

Wednesday, 13th June 2007

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(10.00 am)

EVIDENCE OF MR JOHN RHODES (Continued)

MR PHILLIMORE: Yes, Mr Stinchcombe?

MR STINCHCOMBE: Thank you very much, sir. Can I check with you have been forwarded CD 386.

MR PHILLIMORE: We have got that, thank you, yes.

MR STINCHCOMBE: All right. Mr Rhodes, have you got a copy of that document?

A. No, I have not, no.

MR STINCHCOMBE: It will be produced to you shortly.

A. Yes, sir.

MR HUMPHRIES: Sir, just before Mr Stinchcombe starts, in relation to this document, CD386, would you mind, and Mr Stinchcombe mind if I just say one or two things? What you are being given is an extract from quite a long document that runs to some 176 pages. It is the executive summary.

We have found overnight where the quotation on cumulative impact came from in SEE's own evidence, it was in a proof and it was also in representations that they have made to UDC. That definition is based on the 1969 National Environment Protection Act, which is a US piece of legislation, which has since been discussed in Europe and is discussed in the full version of this

1 document that you have the extract of as CD386.

2 The extract you have does, on page (iii), have an
3 italicised sub-heading, "Cumulative impacts", but, no
4 criticism of the document, it was simply an executive
5 summary. The executive summary does not reflect the
6 language in the full document and indeed doesn't reflect
7 the language in the SSE proof.

8 The only reason for my raising this at this point is
9 I have asked for the full document, a copy to be made
10 for me. I will see if I can see if there are some
11 extracts from the body of the text, but it would be,
12 I think, only fair to Mr Rhodes that he wasn't asked
13 simply to look at this extract where the executive
14 version does not fully reflect what the document itself
15 reflects.

16 The quote, by the way, that was put yesterday comes
17 from SSE2A, paragraph 3.3.1, and is also -- because that
18 itself reflected CD202 -- it is in CD202, document 3,
19 page 5.

20 Now, in both cases there is a footnote that gives
21 you a reference to where the quote comes from and in
22 both documents the footnote is wrong, because we have
23 checked it. But, as I say, the language in that quote
24 is very close to the NWEHHPA legislation definition.

25 I am not going to say anything more about it, other

1 than just simply to point out that we need to be fairly
2 careful in what -- the words are important, if I may put
3 it like that.

4 MR PHILLIMORE: Thank you, Mr Humphries.

5 Mr Stinchcombe, you said it would be something you
6 would come to later on. Is there anything you want to
7 say at this stage, bearing in mind the document is new
8 to us as well, it is not something we have looked at?

9 MR STINCHCOMBE: I don't seek to make any comments at this
10 stage. Obviously the comments will be in closing
11 comments, by which time we will have all the documents
12 and any comments my learned friend may wish to put on it
13 and any points to put to my witness in cross-examination
14 on definition. I simply seek to ask a few questions
15 about this document of Mr Rhodes.

16 MR PHILLIMORE: Well, I think when we come to it, obviously
17 if Mr Rhodes hasn't had a full opportunity to consider
18 the document, I am sure he will say that in his answers.
19 We will come to it later on. Thank you.

20 MR STINCHCOMBE: I think, because there is only a couple of
21 questions, I would like to come to it, if I may, earlier
22 than that, but if there is a difficulty, Mr Rhodes, with
23 dealing with the questions, you can enter the
24 appropriate caveat and we can return to it at a later
25 stage. The context in which I ask those questions is

1 the definition of "cumulative impact" I put to you
2 yesterday and you said you didn't recognise. You
3 remember those questions?

4 A. I do.

5 MR STINCHCOMBE: I am obliged. The further context, before
6 we come on to the definition itself, in respect of
7 "cumulative impact", is found in the questions of
8 Mr Hillard(?) in circular 2 of 99. Do you remember
9 those questions about paragraph 46?

10 A. Not precisely but generally, yes.

11 MR STINCHCOMBE: Simply this: since circular 2 of 99,
12 paragraph 46 says, "In judging whether the effects of
13 a development are likely to be significant, local
14 authorities should also have regard to the possible
15 cumulative effects with any existing or proved
16 development."

17 So we know that it's circular advice that we should
18 be looking at, cumulative effect. That's right, is it
19 not?

20 A. Yes.

21 MR STINCHCOMBE: I am obliged. If I can quickly take you
22 then to CD386, we can see it is "Guidelines for the
23 assessment of indirect and cumulative impacts as well as
24 impact interactions". That's what its title is.

25 A. Yes.

1 MR STINCHCOMBE: So it's obviously of some interest in
2 respect of the application of that similar advice, and
3 it's issued in the same year, 1999.

4 A. Yes.

5 MR STINCHCOMBE: If we look at the preface, we can see
6 that -- this is the second sentence, third line down:
7 "This study has been commissioned by the European
8 Commission, the Director General of Environment and
9 Nuclear Safety Civil Protection". Do you see that, who
10 it is commissioned by?

11 A. Yes.

12 MR STINCHCOMBE: We can see, about five lines from the
13 bottom of the preface, that the guidelines give advice
14 on how to approach these kinds of impacts, including
15 cumulative impacts during the various stages of the EIA
16 and how to adopt the approach to a specific project and
17 it suggests various methods and tools for identifying,
18 amongst other things, cumulative impact. Do you see
19 that?

20 A. I do.

21 MR STINCHCOMBE: Then we turn over to the executive summary.
22 We can see that in the first paragraph of that summary,
23 it presents the results of research in consultations
24 conducted by Hyder, commissioned, as we know, by the
25 European Commission Directorate 11. Do you see that?

1 A. Yes.

2 MR STINCHCOMBE: And that they are intended for use by the
3 environmental impact assessment practitioner and
4 developer.

5 A. Yes.

6 MR STINCHCOMBE: And that would include, obviously, your
7 firm, wouldn't it?

8 A. Yes.

9 MR STINCHCOMBE: So your firm, being expert in the
10 undertaking of environmental impact assessments, would
11 be aware of these guidelines?

12 A. I expect so, although it is the first time I have seen
13 them. Remember, of course, my firm did not undertake
14 environmental impacts in this case.

15 MR STINCHCOMBE: We can see in the fourth paragraph:
16 "The design to apply to a wide range of projects and
17 to assist the EIA process throughout the Member States."
18 So clearly of relevance to the United Kingdom and
19 this kind of project.

20 A. Yes.

21 MR STINCHCOMBE: I am obliged. Then we look at the heading
22 at the bottom of the executive summary, "Indirect
23 cumulative impact and impact interactions",
24 a definition; identifies a key problem:
25 "How to define indirect and cumulative impacts and

1 impact interactions.

2 "3. The definitions of these three types of impact
3 overlap although there are no agreed and accepted
4 definitions but for the purposes of these guidelines
5 they adopt a certain definition."

6 Certain definitions of those matters. Do you see
7 that?

8 A. Yes.

9 MR STINCHCOMBE: And the purpose of adopting those
10 definitions is to give assistance to the practitioner in
11 the Member States?

12 A. Yes.

13 MR STINCHCOMBE: I am obliged. Then we can look at the
14 definition, first, of "indirect impacts". Those are
15 impacts on the environment which are not a direct result
16 of the project, often produced away from or as a result
17 of (inaudible).

18 Then we have cumulative impacts, which is the
19 definition I was concerned with yesterday:

20 "Impacts that result from incremental changes caused
21 by other past, present or reasonable foreseeable actions
22 together with the project."

23 Do you see that definition?

24 A. I do.

25 MR HUMPHRIES: Yes, sir, this is the problem. That is not

1 the definition, of course, that was put yesterday. We
2 all took a note of it, but it's not, and that definition
3 came from Rick Therival's proof, SSE2A, paragraph 3.371.
4 And, sir, it might be therefore more appropriate if that
5 definition was put again to Mr Rhodes so that he can see
6 the precise wording, because this, as I say, is the
7 executive summary. When you look at the two side by
8 side you will see there are quite important differences
9 between the two.

10 MR PHILLIMORE: Do you have the reference number again,
11 please?

12 MR HUMPHRIES: Yes, it is SSE2A, page 5, paragraph 3.3.1. I
13 don't know whether Mr Rhodes has that.

14 If you look at the italicised quote there, that was
15 what was put yesterday.

16 You will see, sir, the important point, it is
17 talking about incremental changes to environmental
18 parameters when added to changes brought about by the
19 past and present. So incremental changes when added to
20 things that have happened in the past, which is rather
21 different from the summary, which talks about
22 incremental changes caused by things in the past.

23 MR PHILLIMORE: I can see the point you are making, the
24 difference you are pointing out, Mr Stinchcombe.

25 MR STINCHCOMBE: Sir, indeed, I can. It is always helpful

1 for barristers to give the witnesses their answers
2 before the question is put, but I make no objection
3 about it because I made it clear last night that we
4 could not cite the source of the definition, therefore
5 it was an issue we had to canvass as fully as we could
6 within the limits of our knowledge this morning and
7 thereafter. So we have the two definitions side by
8 side, we see they both seek to give a definition of
9 cumulative impact. You see that, Mr Rhodes?

10 A. Yes.

11 MR STINCHCOMBE: We see that they both refer to incremental
12 changes?

13 A. Yes.

14 MR STINCHCOMBE: And, of course, those incremental changes
15 would be in respect of environmental parameters because
16 we are talking about an environmental impact assessment?

17 A. Yes, I'm not quite sure what was meant by "parameters",
18 but certainly in respect of, as I said yesterday,
19 significant environmental effects.

20 MR STINCHCOMBE: And we can see they both look to the
21 prerequisite of considering past, present and reasonably
22 foreseeable actions, together with the project, do they
23 not?

24 A. They do.

25 MR STINCHCOMBE: Yes. There's no intention, is there,

1 within these two definitions, of committing some sort of
2 salami-slicing so you don't look at the totality of the
3 project in its real life context?

4 A. There is no attempt within the environmental assessment
5 to do that either. The environmental assessment follows
6 an absolutely standard approach to assessment, which is
7 to start by identifying a baseline, the baseline takes
8 account of past development, assessing the project and
9 then considers cumulative impact, ordinarily with other
10 developments which are committed and which are likely to
11 have significant environmental effects in combination
12 with the project itself. That's the approach which has
13 been followed in this case. It's absolutely standard,
14 and perhaps if it's thought that that differs from your
15 definition, perhaps just to identify the document that
16 you have given to me this morning in the executive
17 summary that the guidelines are not intended to be
18 formal or prescriptive. I'm not aware that the approach
19 which has been taken in the environmental assessment is
20 anything other than standard and accepted.

21 MR STINCHCOMBE: I am obliged.

22 You see the reference to "Reasonably foreseeable"?

23 A. Yes.

24 MR STINCHCOMBE: Within that, I wonder if I can take you
25 quickly back to the last point that you were considering

1 yesterday, which was paragraph 9.7 of chapter 50 of
2 Sir Graham Eyre's report into the last Stansted Inquiry.
3 Do you have that in front of you?
4 MR PHILLIMORE: What was the CD reference on that?
5 MR STINCHCOMBE: It was CD31, I think, sir.
6 You recall it was chapter 50. We had some struggle
7 identifying it.
8 MR BOYLAND: Did you say chapter 15?
9 MR STINCHCOMBE: Chapter 50, paragraph 9.7.
10 Sir, I don't know whether a copy can be passed up to
11 you.
12 MR PHILLIMORE: We have it.
13 MR STINCHCOMBE: Sir, it is chapter 50, paragraph 9.7. You
14 see there, Mr Rhodes, that Sir Graham is considering
15 then, in the early 1980s, what should take place at
16 Stansted by reference not just to the present but to the
17 future.
18 A. Yes.
19 MR STINCHCOMBE: Which would be the approach to be adopted
20 under the definition of "cumulative impact".
21 A. Well, we need to be precise about our language.
22 "Cumulative impact" traditionally takes on board
23 commitments, effectively other schemes with planning
24 consent which are permitted to proceed and which are
25 known at the time.

1 MR STINCHCOMBE: Well, I think the definition of both
2 documents that we have seen looked to reasonably
3 foreseeable actions.
4 A. That's your definition, not mine.
5 MR STINCHCOMBE: Well, it is the definition which is within
6 the guidelines for practitioners.
7 A. Yes, which are neither mandatory nor commonly followed.
8 MR STINCHCOMBE: So you ignore them.
9 A. I didn't ignore them. All I have to say, I was not
10 aware of them until you put them to me. I am aware of
11 standard practice in environmental assessment and the
12 approach which is normally taken to looking at committed
13 developments when you are considering cumulative impact.
14 MR STINCHCOMBE: Just so I can be clear, then: am I to take
15 it from your last answers that the environmental impact
16 assessment in this case did not follow these guidelines
17 in respect of cumulative impacts?
18 A. I don't know whether the --
19 MR STINCHCOMBE: You don't know?
20 A. -- those who had taken the environmental assessment were
21 aware of or had these guidelines before them, but it is
22 certainly not a requirement, in my judgment, on an
23 environmental impact practitioner to take account of any
24 development that might be foreseen as coming forward,
25 otherwise, for instance, every development that requires

1 EIA in the East of England would carry out an
2 environmental assessment cumulatively with everything
3 proposed in the RSS for the East of England. Clearly
4 that doesn't happen and it would only serve to confuse
5 and obscure the impact of the development which is being
6 proposed.

7 MR STINCHCOMBE: So you don't know whether the EIA in this
8 case took account of these guidelines or followed them,
9 but your advice would be that they shouldn't?

10 A. It depends. I don't -- the answer to your question is I
11 don't know whether it took account of these guidelines.
12 I don't know whether the authors of the EIA had these
13 guidelines before them, but certainly they are -- Arup,
14 who undertook the environmental assessment, are one of
15 the most experienced companies in the country at
16 undertaking the EIA on behalf of a wide range of
17 large-scale private and public sector projects, they
18 know how to undertake EIA and they know the practice
19 that is adopted in relation to cumulative assessment.

20 MR STINCHCOMBE: But we do know that for your purposes in
21 giving evidence, you had never seen even this definition
22 before, had you?

23 A. I had personally not seen them. I had read the SSE
24 proof but I had not seen this definition.

25 MR STINCHCOMBE: I see. Just a straightforward

1 question: had you as a practitioner of many years seen
2 these guidelines before today?

3 A. I hadn't personally, no. I have become familiar with
4 the EIA regulations and with the UK circular in relation
5 to -- various documents of good practice published in
6 the UK.

7 MR STINCHCOMBE: But not these guidelines?

8 A. I have not seen this document before, no.

9 MR STINCHCOMBE: I see. I wonder if I can take you back to
10 paragraph 9.7 of the Graham Eyre document? The question
11 I put to you was that Graham Eyre, when he was then
12 considering the impact of the assessment at Stansted,
13 did so by reference to matters that might happen in the
14 future.

15 A. He was specifically asked to do that by the Secretary of
16 State in conducting his inquiry.

17 MR STINCHCOMBE: And his conclusion in respect of the
18 possibility of making additional use of the existing
19 capacity of a single runway, his conclusion in respect
20 of that possibility was that it must be entirely
21 contingent upon securing the position that a second
22 runway would not be constructed.

23 A. Yes, you put that point to me yesterday. It has nothing
24 to do with the question of environmental assessment,
25 though.

1 MR STINCHCOMBE: I just wonder if you would tell me whether
2 or not, on behalf of BAA, you are willing to give that
3 undertaking; that your proposal to make maximum use of
4 the existing runway will be on the basis that the second
5 runway will never be built?

6 A. No, I am not.

7 MR STINCHCOMBE: Right. I don't seek to go over those
8 issues which we canvassed yesterday in respect of the
9 context in which Graham Eyre made that recommendation.
10 You have made your points in respect of that, and the
11 Inspector will have a note of them. I am just wondering
12 if we can agree certain additional matters.

13 The area in respect of which the environmental
14 impacts of expansion of Stansted will be felt, then and
15 now, contains heritage of exceptional value, doesn't it?

16 A. Yes.

17 MR STINCHCOMBE: With very many conservation areas then and
18 now?

19 A. Yes.

20 MR STINCHCOMBE: And with approximately 4,000 listed
21 buildings then and now?

22 A. I believe that is correct.

23 MR STINCHCOMBE: And with the medieval hunting forest at
24 Hatfield, proximate to the runway, then and now?

25 A. Yes.

1 MR STINCHCOMBE: And those ongoing environmental features
2 would be material considerations then and now against
3 which to weigh any environmental or amenity harm?
4 A. They will be, yes. If you are putting it to me in the
5 context of Graham Eyre's conclusions, I said yesterday,
6 I think it's important that his conclusions related to
7 the landscape impact of expanding the boundary of the
8 airport. In respect of full use of the runway, he
9 considered it sensible for an asset to be used fully.
10 He didn't see any environmental constraints in that,
11 and, for instance, in chapter 20 of his report, he
12 reached conclusions about noise in relation to that, he
13 identified the advantage of the location of Stansted,
14 being that there were relatively few people in the
15 vicinity compared to other places where aviation
16 expansion might take place -- that's chapter 20,
17 paragraph 10.3 -- and did not consider that noise for
18 increased use beyond that then proposed would be
19 a reason for refusing further expansion. That's
20 paragraph 10.4 of chapter 20.

21 Of course these matters fall to be considered again,
22 but it cannot be said that Graham Eyre's conclusions do
23 anything other than support the principle of making the
24 best use of the asset which is the runway.

25 MR STINCHCOMBE: I will come on to that in its updated form

1 in the White Paper in due course. Just remind me: I'm
2 right, am I not, that the threshold of passenger
3 movements per annum, which Graham Eyre set as a maximum,
4 was 25 million? That's right, is it not?

5 A. Graham Eyre did not set any threshold. He had
6 identified to him at the Inquiry that the capacity of
7 the runway considered at that time was 25 passengers per
8 annum. He specifically concluded that it did not make
9 sense to impose conditions on the use of the runway.

