978 1464 1497 1675">In the light of revised air passenger and movement forecasts issued by DfT, SACC will need to update its forecasts and other aspects of its case. The effect of the announcement being deferred from before Christmas until 15 January 2009 makes achievement of a proof of evidence on Need and Economics by 10th March unrealistic.</td> </tr> <tr> <td data-bbox="740 1675 978 1861">3. Statement on capacity enhancements on the M11</td> <td data-bbox="978 1675 1497 1861" rowspan="2">Announcements on these matters either before or during the inquiry m give rise to the need for an adjournment at some stage in the inquiry and/or a need to revisit topics previously dealt with at the inquiry. Both of these factors support deferring the start of the inquiry until at least September 2009.</td> </tr> <tr> <td data-bbox="740 1861 978 2009">4. Statement on capacity enhancements on the West Anglia Main Line</td> </tr> </table>		1. Statement on Heathrow 3rd runway	This statement affects the case for need.	2. DfT revised air passenger forecasts	In the light of revised air passenger and movement forecasts issued by DfT, SACC will need to update its forecasts and other aspects of its case. The effect of the announcement being deferred from before Christmas until 15 January 2009 makes achievement of a proof of evidence on Need and Economics by 10 th March unrealistic.	3. Statement on capacity enhancements on the M11	Announcements on these matters either before or during the inquiry m give rise to the need for an adjournment at some stage in the inquiry and/or a need to revisit topics previously dealt with at the inquiry. Both of these factors support deferring the start of the inquiry until at least September 2009.	4. Statement on capacity enhancements on the West Anglia Main Line
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		5. Final Competition Commission report on BAA Airports Market Investigation	SACC considers that the Inquiry should be deferred pending divestiture of Stansted Airport, as discussed above.
		6. The outcome of the G1 appeal by SSE	SACC understands that this appeal will be heard by the High Court during the week commencing 23 February 2009. A significant amount of time and costs is potentially wasted if the inquiry proceeds and the High Court subsequently allows the G1 appeal.
		7. Proposed major changes to Stansted flight paths	The delay to the recommendation by NATS, and a subsequent decision by the Secretary of State, on the proposed changes to the Stansted flight paths means that aircraft noise cannot properly be assessed at this time.
		8. Government response on Competition Commission's recommendation on new runway at Gatwick	The effects of this recommendation do not appear to have been taken into account in BAA's Statement of Case. The announcement of a new runway at Gatwick would have a potentially significant impact on forecasting and need evidence.
7. Other matters?	Advise me if there are specific matters which they would wish to raise under Agenda Item 7.	Applicability of MIPS Rules to CPOs, listed building consents, highways matters, TWA matters, etc	SACC is concerned about the risks involved in signing up to a process that may be open to legal challenge.
		Predetermination of length of inquiry	SACC is concerned about the risks involved in signing up to a process that may be open to legal challenge.
8. Open floor			
9. Inspector's closing remarks			