10 MR STINCHCOMBE: And yet a condition has since been imposed
11 by the District Council in exactly that amount.

12 A. Yes.

13 MR STINCHCOMBE: Presumably reflecting the local planning
14 authority's view that that cap, at exactly the amount of
15 passenger throughput identified by Sir Graham Eyre, was
16 the appropriate balance to strike between environmental
17 and residential concern and economic benefit.

18 A. I wasn't involved, as you know, in that application.
19 I can't say why the cap was imposed. I assume the
20 council had regard to guidance on the conditions, but
21 the assessment at that time foresaw demand up to
22 25 million a year.

23 MR STINCHCOMBE: And we can agree, can we not, that even
24 your more limited proposal, not just to remove the cap
25 but to replace it with an alternative cap by a

1 condition, is in respect of 35 million passengers per
2 annum, which is some 10 million passengers more?

3 A. We can agree that, yes.

4 MR STINCHCOMBE: Just so that we understand the scale of
5 that, that's more than a 30 per cent increase, isn't it?

6 A. Yes.

7 MR STINCHCOMBE: It would of itself represent an additional
8 throughput of Luton Airport?

9 A. Broadly equivalent to, yes.

10 MR STINCHCOMBE: So that the Inspector can note that, this
11 application proposes a level of passenger throughput of
12 Stansted which equates to Stansted now, and Luton added
13 on? That's right, isn't it?

14 A. I'm sorry, I'm just checking the figure. I know that
15 Luton was 9 million MPPA in 2005. I don't know what it
16 is in 2007. But broadly of that order, yes.

17 MR STINCHCOMBE: Broadly. So two on the site of one?

18 A. Well, it isn't two on the site of one, is it? It is an
19 increment equivalent broadly to the current throughput
20 at Luton, I agree that.

21 MR STINCHCOMBE: And that additional throughput all being in
22 excess of the figure which Sir Graham Eyre reported in
23 his report.

24 A. Well, you know, I think that is just a very bad point.
25 Similarly, if you are putting to me that it's beyond

1 that which the council considered necessary to control
2 by condition, we know it doesn't make any change to the
3 noise conditions that were imposed at the time.

4 MR STINCHCOMBE: We will come on to that. Let us turn
5 before we do so, though, to your proposal to increase
6 the number of ATMs to 264,000, and see if we can agree
7 both the likely -- this is in terms of getting the
8 baselines and the projections right, and I appreciate
9 some of these questions may be for another witness, but
10 I hope I can agree some of them with you. See if we can
11 agree that is the likely total number of air movements
12 if the condition is relaxed and compare that to the 2014
13 baseline.

14 Let's look at the total number of additional
15 movements, then, through that process that this
16 application actually contemplates. So far as the end
17 result is concerned, the upper limit of 80 ATM(?) is
18 264,000, isn't it?

19 A. Yes.

20 MR STINCHCOMBE: But the actual number of total movements
21 would be 264,000 plus non-ATMs, wouldn't it?

22 A. Yes.

23 MR STINCHCOMBE: So it would be more than 264. I think the
24 figure that BAA give is 274.

25 A. That's correct.

1 MR STINCHCOMBE: So BAA assume, do they not, for the
2 purposes of their impact assessments, that there will be
3 10,000 non-ATMs?
4 A. Yes.
5 MR STINCHCOMBE: And we have to add the true number of ATMs
6 with non-ATMs to get the correct end result in terms of
7 the total number of movements.
8 A. Yes. There isn't any secret about that. It is set out
9 very clearly in the application.
10 MR STINCHCOMBE: Indeed. I just seek to ask you a few
11 questions about whether the 10,000 figure is the right
12 figure, bearing in mind that we must be astute not to
13 minimise impacts, that's all. It is a fairly short
14 point.
15 Non-ATMs, they are essentially the non-commercial
16 points, are they not?
17 A. They are a mix of flights, but the non-commercial
18 flights, as you say, take up a significant proportion.
19 MR STINCHCOMBE: I mean, I don't want to try and agree
20 a definition with you, if we can just agree a broad
21 spectrum: they are air taxi movements, repositioning,
22 testing movements, training pilot flights, military
23 flights, those kinds of things, are they not?
24 A. And business aviation.
25 MR STINCHCOMBE: And business aviation. And we know that

1 the environmental statement assumes there to be 10,000
2 --
3 A. Yes.
4 MR STINCHCOMBE: -- non-ATMs as a result of this planning
5 application. That's right, isn't it?
6 A. Yes.
7 MR STINCHCOMBE: How many were there last year?
8 A. I will try and help you with these questions, but I'm
9 not the specialist witness on this.
10 MR STINCHCOMBE: I understand.
11 A. It may well be that I'm wrong in some of my answers, and
12 I would prefer any reliance that is placed on answers in
13 relation to this to defer to Mr Maiden when he gives his
14 evidence.
15 MR STINCHCOMBE: Of course. That is understood.
16 A. My understanding is that there were 16,600 non-ATMs in
17 2006.
18 MR STINCHCOMBE: We have 16,698, so we are in the same
19 ballpark; between 16,00 and 17,000.
20 A. Yes.
21 MR STINCHCOMBE: I think you will agree with me, if you have
22 that kind of figure to hand -- again, if you have any
23 trouble, don't hesitate to say so because we can cover
24 these with another witness in due course if need be, but
25 that figure was up from just under 15,500 the year

1 before, wasn't it?

2 A. That's my understanding.

3 MR STINCHCOMBE: Right. That's helpful. So we can see that

4 it was approaching 17,000, up nearly 8 per cent on the

5 year before.

6 A. Yes.

7 MR STINCHCOMBE: Right. That's helpful. In which case, it

8 must be possible, must it not, that the non-ATMs would

9 be higher than 10,000 in the fully projected scenario?

10 A. You really are asking the wrong person, but I can give

11 you -- I will give you as much assistance as I can,

12 which is to say that as the runway gets busier, the

13 pressure on the least valuable flights becomes greater,

14 and I would expect that to be the reason, the principal

15 reason why they would no longer be able in the same way

16 to use the runway. But Mr Maiden may have a much better

17 explanation.

18 MR STINCHCOMBE: I will ask Mr Maiden those questions but we

19 can at least agree the figures there: 16-17,000 now, and

20 it will seemingly fall to 10,000.

21 A. That's correct.

22 MR STINCHCOMBE: Just pausing there, you mentioned this

23 category of falling flights will include business

24 aviation. Is that of any note in light of the economic

25 arguments you advance?

1 A. Is it?

2 MR STINCHCOMBE: Of any note, in the light of the economic
3 arguments you advance that non-ATMs, including business
4 aviation, is likely to fall?

5 A. That may be of some relevance, although we are speaking
6 about small planes with relatively few people in them.

7 MR STINCHCOMBE: We are talking about high-flying
8 businessmen, are we not, flying off to do deals in the
9 national interest?

10 A. To some extent, yes.

11 MR STINCHCOMBE: The number of those is going to fall?

12 A. I don't know. 10,000 is assumed in the planning
13 application.

14 MR STINCHCOMBE: Right. But we can note that if there were
15 the same kind of numbers of non-ATMs in the 35 MPPA
16 scenario, then we would not be looking at 274,000
17 flights; we would be looking at 280,000?

18 A. That must be right.

19 MR STINCHCOMBE: That's helpful. Now, again, if this is
20 beyond your expertise or your ability to help then let
21 me know. But I wonder if we might try and test the
22 possibility of reaching 280,000 in different ways, and
23 I will simply identify the two ways in which I would
24 like to do it, and if it's beyond your competence, then
25 there is a flag for Mr Maiden and I can ask the

1 questions of him. But would it be possible for you to
2 help me by looking at the theoretical annual capacity
3 and pro rata-ing it down to useful capacity? Would that
4 be within your expertise or not?

5 A. No.

6 MR STINCHCOMBE: And would it be in your expertise to do
7 a comparative exercise by looking at Gatwick?

8 A. No.

9 MR STINCHCOMBE: I am obliged. I'm sure a note will be
10 taken in due course so that Mr Maiden can assist the
11 Inquiry by checking the 280,000 figure in those ways as
12 well.

13 Let's have a look then at the other side of the
14 assessment, the baseline, against which we have to give
15 the environmental impacts of the increase in flights
16 contemplated by this application.

17 I wonder, for the purposes of this series of
18 questions, whether you could have Mr Ross' proof, 4A, to
19 hand, and in particular, his table 2.

20 Very much as we did before, Mr Rhodes, I hope not to
21 ask you any technical questions, and if I start
22 trespassing towards technical questions, then you will
23 tell me and I will save my questions for Mr Maiden. But
24 I think we can make some useful progress on some of the
25 base figures from matters within your own knowledge.

1 In particular, the 2006 baseline which BAA have
2 given is 190,000, isn't it, made up of 179,000 ATMs and
3 11,000 cargo ATMs; is that right?
4 A. 2006.
5 MR STINCHCOMBE: Yes, that's right, isn't it?
6 A. Yes.
7 MR STINCHCOMBE: So 179 passenger ATMs, 11,000 cargo ATMs,
8 total 190; yes?
9 A. Yes.
10 MR STINCHCOMBE: We are there operating it close to a total
11 passenger throughput every year?
12 A. Yes.
13 MR STINCHCOMBE: Right. It's right that that is at an
14 average passenger load of 132?
15 A. I haven't checked the maths but I don't doubt it.
16 MR STINCHCOMBE: I am obliged. Of course if we are going to
17 get the total number of flights we then have to add on
18 the number of non-ATMs, of which we have just discussed
19 and agreed there was between 16,000 and 17,000.
20 A. Yes.
21 MR STINCHCOMBE: So as matters stand, people suffer
22 overflying of approximately 260-270,000 flights?
23 A. Yes.
24 MR STINCHCOMBE: Yes? And that's what the real life
25 experience of real residents and real communities

1 currently endure in the real world, those numbers of
2 movements?

3 A. Yes.

4 MR STINCHCOMBE: Right. And that's to be contrasted with
5 the figures that your application contemplates, which
6 I put to you would be up to about 280 capacity.

7 A. On your basis, yes.

8 MR STINCHCOMBE: Yes. Turn now to the 2014 baseline, not
9 the 2006 figures, and see what you assume there.

10 I think that is also apparent from table 2. You there
11 assume a baseline of 180,000 passenger ATMs, that's
12 right, isn't it?

13 A. Yes.

14 MR STINCHCOMBE: At a passenger loading of just under 139?

15 A. Yes.

16 MR STINCHCOMBE: Plus 22,500 cargo ATMs?

17 A. Yes.

18 MR STINCHCOMBE: And how many non-ATMs? That must be -- is
19 it 13,500?

20 A. I'm afraid I don't know.

21 MR STINCHCOMBE: I suspect it may be, because I think the
22 total is 216, and that would be the residual of 216.

23 A. Right. Thank you.

24 MR STINCHCOMBE: Just a couple of questions. It's
25 important, obviously, not to overestimate the baseline

1 increase in movements from 2006 to 2014; we agree that?

2 A. We do.

3 MR STINCHCOMBE: Because we have to be astute not to

4 underestimate the net impacts of your proposed

5 application.

6 A. Correct.

7 MR STINCHCOMBE: And, at present, your 2004 baseline assumes

8 approximately a 10,000 increase in flights from today to

9 2014, even with a 25 million condition intact?

10 A. Did you say --

11 MR STINCHCOMBE: From approximately 204 total flights to 214

12 flights?

13 A. 2004 or 2014, did you say?

14 MR STINCHCOMBE: To 2014.

15 A. Yes.

16 MR STINCHCOMBE: I am obliged. I'm sorry if I didn't make

17 that clear. The reason we have that increase is firstly

18 attributable to the increase in cargo flights.

19 A. Yes.

20 MR STINCHCOMBE: And secondly attributable to the passenger

21 loading which is assumed on the passenger flights.

22 A. Yes, although the passenger loading, as you have seen,

23 goes up to bring the number down.

24 MR STINCHCOMBE: Yes. Well, let's look at the passenger

25 loading first. As I say, I hope I make it clear. I

1 don't seek to test or review the likelihood of these
2 figures being the right ones, that's for other experts.
3 But I just want to see if I can understand what the
4 mathematical implications would be in trying to
5 calculate the baseline, the number of movements.

6 MR HUMPHRIES: Sir, I do wonder actually about the value of
7 this. If it's simply to test the mathematics, then why
8 don't we sit down outside with a calculator and check
9 the mathematics? If it is to test the conclusion,
10 Mr Rhodes is the planner, Mr Maiden is the forecaster.
11 They are his figures. I think there is only limited
12 benefit, if I can put it like this, that Mr Rhodes can
13 add.

14 MR PHILLIMORE: I am anticipating the process will not take
15 very long. On that basis, if we can run through it?

16 MR STINCHCOMBE: Sir, just to reassure my learned friend, it
17 will not take very long. The purpose of doing so is to
18 have an envelope of an additional number of flights by
19 which we can then consider the planning application in
20 terms of noise and disturbance and those other matters.
21 Of course, insofar as my learned friend wishes to
22 challenge that envelope, which is a mathematical
23 envelope at this stage, that can be done with different
24 witnesses. But it will take a very short time.

25 Look at table 2. We can see the passenger loading

1 which has been assumed in the forecasting, rising from
2 126 on the BAA 2004 baseline up to 144.2 at 35 million.
3 We can see that range going up, and we have noted that
4 the baseline for the 25 million projection in 2014 is
5 just under 139.

6 A. Yes.

7 MR STINCHCOMBE: If we turn overleaf to table 3, we can see
8 the comparisons to Luton, Gatwick and Heathrow for 2014.

9 A. Yes.

10 MR STINCHCOMBE: And we can see that that figure of 138.9 is
11 less the norm(?).

12 A. Yes.

13 MR STINCHCOMBE: And the simple mathematical point is
14 this: that if the number of loadings per flight was
15 higher, then there would be less flights, wouldn't
16 there?

17 A. I can accept the maths from you, but I'm not sure I can
18 provide any further assistance than that.

19 MR STINCHCOMBE: No, but we can accept the maths, and if
20 that was right, if the number of passengers per load
21 were to be higher, that would mean that there would be
22 less passenger movements than this assumes, and the 2014
23 baseline?

24 A. Yes.

25 MR STINCHCOMBE: Right.

1 Sir, perhaps it would be helpful to take
2 Mr Humphries' intervention and see if, out of Inquiry
3 time, before Mr Maiden gives evidence we can at least
4 have a schedule setting out what the differences would
5 be mathematically and agree it.

6 MR PHILLIMORE: I think that would be helpful, yes.

7 MR STINCHCOMBE: Right. Let's move on, then, to cargo,
8 again simply to identify the factual material, insofar
9 as we can, and if it trespasses on to the expertise of
10 another, then we will wait for the other and ask
11 questions there. But we have agreed that BAA have
12 assumed 22,500 cargo movements for the 2014 baseline?

13 A. Yes.

14 MR STINCHCOMBE: And if we look at Mr Ross's table 2, that
15 compares to 11,000 in 2004 and even less in 2006.

16 A. Yes.

17 MR STINCHCOMBE: So we can note, can we not, that in
18 generating the 2014 baseline, BAA have assumed
19 a doubling of cargo movements from 2006 to 2014.

20 A. Yes, it is probably fairer to say "forecast" rather than
21 "assumed".

22 MR STINCHCOMBE: Forecast. Even though it's right, isn't
23 it, that cargo movements have fallen considerably since
24 1998?

25 A. Cargo movements have fallen, although cargo tonnage has

1 increased significantly, and is forecast to continue to
2 increase, as you know, not just by BAA but by others as
3 well. For instance, EDA(?) in their representations
4 tell us that they have undertaken an air freight
5 activity study which forecasts a growth in cargo for
6 Stansted, particularly because of the increased
7 constraints that are going to apply to Heathrow and
8 Gatwick.

9 MR STINCHCOMBE: You tell us that cargo has increased, but
10 cargo movements have fallen. That's because there is
11 more cargo loaded on the planes as well, isn't it?

12 A. Of course.

13 MR STINCHCOMBE: It is the same point that we make in
14 respect of passengers per plane.

15 A. Yes.

16 MR STINCHCOMBE: And if you look to table 1 of Mr Ross, we
17 can see how much cargo movements have fallen from 1998
18 to 2006, the eight-year period; they have gone down
19 16 per cent, haven't they?

20 A. Over that period, yes.

21 MR STINCHCOMBE: So let's remember that we are -- we have to
22 be astute not to overestimate the number of movements on
23 the 2014 baseline. We can see that historically there
24 has been a 16 per cent reduction from 1998 to 2006, and
25 yet it's anticipated that there be a 100 per cent

1 increase from 2006 to 2014.

2 A. Mathematically, that's right. There are perhaps two
3 factors to consider. One is well beyond my expertise,
4 which is a question of forecasting. The other, which
5 I can understand more readily, is that the 2014 baseline
6 for 25 MPPA assumes a constraint on the airport that it
7 cannot grow its passenger movements; it is not allowed
8 to, an artificial constraint, a condition, prevents its
9 business improving. As a business, the airport is
10 likely to seek other ways of its growing its activity,
11 and it seems to me a reasonable assumption that in those
12 circumstances the airport would determinedly go after
13 greater freight activity. That is the only increased
14 revenue source available to it.

15 MR STINCHCOMBE: What this actually assumes, as I understand
16 it, is a 13 per cent annual growth, year on year, for
17 the next eight years.

18 A. If you say so.

19 MR STINCHCOMBE: And it also means, does it not, that
20 Stansted would have to increase its share of the cargo
21 market from under one tenth to a quarter?

22 A. I don't know the precise figures, but in terms of
23 tonnage, you will know that Stansted has been
24 particularly successful as a freight airport and is now
25 third in the country and has grown its market share

1 consistently. It's an attractive place for air freight.

2 MR STINCHCOMBE: It's obviously not for you to justify those

3 figures. That's for Mr Maiden. We will come on to him

4 in due course. But you can agree, can you not, that if

5 they are an overestimate, if there has been a projection

6 which is a bit ambitious in respect of the growth of

7 cargo movements on the 2014 baseline, then two

8 consequences follow: firstly, there would be fewer

9 flights in 2014 than have been projected? That's right,

10 is it not? If that projection has been an over

11 estimate?

12 A. That must follow, yes.

13 MR STINCHCOMBE: And secondly, that reduction in flights

14 would actually be in respect of some of the noisier

15 flights and some of the dirtier flights, wouldn't it?

16 A. If you don't mind I would rather not answer that

17 question, because I'm not expert in that either.

18 MR STINCHCOMBE: Right.

19 A. I may say, though, that a comparable assumption, as you

20 know, was made for the 35 MPPA case, and therefore your

21 criticisms would apply equally to both.

22 MR STINCHCOMBE: I just wonder whether we can test that.

23 What we're looking at is gauging the additional number

24 of movements from a true 2014 baseline in comparison

25 with a 2014, 35 million MPPA condition; yes?

1 A. Yes.

2 MR STINCHCOMBE: You put your figures in, which assume that
3 there would be a total of 274,000 movements?

4 A. Yes.

5 MR STINCHCOMBE: And I put it to you that in fact it may be
6 up to 280,000, simply if the non-ATMs stay around the
7 same; yes?

8 A. You did.

9 MR STINCHCOMBE: And we have looked at the baseline and
10 I put it to you that the passenger movements would be
11 fewer than you project on BAA's behalf if the passenger
12 loading is equivalent to that assumed elsewhere, and
13 also that cargo movements would be lower and fewer also
14 if cargo movements don't double at a 13 per cent
15 increase a year?

16 A. You did. I'm simply observing that on that last point,
17 your criticism would equally apply to the assessment
18 case for the proposed development.

19 MR STINCHCOMBE: But in those scenarios that I have put to
20 you, it would be right, would it not, that the
21 difference between baseline and the projection would be
22 thousands more?

23 A. If you are right and we're wrong, then it depends how
24 wrong we are, but it doesn't get us very far without
25 testing the evidence.

1 MR STINCHCOMBE: Well, so much for forecasting. Let's turn
2 on to the matters that arise from those additional
3 number of movements; the impact on residents and
4 communities, and in particular, we start with noise.
5 Rest assured, I will not ask you technical questions.
6 I will try not to ask you technical questions. If I do
7 trespass into that territory, I'm sure you will tell me
8 and we can reserve questions for other witnesses, and in
9 particular Mr Charles.

10 The starting point in respect of the impact on noise
11 is this: that we have to be astute, do we not, in the
12 light of the EIA regulations and the matters you raised
13 in that planning magazine, that we weigh the totality of
14 the harms and we don't miss out of account any that
15 might otherwise be undisclosed?

16 A. Our obligation is to consider significant environmental
17 effects; all significant environmental effects.

18 MR STINCHCOMBE: And when we are contemplating the
19 significance or otherwise of the environmental effect of
20 this proposal then we have to take into account that we
21 are looking at at least 70,000 and perhaps 80,000 or
22 90,000 more movements?

23 A. We certainly have to take full account of the likely
24 increase in movements, yes.

25 MR STINCHCOMBE: An increase of a third, at least? That's

1 right, isn't it?

2 A. Well, I think the third at least increase that you put
3 to me related to passengers rather than movements. The
4 increase in movements, I believe is 27 per cent. The
5 increase in busy day movements, that is the summer
6 average that has been looked at, is I believe
7 24 per cent.

8 MR STINCHCOMBE: And which figures do you look at that
9 generate the 24 and 27 per cent?

10 A. I am looking at the difference between the 25 MPPA case
11 at 216,000 and the 35 MPPA case at 274,000.

12 MR STINCHCOMBE: So you are looking there at a net increase
13 of 58?

14 A. That's correct, yes.

15 MR STINCHCOMBE: 58,000. And I have already put to you the
16 question as to why we think the 216 is too high and the
17 274 is too low.

18 A. Yes.

19 MR STINCHCOMBE: In either event, the Inspectors have to
20 take into account, don't they, the true impact on local
21 communities and residents of that additional number of
22 flights which will be tens of thousands?

23 A. Yes.

24 MR STINCHCOMBE: Right. I said earlier that I wouldn't ask
25 you technical questions in respect of this, but

1 questions in your role as a planner, and it's in your
2 role as a planner that you gave certain evidence on
3 noise in your main proof.

4 A. Yes.

5 MR STINCHCOMBE: In particular, if I can turn up page 45 of
6 your main proof, we can see the sub-heading "Scale of
7 effects".

8 A. Yes.

9 MR STINCHCOMBE: That's in respect of noise.

10 A. Yes.

11 MR STINCHCOMBE: And I take it that when we are looking at
12 scales, this is when you are weighing the quantum of the
13 noise effects as you understand it as a planning expert.

14 A. Yes.

15 MR STINCHCOMBE: So this is the weighing exercise on that
16 one side of the balance.

17 A. This is the identification of the weight of this issue,
18 yes.

19 MR STINCHCOMBE: Right, and you make three points there.

20 The first is that the noise footprint would be less with
21 the G1 development than has historically been the actual
22 noise footprint, and that's by reference to the
23 57-decibel contour.

24 A. Yes.

25 MR STINCHCOMBE: The second is that the noise footprint

1 would be less than the District Council considered
2 acceptable in 2003.

3 A. Yes.

4 MR STINCHCOMBE: And was considered acceptable in the White
5 Paper.

6 A. Yes.

7 MR STINCHCOMBE: Is that also by reference to the 57-decibel
8 contour?

9 A. Specifically if we are talking about a noise footprint
10 it is.

11 MR STINCHCOMBE: So we are looking at the 57-decibel
12 contour, both historically in 2003 and also in the White
13 Paper?

14 A. Yes. I would expect, although as we have already
15 identified I am not the expert, that it would apply to
16 other contours as well because it is a relative
17 comparison.

18 MR STINCHCOMBE: And the third is that the difference
19 between -- this is just your figures at the moment, not
20 the different figures I might put to other witnesses in
21 due course and have put to you -- you say the third
22 point is this: that the difference in the noise climate
23 with those additional 58,000 aircraft movements is less
24 than 2 DB, which is not considered material.

25 Pausing there, that 2 DB, is that on the same noise

1 indices as the 57 DB contour?

2 A. It is, yes.

3 MR STINCHCOMBE: So all of those noise contours, I think you
4 will agree, are the LEQ 16 contours, are they not; that
5 is what the 57 relates to?

6 A. They are, yes. Yes.

7 MR STINCHCOMBE: So in weighing the scale of the noise
8 impacts on those at the very least 58,000 additional
9 flights, and it could be considerably more, we would
10 say, you have judged them, as a planner, by reference to
11 the 57 decibel LEQ contour.

12 A. Yes, as you know, it is not the only basis on which
13 I judge them, but it is the principal basis on which
14 policy suggests that they should be judged.

15 MR STINCHCOMBE: We can agree, can we not, that that 16 LEQ
16 contour averages the noise effect of those additional
17 tens of thousands of flights over a 16-hour period?

18 A. It does.

19 MR STINCHCOMBE: So it ignores the impact of any individual
20 peak noise event and spreads the noise energy over
21 a prolonged period.

22 A. It doesn't ignore anything. It recognises that noise is
23 experienced over a period of time and has been developed
24 as a method for assessing, providing the best measure of
25 assessment of frequency and noise events over a period

1 of time. That's the reason that it is recommended for
2 that purpose.

3 MR STINCHCOMBE: As I say, I don't intend to ask you
4 questions as to the rightness or wrongness of that
5 approach as a matter of technical expertise, we have
6 other witnesses who can answer questions on that. But
7 I wonder if you can agree with me, that that has been an
8 issue of some concern at numerous planning inquiries
9 into aviation, has it not, as to whether it is a
10 significant project(?).

11 A. Well, it has certainly been debated at numerous planning
12 inquiries but to say it has been an issue of substantial
13 concern doesn't, I think, take us very far unless we
14 want to look at the conclusions of those inquiries or
15 the up-to-date status of the policy.

16 MR STINCHCOMBE: Let us just have a look at the conclusions
17 in respect of the 16-hour LEQ indices. Let us just have
18 a look at the conclusion in two inquiries, Terminal 5
19 and Manchester. Just so we can gauge, as planners, as
20 to what more we might need to do and why. You are happy
21 to do that?

22 A. Yes, although I will tell you as soon as you go beyond
23 my expertise.

24 MR STINCHCOMBE: Of course. That is very fair.

25 A. I don't have the document references for either of

1 those.

2 MR STINCHCOMBE: Well, I think I did put the relevant bits

3 on my list to get the quotations that I want to put to

4 you.

5 A. Not on the list I got today.

6 MR STINCHCOMBE: The first one I was taking from perhaps

7 other source material; the first one I was going to look

8 at is Mr Turner's rebuttal, which is UDC3D, which

9 I thought I had put on.

10 A. Yes, you did.

11 MR STINCHCOMBE: If we have to go by the source material, so

12 be it, but I thought if we could go by these quotations,

13 that would be more helpful. I was going to go to

14 paragraph 2.8.

15 MR PHILLIMORE: 3D, paragraph?

16 MR STINCHCOMBE: 3D, I thought it was paragraph 2.8, but if

17 I am wrong, I will be corrected. Is there

18 a quotation --

19 MR PHILLIMORE: Yes, I've got a quotation.

20 MR STINCHCOMBE: "I do not believe it is right to rely

21 entirely upon the single measure of 16-hour LEQ."

22 Is that right, Mr Rhodes?

23 A. I certainly have it in front of me, yes.

24 MR STINCHCOMBE: So it is not enough to rely entirely upon

25 that measure, is it?

1 A. I can give you my personal view on this. Mr Charles has
2 a more expert view.

3 MR STINCHCOMBE: Before you give your view and anticipate
4 Mr Charles, I wonder if you could just agree that this
5 was the determination of the inspector at that time:
6 "I do not believe that it is right to rely entirely upon
7 the single measure of the 16-hour LEQ"; that's what he
8 determined?

9 A. That's what the words on the page say, yes.

10 MR STINCHCOMBE: Right. And your comment is?

11 A. My comment is twofold. (1) is I think it's important
12 that a consistent policy approach is taken to this, that
13 is the purpose of policy, rather than each inquiry
14 inventing its own approach to what is a complex issue.
15 The Government has established as recently as their
16 Transport White Paper that the principal approach
17 relates to a 57-DB contour over a 16-hour LEQ, and I, as
18 a planner, have to respect the provenance of that
19 advice, and also I make an assumption, as a planner,
20 that that advice is given after due consideration.
21 Because that metric for assessing noise impact is
22 considered to be an appropriate way of considering the
23 combination of noise events and frequency over a period
24 of time.

25 That is the approach also set out, I know, in

1 CAB725, which identifies that other contours, other
2 noise metrics could be looked at as a sensitivity, but
3 they have no particular relevance in policy making. So
4 a very substantial amount of weight in my judgment
5 attaches to that policy advice.

6 Having said that, you know that I have not limited
7 my own personal assessment to that issue. I have
8 considered the impact on, for want of a better word, the
9 quality of experience of noise in a particular location,
10 particularly for instance in Hatfield Forest, as a lay
11 person may do, rather than an acoustic expert.

12 MR STINCHCOMBE: Let's come back to the Inspector's
13 conclusions. This is in respect of the London Heathrow
14 Terminal 5 Inquiry; yes?

15 A. Yes.

16 MR STINCHCOMBE: You see, it is not right entirely to rely
17 on the single measure. He points out why:

18 "As I have already pointed out, this suffered from
19 a number of deficiencies ... "

20 Not just one but a number, which in his judgment
21 limits his value as:

22 " ... a true and complete reflection of the impact
23 of aircraft noise on those living around Heathrow."

24 Pausing there, you have agreed with me that it's
25 imperative that we do ensure that there is a true and

1 complete reflection on the impact of aircraft noise on
2 those living around Stansted?

3 A. I have, yes.

4 MR STINCHCOMBE: So if Mr Vandermeer is right here, and that
5 the LEQ 16 hour doesn't give a true and complete
6 reflection, then we have to be astute to make ensure we
7 look at something else to make sure we get that true and
8 complete picture, don't we not?

9 A. If that is right, but just to say a couple of things.
10 One is that I know, and I do not have the whole document
11 in front of me, that this is a quotation from a much
12 longer section of his conclusions. I recall from that
13 much longer section of his conclusions that after his
14 discussion he placed significant weight on the 16-hour
15 LEQ contour and that it formed a principal part of his
16 conclusions on the question of noise.

17 So it remains the principal method for assessing --
18 the recommended method for assessing up-to-date noise
19 impacts. But, as I have said, as a planner, I have also
20 reached my own view.

21 MR STINCHCOMBE: It may be the principal one, but it's quite
22 clear from what Mr Vandermeer says that it is not of
23 itself sufficient; you have to do more. Because he
24 tells us it is not right to rely entirely upon it, it
25 suffers from deficiencies which limit its value as

1 a true and complete reflection. That's what he said.

2 A. That is what he said in part of his conclusions. It may
3 be more relevant to put the whole of his conclusions to
4 Mr Charles, who is the expert.

5 MR STINCHCOMBE: Let us look at the remainder of the
6 quotation that is before us. He has:

7 " ... some sympathy with the approach adopted by
8 ... (Reading to the words)... in Hillingdon examining the
9 impact of Terminal 5 on particular locations and under
10 different headings. I believe that this work here
11 states the importance of a more detailed assessment than
12 that provided simply by the LEQ 16-hour contours."

13 And he recalls the Department of Transport's view
14 that it would be wrong to judge the effects solely by
15 use of the LEQ 16 contour alone, doesn't he?

16 A. He does record that view, yes.

17 MR STINCHCOMBE: He says that is the view -- that is the
18 view of the Department of Transport, that is a view to
19 which he would have come in any event on the basis of
20 the evidence he has heard.

21 A. He does say that, yes.

22 MR STINCHCOMBE: If we read on:

23 "The Secretary of State accepted the Inspector's
24 conclusions subject to the points set out below and in
25 accepting the Inspector's recommendation he notes the

1 reservations expressed by the Inspector about the LEQ
2 noise index."

3 Yes?

4 A. He does note them, yes.

5 MR STINCHCOMBE: Right, that's helpful. And it's right,
6 isn't it, that similar reservations were expressed in
7 respect of Manchester?

8 A. I must say, I'm not familiar with that.

9 MR STINCHCOMBE: If you just flip back, it's just one
10 paragraph. Paragraph 2.5 of the same document. You see
11 the quotation:

12 "Use of the LEQ unit can conceal local noise
13 impacts."

14 That was his concern.

15 A. Yes. You may understand that I am very reluctant to
16 take half a sentence of quotation out of a substantial
17 report as evidence of a conclusive view. But
18 notwithstanding those inspector's recommendations, we
19 know that the Government approach remains based upon the
20 16-hour LEQ. No doubt they have taken account of those
21 reservations that you've identified, but it is important
22 that there is a consistent way of measuring and
23 assessing the significance of noise around airports, and
24 the Air Transport White Paper makes clear that the
25 principal way of doing that is the 16-hour LEQ and the

1 57 decibels.

2 MR STINCHCOMBE: It is also clear, is it not, that you are
3 going to have to supplement that methodology if you are
4 going to disclose otherwise disclosed impacts?

5 A. I'm not sure what that means.

6 MR STINCHCOMBE: If it doesn't give a true and proper
7 reflection -- I understand why you did not understand
8 what I said because I missed out an "un" in the
9 question -- you have to supplement the methodology in
10 order to disclose what would otherwise be undisclosed
11 impacts, don't you not?

12 A. If that were the case but it is certainly my
13 understanding that the use of the noise metric, which
14 has been used in this case, is the best method of
15 assessing the significance of noise events averaged over
16 a period of time. That's why it is the recommended
17 approach.

18 MR STINCHCOMBE: And remembering that it is averaged so that
19 it doesn't take full cognisance of the disturbance
20 caused to individuals or communities by a considerable
21 number of additional peak noise events.

22 A. I think you need to be very careful with that sort of
23 assertion. Of course it is averaged over a period of
24 time but it is averaged so that it does take account of
25 the disturbance caused by events over a period of time.

1 It is intended to be representative of that effect.

2 MR STINCHCOMBE: Let's go back to your paragraph 9.26, and

3 with those comments of the Inspector in T5 and in

4 Manchester in mind, and their concern not to rely only

5 on the LEQ 16-hour contour, for fear that that would

6 miss out of account localised noise impacts; yes? It's

7 right, isn't it, that in your 9.26, you only rely on the

8 LEQ 16-hour contour?

9 A. In that paragraph, that's correct.

10 MR STINCHCOMBE: And that's the paragraph when you judge the

11 scale of the effects as a planner?

12 A. No, the whole of paragraph 9 considers the noise

13 objection. That is just one paragraph amongst 33.

14 MR STINCHCOMBE: And bearing in mind the concern expressed

15 by the Inspectors at Heathrow Terminal 5 and Manchester

16 that relying upon the LEQ 16-hour exclusively might lead

17 to missing certain noise impacts, we can see your

18 conclusion, your conclusion in paragraph 3 of 9.26 is

19 that even the addition of 58,000 more flights would not

20 in noise terms be considered material, because it would

21 not breach the 3 DB threshold based on the LEQ 16

22 contour; that's right, is it not?

23 MR PHILLIMORE: It is only 2 DB there, that paragraph.

24 MR STINCHCOMBE: It is 2 DB there, yes, but I understand the

25 reason for that is it is under the threshold of 3 DB,

1 which would be, you say, all of them based on that
2 contour?

3 A. Yes, that isn't the conclusion of my analysis, as you
4 say, but that is what I say there, and that is the
5 consequence, I believe the accepted consequence of noise
6 measurement evidence in this case.

7 MR STINCHCOMBE: It is manifestly not the consequence which
8 Mr Vandermeer accepted to be the right environmental
9 parameter against which to judge the noise impact of
10 aviation. Because he told us that it was not
11 appropriate to rely on that point alone, and one of the
12 reasons it might not be appropriate to rely on that
13 alone is that if you did, you would consider an increase
14 of 58,000 flights to be immaterial for planning
15 purposes, which cannot possibly be right, can it?

16 A. I have given you my answers on the approach of
17 Mr Vandermeer, I have explained that this is the
18 recommended approach to noise assessment regulation,
19 I believe the figures are not in dispute but I have also
20 said to you that that hasn't been the end of my personal
21 consideration on the issue.

22 MR STINCHCOMBE: I mean, the bottom line is this, is it
23 not: that 58,000 additional flights is material.

24 A. It is material, yes.

25 MR STINCHCOMBE: It will cause significant noise impact upon

1 a considerable number of people?

2 A. No, I'm not going to accept that point.

3 MR STINCHCOMBE: Each of those noise movements will have

4 high peak noise values in certain locations?

5 A. Each of those movements will be representative of an

6 aircraft taking off or landing. We know what the noise

7 effects of that are, for those of us who have been on

8 the ground and listened to them.

9 MR STINCHCOMBE: They will all be noise events of some

10 duration.

11 A. Of course they will be events of some duration, yes.

12 MR STINCHCOMBE: They will be heard as individual noise

13 events.

14 A. Yes.

15 MR STINCHCOMBE: Not as an average.

16 A. You may be straying outside my expertise, but I will try

17 and help you as much as I can. If one is listening for

18 noise, one will hear them as individual noise events.

19 Averaged over a day, an increase in movements in my

20 judgment, and I believe the approach which is

21 recommended in noise guidance, the effect is averaged

22 and the approach of the 16-hour LEQ is an attempt to

23 identify the extent to which the increase is significant

24 to the receptor.

25 MR STINCHCOMBE: And the inspectors of both Manchester and

1 Heathrow told us it was an incomplete attempt?

2 A. You've put that point to me already and I have given you
3 my answers.

4 MR STINCHCOMBE: And there will be a minimum at least 58,000
5 such additional movements every year?

6 A. Yes, I believe that's right. They vary in character.
7 Obviously that is the total you put to me.

8 MR STINCHCOMBE: Of course, and more, if the points I put to
9 you about your projections are wrong.

10 A. Yes, that's correct.

11 MR STINCHCOMBE: Right.

12 Sir, would that be a convenient moment to pause for
13 this morning?

14 MR PHILLIMORE: Yes, if that's the end of noise, I think we
15 have covered six of your 11 topics.

16 MR STINCHCOMBE: Sir, I have some more on noise but it would
17 take more than 10 to 15 minutes to put the points.

18 MR PHILLIMORE: How much longer do you think you have on
19 that?

20 MR STINCHCOMBE: I would guess 20 to 25 minutes.

21 MR PHILLIMORE: If we take a break now, it is 11.20 am, so
22 if we break for quarter of a hour to 11.35, please.
23 (11.20 am)

24 (A short break)

25 (11.35 am)

1 MR BOYLAND: If we can resume, please. Yes, Mr Stinchcombe.

2 MR STINCHCOMBE: Thank you very much indeed, sir.

3 Mr Rhodes, before the adjournment we were looking at
4 your paragraph 9.26(3) in respect of noise; do you
5 remember that?

6 A. Yes.

7 MR STINCHCOMBE: As I indicated to the Inspector, I haven't
8 got very much more to ask you about noise but I do want
9 to cover 9.26(1) and (2), if I might. Before I do so,
10 I wonder if you can agree one matter with me in respect
11 of subparagraph (3), and if it is not within your
12 expertise, just tell me and I will put the same question
13 to Mr Charles.

14 You have told us here that a 16-hour LEQ 2-decibel
15 increase is not material.

16 A. Yes.

17 MR STINCHCOMBE: What threshold do you say is material?

18 A. I take my lead on this from Mr Charles and I think that
19 line probably comes directly from his evidence. In my
20 understanding the answer to your question is 3, but you
21 should ask Mr Charles that question.

22 MR STINCHCOMBE: Should I also ask him, or can you confirm
23 to me, that what 3 decibels means is that over the
24 entirety of that 16-hour period there would be
25 a doubling in noise?

1 A. That is also my understanding but you should ask him
2 those questions.

3 MR STINCHCOMBE: On that understanding, you, as a planner,
4 say that noise impact on local residents and communities
5 only becomes material if over a 16-hour period it more
6 than doubles?

7 A. I have set out here that that is my understanding of the
8 way in which the 16-hour LEQ metric is properly
9 approached, an accepted approach to noise assessment.
10 It is not a linear scale and it is difficult for
11 a planner to interpret, for instance, the difference
12 between 2 and 3 DB and its significance. That is why
13 Mr Charles is your witness for that question.

14 MR STINCHCOMBE: Just turning very briefly to 9.26(1), we
15 see there that it is exactly the same, a 57-decibel
16 contour, in the analysis that you have applied there.

17 A. It is, as recommended by policy, yes. As also followed
18 by the government in its SERAS work and its Air
19 Transport White Paper.

20 MR STINCHCOMBE: In 9.26(2), you refer to two matters, the
21 District Council's decision in 2003 and also the White
22 Paper; yes?

23 A. Yes.

24 MR STINCHCOMBE: And again by reference to the 57-decibel
25 LEQ 16 indices?

1 A. Yes, which the District Council in 2002 considered to be
2 the appropriate method of assessment.

3 MR STINCHCOMBE: I just wonder if you can agree with me
4 a few matters of planning principle in respect of that
5 planning decision, and what weight we have to attach to
6 it. I think we have agreed that as a matter of
7 approach, in all of these applications, the
8 decision-makers are balancing harm against legal
9 benefit.

10 A. Yes.

11 MR STINCHCOMBE: And in balancing harm against legal
12 benefit, you would never advocate enduring more harm
13 than was reasonably necessary to meet that need or
14 secure that benefit?

15 A. No.

16 MR STINCHCOMBE: And so if you can meet that need or secure
17 that benefit with less harm, then you should do so?

18 A. You should always seek to mitigate harm where you can,
19 yes.

20 MR STINCHCOMBE: And in that context, it is right, is it
21 not, that aeroplanes are getting quieter?

22 A. Yes.

23 MR STINCHCOMBE: And it is right also that in respect of the
24 operations at Stansted, new and quieter aeroplanes have
25 been purchased and operate from Stansted?

1 A. Yes, and that must be good.

2 MR STINCHCOMBE: It must be good. It must be good because
3 the appropriate noise guidance in PPG24 tells us to
4 minimise the impact of noise, doesn't it.

5 A. Amongst other things, yes.

6 MR STINCHCOMBE: And if you can reduce noise levels and
7 noise nuisance and noise impact, then you should do so?

8 A. Other things being equal, that must be right.

9 MR STINCHCOMBE: Right. If you have the capacity to have,
10 for example, 25 million flights but with less noise,
11 tighter noise contours because of a change in fleet or
12 a change in technology, then you should work towards
13 those tighter noise contours so as to drive down noise
14 impact?

15 A. I'm not sure if noise contours drive down noise impact.
16 It is the forecast of noise based on the likely fleet
17 that generates the assessment of impact. But as
18 a generality, yes, if you can achieve something with
19 less adverse effect, that's good.

20 MR STINCHCOMBE: We should always be trying to find an
21 improvement in the noise level here as technology makes
22 that possible.

23 A. Other things being equal, yes.

24 MR STINCHCOMBE: Right. You would not argue, would you,
25 that the decision in 2003 represents some kind of

1 threshold of noise acceptability higher than that which
2 perhaps has to be endured in order to meet the need or
3 secure the benefit?

4 A. It is probably my fault. I'm not quite sure
5 I understood the question.

6 MR STINCHCOMBE: I will put the question again. You are not
7 arguing, are you, that the 2003 permission provides for
8 some kind of envelope of acceptability of noise impact
9 higher or more excessive than needs to be endured to
10 meet the economic case as put forward?

11 MR BOYLAND: I think I'm having difficulty in following the
12 question. Perhaps you could put it another way.

13 MR STINCHCOMBE: I will see if I can put it another way.
14 You would not argue, would you -- in the light of
15 the answers that you have given me earlier, you would
16 not argue that the 2003 permission justifies more noise
17 than is necessary to meet the need or obtain the
18 benefit?

19 A. I am still struggling with the question, but I do say
20 that the acceptance of the noise impact of the 25 MPPA
21 proposals isn't the baseline from which we work. As you
22 know, we have not used that for the baseline of the
23 noise assessment. But it is indicative of an assessment
24 reached carefully by the District Council, as we know,
25 over a two-year period with the benefit of advice, that

1 that was an acceptable level of noise for that amount of
2 development and that amount of need.

3 We now have a proposal which generates greater
4 benefit, and also has the benefit of national policy
5 support, but, because of some of the reasons that you
6 have identified, actually generates less noise, which is
7 one of the reasons why it is difficult to understand the
8 District Council's approach to saying there that the
9 noise is unacceptable.

10 MR STINCHCOMBE: Just see if I can take it a bit further and
11 focus the question more accurately for you. That
12 decision in 2003, balancing harm against need or
13 benefit, was taking on old technology and on an
14 understanding of the noise impact that would have to be
15 endured on that technology at that level of usage?

16 A. Whether it was old technology or not, but generally,
17 yes, I agree with you.

18 MR STINCHCOMBE: Right. And it cannot be right, can it,
19 that the 2003 permission establishes any threshold of
20 acceptability for a higher level of aviation noise than
21 is necessary?

22 A. Nothing I think from the answers I have given to you
23 justifies more noise than is necessary. What it does,
24 though, is identify the acceptability of a particular
25 level of noise impact in the judgment of the District

1 Council at that time.

2 MR STINCHCOMBE: But acceptability of that noise impact has
3 always got to be judged in a balance weighed against the
4 need to be met or the benefit that might otherwise be
5 secured. It is not in isolation, is it?

6 A. It is not entirely in isolation.

7 MR STINCHCOMBE: Right.

8 A. But as was identified in cross-examination of the
9 council's witnesses, that level of noise impact was not
10 said to be unacceptable.

11 MR STINCHCOMBE: I wonder if I can take you then to the
12 White Paper. That is CD 87. Perhaps we can pick it up
13 on page 30 at paragraph 7.4. You see the first bullet
14 point on paragraph 3.6?

15 A. Yes.

16 MR STINCHCOMBE: "Local control should operate so that noise
17 impacts are limited and, where possible, reduced."

18 A. Yes, I see that.

19 MR STINCHCOMBE: So it is right, isn't it, that as
20 technology or new fleets permit, the objective should be
21 to secure a quieter noise environment rather than just
22 more flights?

23 A. Well, of course, the bullet that you are reading to me
24 is part of the same document which specifically endorses
25 more flights, particularly at this airport from this

1 runway. But, subject to that significant caveat, of
2 course, government wants us to be able to take advantage
3 of improvements in technology that can reduce noise over
4 time.

5 MR STINCHCOMBE: Yes.

6 A. But that is not at all the same as saying that we
7 shouldn't have any more flying.

8 MR STINCHCOMBE: We can see in 3.7 that that's why, amongst
9 other things, they seek the withdrawal of the noisiest
10 aircraft and replacing them with better performing
11 aircraft.

12 A. Yes, government as you know has the power within
13 legislation to achieve those objectives.

14 MR STINCHCOMBE: Let's look on to what they are saying in
15 this white paper in particular in respect of Stansted
16 and noise. I think we turn to page 114 for that.

17 "Development to provide that increase in terminal
18 capacity would be limited to the current airport site."

19 Paragraph 11.25.

20 "Daytime noise impacts would not be greatly worse as
21 a result of an increase ...(Reading to the words)...
22 forecasts suggest that the area within the 57 DBA noise
23 contour in 2015 ...(Reading to the words)... the same
24 contour limit set as a condition to the recent planning
25 permission."

1 A. Yes.

2 MR STINCHCOMBE: So pausing there, we can note that this
3 judgment is reached by reference only to 57 DBA contour.

4 A. Yes, the recommended approach.

5 MR STINCHCOMBE: And the approach which is incomplete,
6 according to Mr Vandermeer?

7 A. Surely you don't want to go through that again.

8 MR STINCHCOMBE: But that is right, isn't it?

9 A. It is only partially right.

10 MR STINCHCOMBE: And it is also by reference to the planning
11 permission about which I have just asked you questions.

12 A. Yes.

13 MR STINCHCOMBE: So this adds nothing, does it, to those two
14 issues that you have raised before, the application of
15 57 DBA contour and the earlier planning permission?

16 A. What this adds is an up to date statement by government
17 in a national policy statement that it considers noise
18 effects on the scale that we are contemplating in this
19 case to be acceptable, and as such carries significant
20 weight.

21 MR STINCHCOMBE: It is also right, is it not, that this
22 would have been a judgment reached without a full
23 environmental impact assessment?

24 A. Well, on this point, I don't want to be at all
25 misleading, but on this point we know that there was

1 detailed assessment. On this point, which is the
2 assessment of noise, there was detailed assessment. And
3 we even know that the impact that was assessed and is
4 endorsed in the Air Transport White Paper is greater
5 than the likely impact of these proposals.

6 MR STINCHCOMBE: It is also right, is it not, to note that
7 by reason of the matters we discussed yesterday, that
8 white paper does not preclude proper consideration of
9 all of the environmental impacts at the Inquiry
10 including the noise impacts.

11 A. Of course that's right, but where a detailed
12 environmental impact assessment for a proposal reveals
13 a noise level which is less than that contemplated as
14 being acceptable within the Air Transport White Paper,
15 then I certainly struggle to understand how the noise
16 impact would form a proper basis for a refusal.

17 MR STINCHCOMBE: Well, I just put this to you: that if the
18 White Paper is premised, as it is, entirely on the 57 DB
19 contour, and the planning permission which itself is
20 premised upon the 57 DB contour, and that was premised
21 in turn on the calculation of noise impacts of noisier
22 fleets of aircraft, then it doesn't set a threshold,
23 does it, for the noise impact that has to be endured
24 now, especially in the light of Roy Vandermeer's
25 comments that the 57 DB contour is itself incomplete?

1 A. There are several points to be made about that, at the
2 risk of repeating myself. Sorry, your question was so
3 long I have rather lost the track of it. But Roy
4 Vandermeer made his comments to the government which
5 they noted and were clearly aware of -- T5 was
6 a significant decision in airport development -- at the
7 time of producing the Air Transport White Paper.

8 Nevertheless, government policy set out in the Air
9 Transport White Paper on page 34 is to endorse the use
10 of the 57 DB contour over a 16-hour LEQ period as the
11 best method of assessing the acceptability of airport
12 noise.

13 On that basis, the Government sets out in this
14 paragraph its understanding of the likely effect of 35
15 MPPA at Stansted and clearly identifies that as being
16 acceptable. It is a strange logic to me that suggests
17 that an environmental assessment which identifies
18 a lower level of impact could in some way be used to
19 overturn policy set out in a national policy statement.

20 MR STINCHCOMBE: I will not go over all the matters in
21 respect of noise again with you.

22 Can we turn on to the next section, which is quality
23 of life. Just pausing there, there is a connection
24 between noise impact and quality of life, isn't there?

25 A. Yes, there is.

1 MR STINCHCOMBE: Because we know that even within the
2 57-decibel contour, there will be numerous individuals
3 who suffer considerable noise annoyance at lower levels.
4 A. Again, I want to be careful about adjectives. Certainly
5 I accept and I am aware that the evidence is that there
6 are some people affected by noise less than 57 DBA who
7 will be annoyed by it. Equally, there are some people
8 who are affected by noise greater than 57 DBA, who will
9 not be affected by it.
10 MR STINCHCOMBE: It is also right to take into account, as
11 far as quality of life is concerned, that whilst,
12 according to the 57 decibel standard, noise does not
13 become material until you have doubled the noise over
14 a 16-hour period, there will be a large number of people
15 who will be disturbed by the additional number of
16 flights that take place below that threshold. That must
17 be right, mustn't it?
18 A. I think it depends on what significance you want to
19 attach to the weight -- to the word "disturbed". I am
20 certainly happy to accept that there will be a number of
21 people who will be annoyed below the 57 contour.
22 Equally there will be some above the 57 contour who
23 would not be. Mr Charles sets out an assessment of that
24 in his evidence.
25 MR STINCHCOMBE: And if you are annoyed, the quality of life

1 is not as good as it would otherwise be.

2 A. That is right, yes. The other factor which we have to
3 consider in this context is the numbers of people to
4 which that conversation would apply at Stansted relative
5 to other airports in the South-East within the context
6 of a national policy to increase aviation.

7 MR STINCHCOMBE: We can talk about that with Mr Charles.
8 Quality of life. I wonder if you can look up PPS 1
9 for me, which is CD 92. Do you have that to hand?

10 A. I have it, thank you.

11 MR STINCHCOMBE: Now, you will recall the statutory
12 objective of the 2004 Act, section 39.2, to achieve
13 sustainable development.

14 A. I do, yes.

15 MR STINCHCOMBE: We can look at paragraph 3 of PPS 1, the
16 government's objectives for the planning system. It
17 tells us that sustainable development is the core
18 principle underpinning planning.

19 A. Yes.

20 MR STINCHCOMBE: So the very heart of good planning is to
21 achieve sustainability.

22 A. Yes.

23 MR STINCHCOMBE: We see the next sentence:
24 "At the heart of sustainable development is the
25 simple idea of ensuring a better quality of life for

1 everyone."

2 A. Yes.

3 MR STINCHCOMBE: So quality of life is actually at the heart
4 of good planning.

5 A. Yes. Yes, we can see from the following paragraph that
6 the four aims for sustainable development are set out,
7 and as you know, they include the maintenance of high
8 and stable levels of economic growth and employment,
9 which is why the government describes its policies for
10 aviation as the sustainable growth of aviation.

11 MR STINCHCOMBE: Now, on the quality of life issues,
12 therefore, it's right, isn't it, that any harm to such
13 quality must therefore be a material planning harm to be
14 taken into account when determining a planning
15 application. That must be right, mustn't it?

16 A. Any harm, did you say, of quality of life?

17 MR STINCHCOMBE: Harm. If sustainable development is the
18 core of good planning, and at the heart of sustainable
19 development is the simple idea of ensuring a better
20 quality of life for everyone, then if the quality of
21 life is made worse, then that must be material harm to a
22 planning consideration of economic importance(?).

23 A. Depending on its scale, it certainly can be a material
24 consideration.

25 MR STINCHCOMBE: Right. We can see that, can we not,

1 reflected for example in the first policy of the draft
2 RSS, which was thereafter amended. Policy SS1, in CD74.
3 I wonder if you could look that up for me. I think you
4 will find it on page 16.

5 A. I have it.

6 MR STINCHCOMBE: We know that this has been replaced. Just
7 to see what the drafters had in mind when this was
8 prepared and approved:

9 "Policy SS1. The first general spatial policy, to
10 achieve a sustainable relationship between jobs, homes,
11 services at strategic and local level. Reference to the
12 sequential approach. Conserving the region's
13 environment, quality of life, local character and
14 natural resources whilst adapting to climate change
15 together with tackling the problems of social inclusion
16 and deprivation are key strands in achieving sustainable
17 development."

18 That's right, isn't it?

19 A. That's what it says, yes.

20 MR STINCHCOMBE: Including all of those characteristics, one
21 of which is quality of life.

22 A. Yes. Of course, this is the same document which
23 endorsed the maximum use of the runway at Stansted.

24 MR STINCHCOMBE: Indeed, and that policy has gone, hasn't
25 it?

1 A. No.

2 MR STINCHCOMBE: Quality of life matters, the issues that
3 are embraced by quality of life, those are the kinds of
4 considerations which we looked at when we looked at
5 policy Gen 4 in VOW 9, are they not? Noise, pollution,
6 disturbance, those kinds of --

7 A. Those are certainly contributory issues, yes.

8 MR STINCHCOMBE: I just wonder if we could go on a little
9 bit further in PPS 1. Paragraph 14. Look at the other
10 matters which are relevant to planning for sustainable
11 development. Social cohesion and inclusion. That's
12 part of sustainability, isn't it? Yes?

13 A. Yes.

14 MR STINCHCOMBE: And the opposite of social cohesion be
15 social division. That's right, isn't it?

16 A. It might be.

17 MR STINCHCOMBE: Which would therefore be a planning harm
18 and unsustainable.

19 A. That would be a planning matter to take into account.

20 MR STINCHCOMBE: Look at the next one. Protection and
21 enhancement of the environment. That's part of
22 sustainable development, isn't it?

23 A. Yes, it is.

24 MR STINCHCOMBE: So if it is not enhanced but despoiled,
25 that would be a planning harm in terms of

1 sustainability.

2 A. It would be a matter certainly to take into account.

3 MR STINCHCOMBE: If you look at paragraph 19:

4 "Planning decisions should be based on up to date
5 information on the environmental characteristics of the
6 area."

7 So based on the information today and not 2003, for
8 the purposes of this Inquiry?

9 A. Based on, what it says, up to date information so far as
10 one can at the time of making the decision, yes. One
11 does not constantly update a planning application
12 through to its determination.

13 MR STINCHCOMBE: But when you decide a planning application,
14 it is to be decided on up to date information on
15 environmental characteristics, which would be the
16 information today, not the information at the time of
17 the white paper.

18 A. Yes, where that reasonably can be taken into account,
19 yes.

20 MR STINCHCOMBE: If we look beneath that, the other second
21 aspects upon which this decision should be based, the
22 potential impacts (positive as well as negative) on the
23 environment of development proposals, whether direct,
24 indirect, cumulative, long term or short term.

25 A. Yes.

1 MR STINCHCOMBE: We have looked at what cumulative impacts
2 embrace, yes?

3 A. We have.

4 MR STINCHCOMBE: Then finally a recognition of the limits of
5 the environment to accept further development without
6 irreversible damage.

7 A. Yes.

8 MR STINCHCOMBE: And that would include, would it not,
9 consideration of climate changes issues.

10 A. It would.

11 MR STINCHCOMBE: Right. And all of the matters are to be
12 taken into account in making planning decisions.

13 A. Yes.

14 MR STINCHCOMBE: Including decisions at an appeal.

15 A. Yes.

16 MR STINCHCOMBE: Right. As I read your proof -- and I may
17 be wrong, so if I am, please correct me -- but you seem
18 to have made much in respect of quality of life issues
19 of the absence of any statutory requirement for
20 a quality of life assessment.

21 A. Whether I have made much of it or not is perhaps
22 a matter for your judgment. I have certainly identified
23 that there is not a statutory requirement to carry out
24 such an assessment. As you know, in this section of my
25 evidence I have addressed myself to the reason for

1 refusal.

2 MR STINCHCOMBE: But all of those matters which fall within
3 the parameters of sustainability and quality of life are
4 material considerations which have to be considered,
5 weighed in the balance?

6 A. Yes. Yes, they are.

7 MR STINCHCOMBE: Right.

8 A. I have certainly understood that the District Council
9 has considered the application carefully and come to
10 a view on those matters on which it is not satisfied,
11 and those are the matters set out in the reasons for
12 refusal.

13 MR STINCHCOMBE: Just help me here. I may have
14 misunderstood the evidence yesterday, and I genuinely
15 seek just a clarification, because if my notes are
16 wrong, I need to correct them. I had previously
17 anticipated, understood, at least, that between 2001 and
18 2003, there had been some form of quality of life
19 assessment in respect of the earlier proposal. Was that
20 wrong?

21 A. That is wrong, yes.

22 MR STINCHCOMBE: So your evidence is that there has never
23 been a quality of life assessment in respect of any
24 project at Stansted?

25 A. Not in the sense that it is suggested and discussed in

1 this case, no. There was a "rural effects", a chapter
2 of the previous EX, but that was not a quality of life
3 assessment.

4 MR STINCHCOMBE: What was the difference between that and
5 a quality of life assessment?

6 A. A quality of life assessment, in accordance with the
7 guidance issued by the Countryside Agency and others,
8 follows a particular formula; there is a process to go
9 through. That was not what was done in the 2001
10 planning application.

11 MR STINCHCOMBE: That's helpful. Now, so far as quality of
12 life is concerned, and recalling the caveat you have
13 entered before about the significant likelihood or
14 likelihood of significant impacts, it is difficult to
15 conceive, is it not, of a kind of development that is
16 more likely to have significant effects than an aviation
17 proposal? Because by their very nature, aviation
18 impacts on a large number of people?

19 A. So do a number of other developments.

20 MR STINCHCOMBE: We are here contemplating tens of thousands
21 of more flights every year, yes?

22 A. Yes.

23 MR STINCHCOMBE: With all of the ancillary noise and
24 omissions and pollutants and visitations by car?

25 A. That much is true, but obviously it falls to be assessed

1 on its own merit having regard to its real scale. We
2 are not talking about any further physical development;
3 we are not talking about expansion of the airport; we
4 are not talking about flying on routes which are not
5 currently flown. We are talking about noise quality
6 which can be assessed, air quality effects which can be
7 and have been assessed. The conclusions of the
8 environmental assessment in relation to both are that
9 there are no significant or material adverse effects
10 beyond those already permitted by the baseline which is
11 the existing planning consent.

12 MR STINCHCOMBE: It's a matter of record, isn't it, that
13 there were an enormous number of recommendations before
14 the local authority putting forward quality of life
15 concerns in respect of that proposal?

16 A. Yes, there were.

17 MR STINCHCOMBE: And so the burden upon the local planning
18 authority and indeed upon us at this Inquiry is to try
19 and assess as best we can what those quality of life
20 impacts are?

21 A. Well, the burden on the planning authority is to try to
22 assess whether there are any adverse effects measured
23 against planning policy which would justify a refusal of
24 planning consent, and if there are, whether they could
25 be addressed through mitigation.

1 MR STINCHCOMBE: Indeed, you have to assess the level of the
2 impact, do you not?

3 A. Yes, you do.

4 MR STINCHCOMBE: Being astute not to minimise them, taking
5 them all into account.

6 A. Where there are likely significant effects, yes.

7 MR STINCHCOMBE: And looking at all of those headings in the
8 policy or PPS 1, from noise to social cohesion?

9 A. Generally, that's right.

10 MR STINCHCOMBE: Right. And in respect of many of which,
11 subjective judgment will have to be made?

12 A. Yes.

13 MR STINCHCOMBE: They are not always amenable or acceptable
14 to quantitative analysis, are they?

15 A. No.

16 MR STINCHCOMBE: Right. But as a planner, you are not
17 afraid of making judgments on those kinds of issues, are
18 you?

19 A. It is something I regularly have to try to do, yes.

20 MR STINCHCOMBE: Yes. No less so, for example, noise or
21 social cohesion than the architectural quality of a
22 proposed building or its impact on landscape.

23 A. That's correct, there are a range of issues.

24 MR STINCHCOMBE: And whether or not we adopt the methodology
25 of a quality of life assessment, we have to be astute at

1 least to weigh in the balance all of those impacts.

2 A. Yes.

3 MR STINCHCOMBE: Right.

4 I wonder in the light of that if you could take out,
5 we will go through in a little while, proof of evidence
6 SSE 20A, and also your proof at paragraph 4.13. I will
7 make sure I have the right reference. Let us have 28
8 first, that is the proof of evidence of Maggie Sutton,
9 yes?

10 A. Yes.

11 MR STINCHCOMBE: Right. I will make sure I have the right
12 reference to your proof as well. I must have the wrong
13 reference. I have got the wrong reference. It is at
14 10.13. That is the reference to your proof that I need
15 you to have a look at. Do you have those two documents
16 to hand, your proof at page 51 and Miss Sutton's proof?

17 A. Yes, I do.

18 MR STINCHCOMBE: I am obliged. Look at your proof first.

19 It's in this section that I think you have explained to
20 the Inquiry, you endeavoured, looking at the community
21 responses and the erosion of community document, that
22 you sought to identify the principle components of
23 concern.

24 A. That's correct.

25 MR STINCHCOMBE: And the components you sought to identify:

1 property ownership of BAA, migrant workers, houses of
2 multiple occupation, school rolls and house prices.

3 A. Yes.

4 MR STINCHCOMBE: Right. If we compare that -- I make no
5 criticism by the way of you for this. Clearly you have
6 gone through the document with some care and sought to
7 identify what you considered to be the principal points.
8 But we can compare that to Miss Sutton's list at
9 paragraph 4.13, the summary list. We can see that there
10 are a few common concerns and a few additional ones.
11 Yes?

12 A. Yes.

13 MR STINCHCOMBE: So she includes amongst her summary of the
14 impacts on the community, the worst thing, noise
15 disturbance from an increased frequency of overflying,
16 that is the first one you have accepted is an impact on
17 quality of life?

18 A. Yes.

19 MR STINCHCOMBE: Light pollution, that would be an impact on
20 quality of life?

21 A. It could be.

22 MR STINCHCOMBE: Increasing numbers of cars?

23 A. It could be.

24 MR STINCHCOMBE: Blight from uncertainty relating to
25 expansion proposals?

1 A. Yes.

2 MR STINCHCOMBE: Breakdown of social fabric if there's an
3 influx of rental tenants that play no part in ongoing
4 life or the upkeep of the community?

5 A. Yes.

6 MR STINCHCOMBE: Some of these are going to be subsumed
7 obviously within your list. Increased evidence of
8 neglect on homes bought by BAA?

9 A. Yes.

10 MR STINCHCOMBE: The worry created by the mass of houses on
11 the market under the home owner support scheme?

12 A. Yes.

13 MR STINCHCOMBE: House price devaluation, can you look at?

14 A. Can I just be clear what precise question you are asking
15 me? Are you asking me whether this is what she says?

16 MR STINCHCOMBE: This is what she says, yes --

17 A. Yes, she does say that.

18 MR STINCHCOMBE: -- and that accords with paragraph 13.5 of
19 yours, you have recorded there house prices as well?

20 MR HUMPHRIES: Sir, I have a feeling that the cross-examiner
21 and the witness may be at cross purposes, from what
22 Mr Rhodes has just said. He thinks he is confirming
23 this is what she says. I have a feeling, I could be
24 wrong, Mr Stinchcombe thinks that he is being asked that
25 these are material planning considerations.

1 MR BOYLAND: That is a fair point. Mr Stinchcombe, do you
2 want to ...

3 MR STINCHCOMBE: Let's go through the stages. Firstly, this
4 is what she says, and to the extent that they are
5 additional to your list, they are not matters that you
6 have covered in your proof of evidence?

7 A. To the extent that they are additional to my list, by
8 definition, I have not covered them.

9 MR STINCHCOMBE: And yet there are certain matters which as
10 a matter of fact you too have covered. For example, we
11 have just looked at house price devaluation, and that is
12 in both your list and hers.

13 A. Yes.

14 MR STINCHCOMBE: I am obliged. And then the final one is
15 school numbers, that is also on both your lists.

16 A. Yes.

17 MR STINCHCOMBE: I am obliged. Sets the stage of the
18 analysis. It is right, is it not, that all of these
19 matters are matters which erode into community life?

20 A. They are certainly matters of concern, clearly of
21 concern to local residents.

22 MR STINCHCOMBE: Right. And we have recorded, have we not,
23 that at the heart of sustainability is quality of life?
24 All of these issues impact upon quality of life?

25 A. In the eyes of the residents, they do.

1 MR STINCHCOMBE: Of course, if those residents whose quality
2 of life is being impacted on --

3 A. Yes, from their perspective, although perhaps this is
4 the time to say in the sequence of questions that we
5 operate within a land use planning framework of trying
6 to identify land use planning issues and harms, and as
7 I have said in paragraph 10.7 of my evidence, it is not
8 open to the District Council or the prospective SSE to
9 use the quality of life heading to lower the threshold
10 which planning policy sets for the acceptability of
11 development.

12 So I have tried through my assessment of the
13 concerns that have been raised to find where the proper
14 planning objections are. And the fact that local
15 residents may be concerned about their house prices, for
16 instance, isn't something which I accept is a proper
17 planning objection.

18 MR STINCHCOMBE: We will come on to deal with that
19 particular issue in due course. But we do note, do we
20 not, so far as the materiality of these kinds of
21 concerns is an issue, that planning policy statement 1
22 tells us that sustainability is the core underpinning
23 planning, yes?

24 A. Yes.

25 MR STINCHCOMBE: That at the heart of sustainability is

1 quality of life, yes?

2 A. Yes.

3 MR STINCHCOMBE: And that there is a section in terms in

4 PPS 1 under the heading in bold and capitals, "Planning

5 for sustainable development on social cohesion".

6 A. Yes.

7 MR STINCHCOMBE: On which it must be the case, must it not,

8 as far as national planning policy is concerned, that

9 any impact upon quality of life and any impact upon

10 social cohesion is a material planning harm.

11 A. It is capable of being, but if for instance by extension

12 you want to suggest to me that house price devaluation

13 is a material planning consideration, then we part

14 company.

15 MR STINCHCOMBE: We come to that specific point in a few

16 minutes.

17 A. Or similar harms, but those which have a land use effect

18 can be assessed and can be material to a planning

19 decision.

20 MR STINCHCOMBE: Perhaps we can leave house prices for

21 a little while and come back to that in due course.

22 Rather than repeat the mantra and each question and

23 answer as we go briefly through the matters in this

24 proof, then you question whether they are material or

25 not, I wonder if we can just identify that if they are

1 material, and that will be a matter of submission as
2 well as evidence, if they are material, they will have
3 to be weighed on the planning balance scale on the side
4 of harm?

5 A. Everything that is material has to be weighed in that
6 way.

7 MR STINCHCOMBE: Turning back to your list, and looking
8 first at those which relate to properties in BAA's
9 ownership and/or in multiple occupation, I think we can
10 agree, can we not, that so far as planning is concerned,
11 the mere issue of ownership or occupation wouldn't be
12 material?

13 A. I'm happy to agree that.

14 MR STINCHCOMBE: But if as a consequence of ownership or
15 occupation there is a causal link between a development
16 and harm to the quality of life, then that would be
17 material?

18 A. I think I'm going to have to qualify each of my answers
19 with: if it translates into a land use planning event
20 that we can identify, and the other qualification I need
21 to make is if it relates at all to the appeal proposals.

22 MR STINCHCOMBE: Indeed, but I built in the second caveat
23 directly the question as I put, I hope, there would have
24 to be a causal connection between the proposal and the
25 effect?

1 A. Indeed.

2 MR STINCHCOMBE: But as far as the first caveat is
3 concerned, it is clear, is it not, that impact upon
4 quality of life, including social cohesion, must be a
5 land use impact because it says so in PPS1?

6 A. One needs to see how it is translated into a land use
7 effect for it to be of material consideration.

8 MR STINCHCOMBE: We will not take too much time going
9 through this. You have mentioned your caveat, so what
10 I seek to do is to understand the flavour of the
11 concerns about social cohesion and quality of life,
12 which are raised community by community in this
13 evidence, and just see if we can understand how it's
14 related to the use of Stansted, and how it has eroded
15 quality of life already, and how it's a worry for the
16 future.

17 As I say, I will not take you to all of the passages
18 of the proof, in the interests of time, but if you feel
19 I am selectively quoting then I'm sure either you or my
20 learned friend will take me up and ask me to take you to
21 different passages.

22 Let us just firstly look at Takeley, shall we? That
23 is section 5.4; paragraph 5.4.4, by way of example.

24 Page 7. Do you have that?

25 A. I do.

1 MR STINCHCOMBE: "Situation exacerbated by housing blight
2 caused by continual uncertainty over airport ...(Reading
3 to the words)... difficult to sell their houses at a
4 time and at a price that they have some control over.
5 Their houses are eventually sold under a very
6 restrictive ...(Reading to the words)... and it is
7 becoming noisy again."

8 All of those are impacts on quality of life?

9 A. All of those are matters of concern to local residents.
10 Perhaps the most significant thing to say about them is
11 they don't arise from these appeal proposals. They
12 arise from BAA's response to the invitation to it under
13 government policy to set up compensation schemes to
14 overcome concerns about generalised blight. They are
15 a direct consequence of national policy that those
16 schemes should be in place. They are not related to the
17 increased use of the runway, and insofar as they are
18 addressed to this appeal, they are misdirected. But it
19 is significant, I think, that neither in this list that
20 we looked at at the beginning of this proof or in the
21 erosion of the community report, the majority of the
22 concerns expressed relate to the impact of BAA property
23 ownership, which has nothing to do with these proposals.

24 MR STINCHCOMBE: Just I wonder if we can take that point
25 a little further. We have seen the definition of

1 "cumulative impacts", and it includes a consideration of
2 past impacts, doesn't it?

3 A. Your definition does. I have explained, my approach is
4 to consider the effect of past development as being part
5 of a baseline.

6 MR STINCHCOMBE: I see. And part of the past impacts
7 include this sense of social division as a direct
8 consequence of the aviation activities.

9 A. I'm afraid it is far too tenuous for me to accept.
10 These are either a expression of general public concern,
11 which, as you know, isn't a sufficient reason for
12 refusing planning consent unless it is based on
13 substantial planning grounds, or they are concerned
14 about a particular schemed which BAA has been asked to
15 introduce by the Air Transport White Paper. They don't
16 go away whether this appeal is allowed or dismissed.
17 They relate to the development of the second runway,
18 which isn't at an Inquiry today.

19 MR STINCHCOMBE: But it is part, it is part of the past
20 impact and existing situation upon which any additional
21 impact would be just addition --

22 A. I'm just not going to accept these points. It doesn't
23 relate to these proposals. It does I think help to
24 explain, I believe, why a large number of local
25 residents are upset generally in relation to the

1 airport, particularly because of the prospect of the
2 second runway. What this Inquiry has got to do is focus
3 on issues relating to this Inquiry.

4 MR STINCHCOMBE: And it's right, is it not, that the words
5 "divisive" within that paragraph are to be compared with
6 the objective of sustainable development, which is
7 social cohesion.

8 A. I am afraid these links are far too tenuous for me to
9 accept. Perhaps the only interesting comment to make
10 about this is that whilst the HOS scheme is generally
11 criticised in this report, the actual complaint being
12 taken is that it isn't big enough.

13 MR STINCHCOMBE: Because then it would not be so divisive,
14 would it?

15 A. That is the view being expressed by this local resident.

16 MR STINCHCOMBE: And it's right, isn't it, that it is in the
17 context of that impact that the concern is then made
18 that it is becoming noisy again, adding to and
19 exacerbating that sense of grievance?

20 A. I think you are putting two points together that don't
21 relate to each other.

22 MR STINCHCOMBE: Well, they are two points in the perception
23 of quality of life of Mr Martin Peachey at Takeley, so
24 he clearly puts them together in judging the impact on
25 the quality of his life of the airport; they are

1 accumulative, are they not?

2 A. They may be in his mind, but we are not here judging the
3 airport. We are here judging a specific proposal to
4 increase the use of the runway. We should be focusing
5 on impacts relating to that. If local residents are
6 particularly upset because of the HOS scheme or because
7 of the prospect of the second runway, that may explain
8 the level of objection to this development. But it
9 doesn't directly relate to this development.

10 MR STINCHCOMBE: I will not take you through the entirety of
11 this proof in respect of all of these matters. We can
12 do that in-chief in due course. But it is right to
13 record, is it not, that there are similar or identical
14 concerns in terms of quality of life, as a result of the
15 degradation to property, or vacancy of properties, or
16 the attitude of people in all the application houses to
17 the upkeep of these houses, identical concerns expressed
18 in nearly all of these communities? It is repeated
19 throughout this proof, isn't it?

20 A. Well, I was -- sorry, to help you, there are a wide
21 range of references from a number of communities to
22 those issues. I think it is interesting, when the
23 planning officers tried to analyse this community
24 concern and address it as a planning issue, that they
25 identified that it was particularly prevalent -- in fact

1 only prevalent within those areas which were affected by
2 the HOS and HVGS schemes. That was the paragraph we
3 heard that was in the September report that was dropped
4 in the November report, and this evidence bears that
5 out.

6 A large proportion of the text relates to concerns
7 about BAA ownership. There are a number of inaccuracies
8 in those concerns. For instance, there are no BAA
9 properties in multiple ownership, for instance, and
10 I have explained the approach of the management of the
11 BAA property estate within my evidence but, yes, you are
12 right, it is that issue which has given rise to -- which
13 has certainly sponsored an increase in widespread
14 community concern, which is very well expressed in this
15 proof of evidence but is substantially not directed to
16 these appeal proposals.

17 MR STINCHCOMBE: So, for example, we can see in Bamber's
18 Green, Smith's Green, paragraph 554:

19 "Very angry and sad about the effect, the community
20 of Bamber's Green has already gone. Nearly all the
21 houses have been bought by BAA in the home owner's
22 scheme ...(Reading to the words)... quite depressing.
23 There were people who had no intention of moving but
24 were compelled to do so as all the houses around them
25 were being sold."

1 A. Well, perhaps to make two points about that. One is
2 that the -- and the phrase is used regularly, that they
3 are being "bought up by BAA". They are being sold by
4 the owners of those houses willingly to BAA. There is
5 no compulsion to sell, but there is a scheme in place
6 which protects their value, in accordance with the Air
7 Transport White Paper, and a number of residents have
8 chosen to sell their properties.

9 The other thing to say about Bamber's Green, it was
10 as a result of the detailed work that has been done on
11 the second runway that the proposal is to draw the
12 second runway closer in to the airport than was
13 anticipated in the Air Transport White Paper, with the
14 effect that there is a reduced effect on Bamber's Green
15 and as a result a number of properties that were
16 purchased are now being sold back into the community by
17 BAA, and that explains the snapshot, as at today, that
18 there are a number of empty properties, because they are
19 being sold, which is something I would expect the
20 community to welcome.

21 MR STINCHCOMBE: Similar sentiments expressed in respect of
22 Cooper's End, paragraph 563:

23 "Once ...(Reading to the words)... looking shabby
24 and overgrown."

25 A. We can debate whether they are shabby and overgrown and

1 the quality of management, if you wish, but it would be
2 helpful to be directed to something which relates to the
3 appeal proposals.

4 MR STINCHCOMBE: Before I leave the point about shabby and
5 overgrown, if we can look at CD375 very briefly, which
6 I hope was on your list.

7 A. Sorry, that is a document that was on my list and I have
8 not got it out. I beg your pardon.

9 MR BOYLAND: Mr Stinchcombe, do you want to identify what
10 the document is?

11 MR STINCHCOMBE: Yes, I do apologise, sir. It is a letter
12 from the Society for the Protection of Ancient
13 Buildings. It should be dated 14th May 2007.

14 A. Sorry, my fault, I should have looked it out and
15 I should have read it before, but I haven't.

16 MR STINCHCOMBE: Well, when you do read it -- and I will not
17 ask you very many questions, it speaks for itself --
18 when you do read it you will see there are concerns
19 expressed here by the Society as to the importance
20 attached by BAA to certain of the historic buildings
21 that it owns. That speaks for itself and I dare say you
22 would say that it is not related to the proposal itself
23 and so if there is anything additional when you have
24 read the letter, then do say so. But I wanted to look
25 at it for a rather different reason.

1 A. Thank you. I may take that opportunity. I can see from
2 a quick scan of it that there are allegations in here
3 which I know those responsible for the properties estate
4 would strongly refute.

5 MR STINCHCOMBE: But one thing we can bear in mind is this,
6 can we not: that if and insofar as there are a number of
7 historic and listed buildings in this area, whether in
8 BAA's ownership or in private ownership, they are not
9 always going to be easy to insulate against noise, are
10 they?

11 A. That's probably true.

12 MR STINCHCOMBE: And that is a particular concern that has
13 to be weighed in the balance when we are contemplating
14 tens of thousands more overflights in an area so
15 characterised by historical and listed buildings.

16 A. That is a relevant consideration, yes.

17 MR STINCHCOMBE: Right. Likewise, if it is right that an
18 expansion of the airport in the past has led to an
19 influx of shift workers, or workers in multiple
20 occupation, then one can anticipate that an expansion of
21 these activities in the future might also have a similar
22 consequence?

23 A. Yes, I think that's right. An airport is likely to
24 attract airport workers, but that is the known and
25 deliberate consequence of airport expansion. We know,

1 as far back as 1985, when the Grosvenor Inquiry(?) was
2 held, and a decision made to grow the airport to 15
3 million passengers per annum, that the Secretary of
4 State took care specifically to instruct the county
5 councils and the district councils to make provision for
6 additional housing to meet the requirements of airport
7 workers. We have seen that translated into structure
8 plans and local plans, for instance for Uttlesford, so
9 that for instance the new housing development at Takeley
10 is significantly derived from that policy initiative
11 back in 1985, as has additional housing in
12 Bishop's Stortford, for instance, and it is not
13 therefore surprising that housing is occupied by people
14 who work at the airport.

15 MR STINCHCOMBE: And it is right, isn't it, that the
16 evidence shows there has been an increase in the number
17 of houses in multiple occupation?

18 A. There is not a great deal of evidence for that.

19 MR STINCHCOMBE: You accept it though, do you not?

20 A. I accept it, yes. I do not accept it as a land use
21 planning harm. Whether this was an airport or some
22 other generator of economic activity, as it is required
23 to be by regional planning policy, clearly it is going
24 to attract people who want and need to work there.
25 There may be shifts, there may be particular

1 characteristics to some of those people. I do not
2 accept that they necessarily differ widely from the
3 spectrum of people within the broad population. But
4 these are deliberate consequences of the expansion of
5 economic activity, and they are not to be derided or
6 caricatured. They are effectively encouraged by policy.
7 If we are going to expand economic activities, we need
8 to attract workers, and there needs to be a balance
9 between employment and housing. It is a consequence of
10 national policy, it has been a consistent consequence of
11 airport policy, and it is the requirement of regional
12 policy.

13 MR STINCHCOMBE: Not all of these houses in multiple
14 occupation are regulated, are they, or authorised?

15 A. Well, I shall not ask you a question, but if the
16 District Council wanted to make that a proper reason for
17 refusal, it could have tried to undertake some analysis
18 and produce some actual evidence, but we have some
19 anecdotal evidence that there may be some properties in
20 multiple occupation which are not authorised.

21 A consequence of that isn't to refuse the growth of
22 a strategic national piece of infrastructure. The
23 consequence of that is to look to planning powers which
24 exist within the remit of the District Council now.

25 MR STINCHCOMBE: Likewise, there has been an increase in the

1 number of bed and breakfasts?

2 A. Again, there is some anecdotal evidence of that, but it
3 isn't shocking or unacceptable. It is a matter that can
4 be controlled through planning, and it's a matter that
5 would be a phenomena for any major economic driver of
6 the economy. I suspect there are bed and breakfasts
7 around hospitals, bed and breakfasts around ports,
8 docks, major business parks. It isn't a reason for
9 refusing their expansion.

10 MR STINCHCOMBE: Including unauthorised bed and breakfasts?

11 A. Absolutely including unauthorised bed and breakfasts.
12 If there are some: (a) where is the evidence; (b) where
13 is the evidence of harm; (c) how does that translate
14 into a reason for refusal? I don't know the answer to
15 any of those questions.

16 MR STINCHCOMBE: It is right also that there is evidence of
17 an increased influx of shift workers?

18 A. Again, where have we got to in society if we are going
19 to criticise shift workers? It isn't a proper reason
20 for refusing planning consent.

21 MR STINCHCOMBE: But it is right, isn't it, when we look at
22 cumulative impact, that having an increased
23 concentration in small villages of houses in multiple
24 occupation, of unauthorised bed and breakfasts, of
25 people that are working in shift hours, it is right,

1 isn't it, that all of that can have an impact upon
2 quality of life and social cohesion?

3 A. It may disturb some people but it doesn't begin to add
4 up to a proper reason for refusing planning consent.

5 MR STINCHCOMBE: But it is an impact that would have to be
6 taken into account alongside all other cumulative
7 impacts in weighing the planning balance?

8 A. If there is some land use consequence of it, yes, and if
9 there is hard evidence of it producing real harm, but
10 there isn't.

11 MR STINCHCOMBE: I wonder if I can take you on in your list
12 to paragraph 10.13, to school rolls, and with that in
13 mind, take you to Ms Sutton 's proof at paragraph 555.
14 Do you have that there?

15 A. Yes, I do, yes.

16 MR STINCHCOMBE: You can see what the concern is:
17 "... until a couple of years ago had been
18 over-subscribed and has now lost 25 per cent of its roll
19 and if one of the teachers had not been leaving it would
20 have been necessary to make a number of staff redundant
21 ...(Reading to the words)... very few families with
22 children living in it. We know five of the houses which
23 have been bought and let by one person ... Not good
24 news."

25 Just pausing there, that is the kind of concern

1 which has some significance to quality of life, isn't
2 it; the sustainability of the future of the village
3 school?

4 A. It is, yes.

5 MR STINCHCOMBE: Yes, of course it is. I wonder if you
6 could have a look at CD379. I hope that was on your
7 list. It should have been.

8 MR BOYLAND: Can you just identify the document, please, for
9 the benefit of those following the discussion.

10 MR STINCHCOMBE: Yes, of course. It is entitled "Extract
11 from latest self-assessment report for OFSTED prepared
12 by the headmistress of Takeley Primary School".

13 Do you have that document in front of you?

14 A. Yes.

15 MR STINCHCOMBE: We see that the entreaty here is to outline
16 any specific contextual or other issues that act as aids
17 or barriers to raising performance, and this is for
18 OFSTED prepared by the head teacher of that school; yes?

19 A. Yes.

20 MR STINCHCOMBE: We can see:

21 "The school is situated in the centre of the village
22 of Takeley ...(Reading to the words)... with more moves
23 expected."

24 Then a comment in respect of the second runway:

25 "If that were to go ahead the school would be

1 significantly affected and its present location may not
2 be sustainable ...(Reading to the words)... best
3 provision for our children."

4 That is a concern that is directly related to the
5 airport and its consequences, isn't it?

6 A. Well, it is a concern, as expressed, that is directly
7 related to two things, I think, one is what is called
8 the householder buy out scheme and the other is the
9 prospect of the second runway, neither of which are
10 related directly to these appeal proposals. But the
11 other thing to say about the school in Takeley is
12 that -- and I took some trouble to look at the school
13 organisational plan for Essex -- falling school rolls is
14 a phenomena across the county, and certainly the fall
15 that has been recorded in the school at Takeley is no
16 different and less in many cases than the role in other
17 primary schools across the county. There is an airport
18 to blame here, and we see that the airport is blamed.
19 But the other thing which the airport has brought is
20 increased housing development in Takeley as a result of
21 which the school organisation plan forecasts that the
22 school will be at capacity by 2011.

23 MR STINCHCOMBE: And you see the heading "Barriers", halfway
24 down, the box.

25 A. Yes.

1 MR STINCHCOMBE: "Changing role due to airport buy-out
2 scheme, reduced budget resulting in staff reductions.
3 Confidence in the school's future: prospective parents
4 constantly ask, does the school have a future with the
5 airport expanding?"
6 Yes?
7 A. Yes.
8 MR STINCHCOMBE: This proposal seeks to expand the use of
9 the airport, doesn't it?
10 A. Not physically, no.
11 MR STINCHCOMBE: Well, it proposes to have tens of thousands
12 more flights.
13 A. It does, in a way which does not affect the future of
14 the school, save insofar as it may bring more people to
15 the area which may assist with school rolls. But the
16 school has a significant catchment, I have identified
17 that the BAA property ownership is 170 houses, 135 of
18 those are occupied, the majority of those which are
19 vacant are being sold back into the market. It is,
20 I suggest, relatively easy to exaggerate the impact of
21 the householder buy-out scheme, as it is called here,
22 and to see it as a reason for other things which are
23 happening in the local community.
24 MR STINCHCOMBE: But you would accept, would you not, in
25 terms of quality of life and social cohesiveness that an

1 impact on a village school where parents are constantly
2 asking whether it has a future, that is a very
3 significant concern indeed?

4 A. It is a very significant concern for the local
5 community. In a planning decision, we need to identify
6 what the effects of the development are on the school.
7 That has been set out in evidence. Again, if there is
8 a concern, it principally relates to the buy out scheme
9 and to the second runway, rather than to this proposal.

10 MR STINCHCOMBE: Let us come on to the final matter we
11 should deal with under this heading in 10.13 and that is
12 house prices. I think your principle point you made in
13 anticipation of this part of the cross-examination is
14 that impact on house price is not a material planning
15 consideration, is that right?

16 A. That is my view, yes.

17 MR STINCHCOMBE: The residential amenity and quality of life
18 are material planning considerations, are they not?

19 A. Yes.

20 MR STINCHCOMBE: And they are going to be reflected in the
21 price of residences, are they not?

22 A. No.

23 MR STINCHCOMBE: No? No?

24 A. Sorry, would you like to put the question to me again?

25 MR STINCHCOMBE: Residential amenity and quality of life are

1 going to be reflected in house prices, aren't they?

2 A. Sorry, they will be one of the considerations, but house
3 price is not to be taken as a barometer of residential
4 amenity. If there is a residential amenity, it needs to
5 be identified and assessed on its own merits.

6 MR STINCHCOMBE: At any rate, let us see what you say on
7 house prices in your proof. This is your
8 paragraph 10.38, isn't it?

9 A. Yes.

10 MR STINCHCOMBE: You tell us here that property prices have
11 been growing in Uttlesford at the same rate as the
12 region as a whole.

13 A. Broadly, yes.

14 MR STINCHCOMBE: For what period?

15 A. The period I have is 1996 to 2005.

16 MR STINCHCOMBE: What was the expectation of the local
17 community for the years 1996 to 2002 in respect of
18 Stansted Airport?

19 A. I don't know.

20 MR STINCHCOMBE: Was there any reason to believe up to 2002
21 that it might be significantly expanded?

22 A. I don't know what was in the mind of the community
23 there. I would anticipate that there was an expectation
24 that its activity may grow. There may not have been an
25 expectation that there would be a second runway.

1 MR STINCHCOMBE: I wonder if you could tell me where your
2 figures are sourced from. CD 341, I think, if we look
3 at paragraph 10.38. That's right, isn't it?
4 A. Yes.
5 MR STINCHCOMBE: And that is Tribal's housing market
6 overview, October 2006. Could you have a quick look at
7 CD 341 for me. Can you look at table 1.3.
8 A. Yes.
9 MR STINCHCOMBE: Is that the table that I need to look at
10 when I source your paragraph 10.38 or is it somewhere
11 else?
12 A. No, that appears to be the source of the two figures, in
13 the bullet point at the top of page 60.
14 MR STINCHCOMBE: So we turn to page 60 to see those two
15 figures. Uttlesford 12.2 per cent, the region
16 12.1 per cent. And we can see there, can we not, in the
17 third column, 1996 to 2005.
18 A. Yes.
19 MR STINCHCOMBE: What happened from the years 2000 to 2005?
20 A. The figures would be 9.8 per cent and 12.7 per cent.
21 MR STINCHCOMBE: So in the period of 2000 onwards, there was
22 a difference in the annual rate of growth of some
23 3 per cent?
24 A. Thereabouts, yes.
25 MR STINCHCOMBE: Every year for five years?

1 A. That's what it means, yes.

2 MR STINCHCOMBE: With Uttlesford performing then at least
3 15 per cent worse than the rest of the region?

4 A. On average, yes.

5 MR STINCHCOMBE: And that would correspond, would it not, to
6 the period when the local community was told that
7 expansion at Stansted was now proposed?

8 A. In the form of a second runway, yes.

9 MR STINCHCOMBE: Why didn't you include those second figures
10 in your proof?

11 A. I have sought to -- I looked at a longer period because
12 I thought that was more representative.

13 MR STINCHCOMBE: It is not more representative, is it, of
14 the impact of the airport?

15 A. More representative of the impact of the airport -- if
16 you are trying to isolate the impact of the Air
17 Transport White Paper then one would look at 2003 to
18 today. But I wasn't seeking to do that. The airport
19 obviously has probably a number of effects on the
20 housing market. It will have some positive effects on
21 the housing market and in the immediate vicinity of
22 the -- particularly the site of the second runway, it is
23 likely to have some negative effects, which are
24 protected by the blight schemes which are in place.

25 MR STINCHCOMBE: I mean, the simple point is this, is it

1 not: that the latest information, the period 2005 and
2 2006, that your consultants gave you, demonstrated
3 a difference in value between 15 and 20 per cent?
4 A. Compared to a regional average over that period, that is
5 correct. Of course, within that regional average there
6 will be a number of districts that have a greater rate
7 of growth and a number that have a lesser rate of
8 growth. Uttlesford, I know from other figures, remains
9 I think the third highest valued district in Essex.
10 MR STINCHCOMBE: Did you or your consultants seek to break
11 down the difference between the prices in Uttlesford to
12 any greater level of particularity than this particular
13 report?
14 A. Do you mean to a smaller area --
15 MR STINCHCOMBE: To a smaller area.
16 A. Within Uttlesford?
17 MR STINCHCOMBE: Yes.
18 A. No.
19 MR STINCHCOMBE: You see at letter C they have done that.
20 A. I haven't, to be honest, looked at that very carefully.
21 MR STINCHCOMBE: I wonder if just before the luncheon
22 adjournment you could have a quick look at proof of
23 evidence 11A, letter C. Do you have that to hand?
24 A. I do.
25 MR STINCHCOMBE: Mr MacDonald's proof on economic impacts

1 and --

2 MR BOYLAND: 11A, was it, sorry?

3 MR STINCHCOMBE: 11A, sir.

4 MR BOYLAND: Thank you.

5 MR STINCHCOMBE: You have seen this proof before, haven't

6 you?

7 A. I have seen the proof before, yes.

8 MR STINCHCOMBE: I will take you to 3.1.3. Page 2. Here we

9 see that it is broken down, the impact on market to the

10 southern part of Uttlesford correspondent to the area

11 surrounding the airport. Yes?

12 A. And other areas, yes.

13 MR STINCHCOMBE: And other areas. And he has looked at the

14 period from 2002 onwards. 2002 to 2006.

15 A. Yes.

16 MR STINCHCOMBE: And he tells us there that in that period,

17 detached homes, for example, which constituted

18 47 per cent of the housing stock, or did so in 2001,

19 have lost 17 per cent in value. Yes?

20 A. I don't think they have lost value, have they? They

21 have increased in value.

22 MR STINCHCOMBE: In comparison to the Essex counterparts.

23 A. If it was right to assume that Uttlesford and every part

24 of it, and every district of Essex, would grow at the

25 same rate as Essex as a whole.

1 MR STINCHCOMBE: And that is a reflection, is it not, of the
2 concern of local residents about their quality of life
3 and residential amenity around Uttlesford?

4 A. Well, this proof is. But whether the change in value
5 is, we don't know. There can be a number of reasons
6 why, as I say, one of the highest valued districts
7 within the county doesn't grow over a short period of
8 time at the same rate as other parts of the county.

9 MR STINCHCOMBE: You do not seriously suggest that it is
10 unrelated to the proposals for the expansion of Stansted
11 Airport?

12 A. Well, I think, to be as helpful as I can, I certainly do
13 not accept that it is not entirely directly related to
14 the issue that you are suggesting it is. There will be
15 a wide range of factors that affect house prices. And
16 insofar as it is, I would anticipate that it would
17 relate to the anticipated development of the second
18 runway rather than to the proposals before this Inquiry.

19 MR STINCHCOMBE: But in any event, there is a 17 per cent
20 difference in those house prices for the past four years
21 which your proof never assessed or mentioned.

22 A. That's correct.

23 MR STINCHCOMBE: I am obliged. Sir, is that a convenient
24 time to stop?

25 MR BOYLAND: Yes. Just to fix where we are in terms of the

1 overall cross-examination, is that quality of life
2 concluded or are you going to say more on that?

3 MR STINCHCOMBE: There will be a little bit more, a tiny bit
4 more on one aspect of quality of life. There will then
5 be a short bit on air quality, and we will then go on to
6 climate change and the economic case.

7 MR BOYLAND: And the White Paper?

8 MR STINCHCOMBE: And the White Paper.

9 MR BOYLAND: How long do you think for that remaining
10 cross-examination?

11 MR STINCHCOMBE: I would still expect to be finished some
12 time mid-afternoon. I cannot guarantee I will finish
13 before the mid-afternoon adjournment, but I would have
14 thought there will be some time for others to
15 cross-examine, a decent period of time after me today.

16 MR BOYLAND: Thank you. That is helpful. It is 1 o'clock,
17 we are now adjourned until 2 o'clock. Thank you.

18 (1.00 pm)

19 (The Luncheon Adjournment)

20 (2.00 pm)

21 MR PHILLIMORE: Good afternoon, everybody. As we start this
22 afternoon's session, I would remind everybody about
23 mobile phones and the attendance list, please.

24 Yes, Mr Stinchcombe?

25 MR STINCHCOMBE: Thank you very much. Sir, I wonder if I

1 could begin with a slight health warning. Firstly, I
2 don't know if this additional document list has come to
3 you but there are three additional documents that I will
4 be raising towards the end of this cross-examination,
5 but perhaps if we can note them now, and then when we
6 get there, hopefully we will have had time to find them.
7 They are CD120, 253 and 390. I suspect we will not get
8 to them until after the mid-afternoon break in any
9 event, so if they are noted now, they can perhaps best
10 be found at that occasion.

11 So the second part of this government health
12 warning, and I say this in particular seeing that SACC
13 are here en masse, although I am hopeful we will finish
14 in good time this afternoon, I have noted over lunch the
15 extent of cross-examination left on White Paper and
16 climate change and although I am sure we will finish
17 today, it is possible we will go beyond the time I gave
18 this morning. I will try and make the best progress as
19 I can.

20 Mr Rhodes, before we leave quality of life, it is
21 right, of course, that the health impacts of this
22 proposal should also be taken into account?

23 A. Yes, it is.

24 MR STINCHCOMBE: I think there was a health impact
25 assessment that was undertaken.

1 A. Yes, there was.

2 MR STINCHCOMBE: And you will have seen that that health
3 impact assessment has itself been assessed and
4 considered by Professor Jangu Banatvala on behalf of
5 SSE, have you not?

6 A. Yes, as well as by others on behalf of the District
7 Council.

8 MR STINCHCOMBE: I will not take very much time on this
9 issue with you at the Inquiry, but I wonder if you could
10 very briefly turn up the Professor's proof of evidence.
11 It is 19A. Do you have that proof to hand?

12 A. Sorry, what was the reference again?

13 MR STINCHCOMBE: It is 19A, I think.

14 A. Yes, I do.

15 MR STINCHCOMBE: We note at the outset, of course, his
16 qualifications and experience. He is a man of some
17 medical distinction.

18 A. Yes, he is.

19 MR STINCHCOMBE: And you have seen section 5 of his proof of
20 evidence.

21 A. I have, yes.

22 MR STINCHCOMBE: And his concerns as to the limited scope of
23 the health impact assessment?

24 A. Yes, I have seen that.

25 MR STINCHCOMBE: And he indicates the issues which he lists

1 as being excluded from that HIA: the proposal for
2 a second runway, the expansion associated with the M11
3 corridor, health service infrastructure planning,
4 implications for emergency plans, and then effects of
5 climate change on human health and health effects of
6 night flights.

7 Those matters were not included in the health impact
8 assessment, were they?

9 A. They were not. I'm sorry, the reason for my hesitation
10 relates to the night flights. But subject to that
11 point, I can confirm that they were not.

12 MR STINCHCOMBE: Right.

13 A. I can also confirm that the scope of the health impact
14 assessment was agreed with the Strategic Health
15 Authority.

16 MR STINCHCOMBE: I wonder if you could now look at his
17 summary proof, 19B.

18 A. I don't have that with me. Do I need it?

19 MR STINCHCOMBE: I apologise. Perhaps I didn't put it on
20 the list. If I can read you out a section, then
21 hopefully that will suffice. If it does cause any
22 difficulties, I am sure it can be put before you. It is
23 just his summary proof, I am looking at, very short. It
24 is paragraph 3.1.1 and 3.1.2, the inherent shortcomings
25 of the HIA. It says that --

1 MR HUMPHRIES: May I pass it?

2 MR STINCHCOMBE: Yes, of course. (Handed).

3 A. Thank you.

4 MR STINCHCOMBE: It says:

5 "ERM has relied upon input data from BAA. This is

6 unreliable as a basis for assessing health impacts

7 because BAA has understated the adverse impacts in

8 relation to noise, air quality, road traffic, whilst

9 overstating the benefits, for example employment."

10 Just pausing there, that is exactly the concern that

11 you articulated in the planning article which we looked

12 at as the first issue in cross-examination?

13 A. You mean that I expressed a concern that assessments

14 should not do that?

15 MR STINCHCOMBE: Exactly.

16 A. Yes.

17 MR STINCHCOMBE: I am obliged.

18 A. ERM, of course, do not agree with him.

19 MR STINCHCOMBE: No.

20 A. Neither do the District Council, or their consultants,

21 or the Strategic Health Authority.

22 MR STINCHCOMBE: Just one final matter before we leave

23 community impacts and quality of life. I think the way

24 in which you put your case on these kinds of impacts is

25 that there may be a whole host of understandable

1 concerns, but they are generalised concerns, and the
2 best solution is the Community Fund?

3 A. Yes.

4 MR STINCHCOMBE: Tell me, how does the Community Fund help
5 ameliorate the harm to quality of life caused by noise
6 disturbance?

7 A. By noise disturbance, it doesn't, but I and BAA have not
8 accepted the need for additional mitigation specifically
9 in relation to noise disturbance. The mitigation is
10 that proposed in the additional conditions and in the
11 existing regime of noise management. The Community Fund
12 does not directly address noise effects and isn't
13 intended to do so.

14 MR STINCHCOMBE: What about empty houses next door?

15 A. Well, empty houses next door arise for the reasons
16 I have explained at some length in my evidence. Those
17 that which are empty are either in the process of being
18 relet or sold back into the community. There isn't an
19 impact to ameliorate.

20 MR STINCHCOMBE: And it is right, is it not, that parish
21 councils cannot apply for anything from this fund?

22 A. Well, as far as BAA is concerned, parish councils could,
23 but BAA deliberately surrendered any control over the
24 operation of the Community Fund so that it could be run
25 by the community. It is the trustees of the Community

1 Fund who have decided the criteria for its distribution.

2 MR STINCHCOMBE: Could the Community Fund address the issues
3 that Ms Sutton puts in her proof of evidence?

4 A. It depends which ones you mean.

5 MR STINCHCOMBE: We have looked at the homes; what about the
6 houses in multiple occupation? Would it address that?

7 A. You do not need a community fund to address houses in
8 multiple occupation. You need a planning department of
9 the district council.

10 MR STINCHCOMBE: I see. Can we turn to air quality, very
11 quickly. You can rest assured that once again I do not
12 seek to ask you any technical questions in respect of
13 air quality. We had quite enough of that last week,
14 some might think, nor do I want to put matters of law to
15 you. Those will be for submission.

16 I just want to put a few matters on the planning
17 principle in respect of air quality and see whether it
18 is within your area of expertise to be able to agree
19 them.

20 Firstly, it is right, is it not, that any
21 deterioration in air quality as a result of this
22 proposal should be weighed in the planning balance as
23 a planning harm?

24 A. Yes, although -- I agree, but the scale of that can be
25 measured by reference to policy in relation to air

1 quality.

2 MR STINCHCOMBE: Secondly, it is also right, isn't it, that
3 if there will result an exceedence of any mandatory
4 standard then that is prima facie, at least, a material
5 harm of some considerable importance to take into
6 account?

7 A. It might be as a generality. What is important is to
8 look at the specifics here.

9 MR STINCHCOMBE: Thirdly, when we look at the specifics
10 here, we should specifically have in mind that in the
11 vicinity of this airport, there is an SSI which is an
12 ancient hunting forest, the one at Hatfield?

13 A. Yes, proper consideration has been given to that.

14 MR STINCHCOMBE: And it's right, is it not, that the White
15 Paper on aviation made it clear that targets in respect
16 of air quality should be adhered to?

17 A. Would you give me a reference?

18 MR STINCHCOMBE: Of course. Let's have a look at that White
19 Paper. We will need it to hand when we come to the next
20 section of cross-examination anyway. It is CD87, isn't
21 it?

22 I wonder if we can look at first of all
23 paragraph 3.7.

24 3.3.7:

25 "We are going to have a wide-ranging and balanced

1 approach needed to deliver these objectives ..."

2 Concern about the withdrawal of the dirtiest

3 aircraft; do you see that, three bullet points down?

4 A. Yes.

5 MR STINCHCOMBE: "Using economic incentives to encourage

6 noise and emissions reductions and the best available

7 technology ... working to develop and introduce cleaner

8 and quieter technology."

9 Do you see all those matters?

10 A. Yes.

11 MR STINCHCOMBE: Then we see at the top of page 31, at the

12 foot of paragraph 37:

13 "These measures will be applied with full regard to

14 the safety, international obligations, technical

15 feasibility and economic reasonableness including

16 international equity."

17 It is clear that it will work towards the meeting of

18 international obligations?

19 A. Yes.

20 MR STINCHCOMBE: And that would be including in respect of

21 air quality, wouldn't it?

22 A. In broad terms, yes. As you know, there are specific

23 policies set out in relation to air quality in the Air

24 Transport White Paper.

25 MR STINCHCOMBE: Yes. Let us turn on to some of those.

1 Paragraph 3.29. under the heading "Local air quality",
2 there are mandatory EU limits for levels of these
3 pollutants, and we are looking at nitrogen dioxide
4 pollutants and others:

5 "The levels of these pollutants in the air
6 ...(Reading to the words)... in respect of the sort of
7 emissions, these limits come into effect in 2005. We
8 are committed to meeting these standards."

9 A. Yes.

10 MR STINCHCOMBE: "It is clear that major new airport
11 development could not proceed if there was evidence that
12 was likely to result in breaches of air quality limits."

13 A. Yes.

14 MR STINCHCOMBE: If we turn on to paragraph 11.34:

15 "I don't expect that any additional runway would
16 result in exceedence of the EU limits. The consultation
17 document suggested that in 2.15 with the addition of one
18 new runway about 20 people might be affected by levels
19 of NO2 above EU limits. Subsequent work or modelling of
20 NO2 concentration suggested on the basis of a realistic
21 range of mitigation measures to address airport-related
22 emissions it should be possible to manage local air
23 quality impact such that no exceedence would occur. The
24 nox concentration limit for the protection of vegetation
25 is not considered to be applicable around and about

1 Stansted and bringing forward this proposal the airport
2 operator must incorporate mitigation measures."

3 That is the specific reference that reliance has
4 been placed on in respect of Stansted; yes?

5 A. Probably, yes.

6 MR STINCHCOMBE: Just pausing there --

7 A. I don't know, actually, whether that is generic or
8 specific.

9 MR STINCHCOMBE: Would it be better for me to ask these
10 questions of a different witness?

11 A. It depends what the questions are.

12 MR STINCHCOMBE: Just see whether we can agree thus far.

13 This gives an expectation, at the time of the White
14 Paper; if that expectation was proved to be inaccurate
15 by subsequent information, that is obviously a material
16 change in circumstance and would have to be taken into
17 account?

18 A. Correct.

19 MR STINCHCOMBE: Indeed, if it was demonstrated that any
20 particular proposal, whether at Stansted or elsewhere,
21 did exceed these mandatory thresholds, that would
22 clearly be a cause of some great concern?

23 A. It would be a matter to be taken into account.

24 MR STINCHCOMBE: I will leave air quality. We come on to
25 climate change, which you deal with I think in

1 section 14 of your proof, don't you?

2 A. I do.

3 MR STINCHCOMBE: I need not repeat all of the old questions
4 about the statutory objective to promote sustainable
5 development. It is right, is it not, that inherent to
6 sustainability is addressing the challenge of climate
7 change?

8 A. Yes, as well as addressing the challenge of economic
9 prospect.

10 MR STINCHCOMBE: Of course. I wonder if we can see what the
11 Government has said on sustainability and climate change
12 in the years that postdate the aviation White Paper,
13 that was published in December 2003.

14 MR PHILLIMORE: Sorry, Mr Stinchcombe, to interrupt, but we
15 are going to adjourn the Inquiry just for a few minutes,
16 just five minutes. It is 2.20 pm. We will adjourn
17 until 2.25 pm.

18 (2.20 pm)

(A short break)

20 (2.25 pm).

21 MR BOYLAND: I do apologise.

22 MR PHILLIMORE: We are ready to continue, Mr Stinchcombe.

23 MR STINCHCOMBE: Thank you. Mr Rhodes, I was about to put
24 to you some Government statements on sustainability and
25 on climate change in particular, so far as they postdate

1 the publication of the White Paper in December 2003.

2 I think you agreed earlier that we should read that
3 statement of Government policy, the White Paper, subject
4 to and in the light of any later statements including on
5 sustainability.

6 A. I think I might have said "together with".

7 MR STINCHCOMBE: Together with. I wonder if we could start
8 with a document that we have already looked at quickly,
9 and that is PPS1, which is CD92, paragraph 13, which I
10 don't think is a paragraph I have put to you thus far,
11 "Key principles"; yes?

12 A. Yes.

13 MR STINCHCOMBE: "The following key principles should be
14 applied to ensure that development plans and decisions
15 taken on planning applications contribute to the
16 delivery of sustainable development."

17 Yes?

18 A. Yes.

19 MR STINCHCOMBE: Then we can see (ii):

20 "Regional planning bodies and local planning
21 authorities should ensure that the development plans
22 contribute to global sustainability by addressing the
23 causes and potential impacts of climate change."

24 That's right, isn't it?

25 A. Yes.

1 MR STINCHCOMBE: And it's right, isn't it, that because this
2 broad advice applies not just to the promulgation of
3 development plans but also decisions on planning
4 applications, that we also have to bear in mind on
5 planning applications any impact on the causes, or
6 potential impacts of climate change as a result of that
7 proposal?

8 A. In broad terms.

9 MR STINCHCOMBE: In broad terms. I think you would agree,
10 for example, it would clearly be material for a planning
11 application for a wind farm that it might have
12 a positive benefit in terms of global warming.

13 A. Yes.

14 MR STINCHCOMBE: And likewise it must always be material if
15 a development doesn't contribute to reducing emissions
16 but actually contributes to adding to emissions.

17 A. Yes, it is a relevant consideration.

18 MR STINCHCOMBE: A relevant consideration. I don't seek to
19 go higher than that.

20 Now, we saw the references to the causes of global
21 warming in PPS1, and I wonder in the light of that
22 reference, if you could have to hand Mr Levett's proof
23 of evidence, which is SSE21A, which I hope is on the
24 list.

25 If you could open that at page 3 and section 4?

1 Before we look at the particular paragraphs, it is
2 right, isn't it, so far as causes of global warming are
3 concerned, that it is accepted by virtually all
4 scientists expert in the issue that global warming is
5 a direct consequence of human activity?

6 A. Yes.

7 MR STINCHCOMBE: Right. With section 4 in mind, we can
8 remind ourselves that it is right in particular that the
9 Intergovernmental Panel on Climate Change, that UN
10 Agency, is accepted as being the world's most
11 authoritative source of science expertise on climate
12 change; that's right, isn't it?

13 A. It probably is.

14 MR STINCHCOMBE: Yes. And that has expressed itself, if you
15 look at the quotations included at paragraph 4.2, as
16 having a very high confidence that it is human
17 activities causing global warming.

18 A. Yes, it is no part of my case to disagree with you.

19 MR STINCHCOMBE: Right. We can see as we read on in this
20 section of Mr Levett's proof, and I am sure you will
21 agree with this as well, that it is believed by that
22 panel that global warming is very likely to be due to
23 greenhouse gas emissions.

24 A. Yes.

25 MR STINCHCOMBE: Including, of course, carbon emissions.

1 A. Yes.

2 MR STINCHCOMBE: And in paragraph 5.2 of Mr Levett's proof
3 we can see the concern, post the Stern Review, that
4 there is a risk of grave and potentially catastrophic
5 consequences if increases in global temperature continue
6 to rise.

7 A. If they continue to rise, yes. I know that you will
8 know from the speech that I submitted in
9 evidence-in-chief that the Government isn't particularly
10 keen on that type of alarmist language, but it certainly
11 is, as the Government have said, one of the most if not
12 the most significant issues facing the world.

13 MR STINCHCOMBE: And as one of the most significant issues
14 facing the world, it is clearly a very, very key concern
15 to make sure that policy addresses it?

16 A. Yes.

17 MR STINCHCOMBE: For which reason, in December 2006,
18 Government published its draft planning climate change
19 supplement to PPS1, didn't it?

20 A. Yes.

21 MR STINCHCOMBE: Before we come on to that, let's have
22 a look at what the consequences are. You will remember
23 that PPS1 said we had to look at the causes and the
24 consequences just to have an understanding of why it's
25 a key challenge.

1 So with that in mind, I wonder if we can go back to
2 Mr Levett's proof of evidence, section 4.2. We see in
3 section 4.2 that the continued gas emissions continue to
4 cause global warming, then at 4.3:

5 "In sum, the climate is definitely warming. It is
6 very likely that human releases have caused most of the
7 warming ...(Reading to the words)... more warming is now
8 inevitable."

9 That is the beginning of the cause for the impact
10 concerns; that's right, isn't it?

11 A. Yes, I am certainly not going to disagree with the IPCC.

12 MR HUMPHRIES: Sir, I think the science of global warming is
13 common ground. We are not arguing with that. The only
14 issue on this really is whether those things are
15 a proper reason for a refusal of planning permission for
16 this development. That is a slightly different point
17 from UBC(?), which is on prematurity, that is a slightly
18 different point. But certainly I don't think there is
19 any need to go through large amounts of IPCC data.

20 MR STINCHCOMBE: That's helpful, and I will be sure not to.

21 It is the concern as to those impacts and their
22 costs that led to the Stern Review?

23 A. Certainly the Government was keen to understand the
24 economics as well as the science of climate change.

25 MR STINCHCOMBE: Of course. And the Stern Review, that is

1 core document 157, yes, which I think is on our list?

2 A. Yes.

3 MR STINCHCOMBE: If you turn to page 342, box 15.6, we can
4 see that aviation CO2 emissions have an impact on
5 climate change.

6 Are you there, sir?

7 MR PHILLIMORE: We have it at page 389.

8 MR STINCHCOMBE: Obviously the page references are different
9 depending on where the document was sourced.

10 Box 15.6, the impact of aviation on climate change?

11 A. Yes.

12 MR STINCHCOMBE: We can see that, second sentence:
13 "The impact of aviation on climate change is greater
14 than the figures suggest, those figures being 1.6 per
15 cent of global GHG emissions. It is greater for two
16 reasons: firstly, because of other gasses released by
17 aircraft and their effects, secondly, at high altitude."
18 Yes?

19 A. Yes, as I have said, none of this is disputed.

20 MR STINCHCOMBE: I am obliged. That is helpful. And that's
21 why, is it not, the environment statement actually
22 calculated the CO2 emissions of your proposal?

23 A. It didn't.

24 MR STINCHCOMBE: I think it did: CD10, the environment
25 statement, volume 7.

1 A. I am sorry?

2 MR STINCHCOMBE: I think it is ES, volume 7, CD10, that it
3 did consider the CO2 emissions, and we have thereafter
4 have a calculation of it in terms in Mr Pratt's proof,
5 don't we?

6 A. Mr Pratt's proof, yes, we do.

7 MR STINCHCOMBE: Let's go to Mr Pratt's proof, if that is
8 the best place. That is BAA/4A, table 5.3; 4C, table
9 53, if you look at the appendices.

10 A. 4A or 4C?

11 MR STINCHCOMBE: Go to 4C, I think you will find it easier.

12 MR PHILLIMORE: This is appendices 4C, table ...

13 MR STINCHCOMBE: Table 5.3.

14 MR PHILLIMORE: Do you have a page number for that?

15 MR STINCHCOMBE: Yes. I think it's page 7 of the
16 appendices. Are we there?

17 A. I have it, yes.

18 MR STINCHCOMBE: So BAA's witness has calculated the total
19 CO2 emissions at 35 MPPA, hasn't he?

20 A. Yes.

21 MR STINCHCOMBE: An excess of 4 million tonnes of carbon
22 a year?

23 A. Yes, although -- carbon dioxide. You will know that the
24 calculation also shows the differential between 25 and
25 35.

1 MR STINCHCOMBE: The differential is at the bottom of column
2 4; over 1 million tonnes.

3 A. Yes.

4 MR STINCHCOMBE: Right, and that was calculated because it
5 is clearly a relevant consideration to take into
6 account.

7 A. Yes, I think that's right. It was principally
8 calculated, and this is I believe the first time that
9 the information was given as opposed to the
10 environmental statement, because there had been
11 different figures put forward in representations on the
12 application and in pre-Inquiry statements from, for
13 instance, SSE, and Mr Pratt was keen to say: well, there
14 is a way of calculating these things, and this is it.

15 MR STINCHCOMBE: And I think the calculation yielded
16 a higher figure than the SSE figures, didn't it?

17 A. Indeed.

18 MR PHILLIMORE: Mr Stinchcombe, you put your original
19 question in the context of the ES, which was not
20 pursued. The answer to the question was that it wasn't
21 covered in the ES, and you then returned to the proof.

22 MR STINCHCOMBE: Sir, I think that's right, the carbon
23 dioxide was considered in the ES but the calculation is
24 contained within table 5.3 of the appendices.

25 MR PHILLIMORE: Thank you.

1 MR STINCHCOMBE: Thank you, sir, for that. Thank you also,
2 Mr Rhodes, for helping out.

3 So we can know, can we not, that as a result of
4 planning permission being granted for this proposal, an
5 additional 1 million tonnes of carbon dioxide would be
6 emitted every year?

7 A. Again, I only hesitate because, yes, that is correct in
8 relation to the operation of the airfield. As you know,
9 the Government's intention is that aviation is included
10 in an emissions trading scheme, the consequence of which
11 is that aviation will buy credits, with the consequence
12 that carbon emissions elsewhere, carbon reductions
13 elsewhere would be facilitated. So there is a net and
14 a gross element to your question. In gross terms, that
15 is correct.

16 MR STINCHCOMBE: Of course. I will come on to the trading
17 scheme in just a little while. But before I do so,
18 whilst we have got the Stern Report in front of us, if
19 we can go back to page -- I think it's 55.

20 MR PHILLIMORE: Our page numbers are different.

21 MR STINCHCOMBE: It is part 2, sir, under the heading
22 "Impacts of climate change on growth and development".
23 I don't seek to take any significant time in respect of
24 this in light of the confirmation from my learned friend
25 and also from Mr Rhodes that the science isn't in issue,

1 but we can see here, remembering again the requirement
2 to look at both causes and impacts, clearly an
3 additional 1 million tonnes of carbon will add to the
4 causes of global warming?

5 A. If it was unmitigated it would, although, as you know,
6 by itself it is a very small figure.

7 MR STINCHCOMBE: And it is right when we look at the impacts
8 of global warming, which are highlighted for example in
9 the box, key box under heading 3 by Mr Stern -- how
10 climate change will affect people around the world --
11 that it is a moral as well as an economic imperative
12 that we do something to address climate change, isn't
13 it?

14 A. Yes.

15 MR STINCHCOMBE: Because otherwise, hundreds of thousands,
16 if not millions of people are going to suffer?

17 A. Yes. As I say, in relation to the science and the
18 principle, there is nothing between us.

19 MR STINCHCOMBE: Right, and it is in the light of that kind
20 of information and understanding, about which we are all
21 agreed, that even before the Stern Review,
22 Sir David King, the Chief Scientific Adviser, reported
23 that the threat reported by climate change was far more
24 serious than terrorism.

25 A. Yes, I have seen that.

1 MR STINCHCOMBE: And, as you have indicated, the Prime
2 Minister has repeatedly said that the challenge of
3 climate change is the world's greatest challenge.

4 A. Yes, as I have said to you and in my evidence, this is
5 a matter upon which the Government is -- of which the
6 Government is keenly aware and fully appraised.

7 MR STINCHCOMBE: And is developing its planning and other
8 policies accordingly.

9 A. Yes.

10 MR STINCHCOMBE: So let us just identify what Government
11 policy is in respect of climate change and how it has
12 evolved. I wonder if we could look at CD93.

13 MR PHILLIMORE: Is that the PPS supplement?

14 MR STINCHCOMBE: It's the PPS supplement: consultation
15 draft, planning policy statement, planning and climate
16 change, supplement to PPS1.

17 MR PHILLIMORE: I think if you read out what is the relevant
18 section, and we will note it down. Thank you.

19 MR STINCHCOMBE: I am obliged. I'm taking it as quickly as
20 we reasonably can but understanding that you do need to
21 make a note to at least identify the passages.

22 Paragraph 1.3. First, just to remind ourselves,
23 this is in the introduction, part 1, "Climate change
24 real, happening now", and:
25 "The Stern Review in assembling an overwhelming body

1 of evidence made it clear that human activities are
2 changing the world's climate and as these changes deepen
3 and intensify there will be profound and rising costs
4 for global and national prosperity, people's health and
5 the environment."

6 A. Yes.

7 MR STINCHCOMBE: So we are concerned with prosperity, health
8 and the environment; is that right?

9 A. Yes.

10 MR STINCHCOMBE: Let's go to part 2, then, of this document.

11 This is the proposed planning policy statement on
12 planning and climate change, and we can note at the
13 outset, the second paragraph on part 2, it
14 supplements -- when it comes into force -- will
15 supplement PPS1 by setting out how planning should
16 contribute to reducing emissions?

17 A. Yes.

18 MR STINCHCOMBE: So the target is to reduce emissions, not
19 increase them? That's right, isn't it?

20 A. As a national objective, that's correct.

21 MR STINCHCOMBE: And at the end of that paragraph:

22 "Where there is any difference in emphasis on
23 climate change between policies in this PPS and others
24 in the national series this is intentional and this PPS
25 takes precedence."

1 So it is intended to be the authoritative guidance.

2 A. Yes.

3 MR STINCHCOMBE: It is a consultation draft and obviously
4 has less weight for that, but nonetheless it's quite
5 clear that it's intended to be, when it is authorised
6 and approved, the authoritative planning policy
7 statement on climate change.

8 A. Yes. It makes sense for the Government to have its
9 policy consolidated in one document.

10 MR STINCHCOMBE: Of course. Look at the bottom of the next
11 paragraph on this page.

12 "This guidance may also be material to decisions on
13 individual planning applications."

14 A. Yes.

15 MR STINCHCOMBE: So it's quite clear, and I think you have
16 agreed it in any event, that when we are contemplating
17 a planning application, and it will produce an
18 additional 1 million tonnes of carbon every year, that
19 this PPS would be material to it.

20 A. It would be a material consideration, yes.

21 MR STINCHCOMBE: Then we can move on to what it says is its
22 substance: "Climate change in planning". The quotation
23 at the top of the page from the Prime Minister:

24 "Climate change represents a potentially
25 catastrophic effect but it is within our control to

1 address it and address it we must."

2 That's right, is it not? And address it, inter
3 alia, in the determination of planning applications.?"

4 A. Yes.

5 MR STINCHCOMBE: And we see paragraph 2, not only that it is
6 the greatest long-term challenge but addressing it is
7 the Government's principal concern for sustainable
8 development?

9 That's right?

10 A. That's what it says.

11 MR STINCHCOMBE: And we know that sustainable development
12 underpins good planning.

13 A. Yes.

14 MR STINCHCOMBE: The core of it. Right. It is in
15 consequence of that, is it not, that Government has set
16 targets, not to increase, still less even limit the
17 increase of emissions, but actually to reduce emissions?

18 A. As a national objective across the economy, that is
19 correct.

20 MR STINCHCOMBE: Bear with me a second. Right, I wonder if
21 we could move on, forward at this stage, to CD191,
22 I hope that is on your list, "Securing the future". If
23 not, I apologise. I may have missed it. I do apologise
24 if I have. CD191.

25 MR PHILLIMORE: Again, do you have a title for that one,

1 please?

2 MR STINCHCOMBE: I do apologise. "Securing the future:
3 delivering UK sustainable development strategy",
4 dated March 2005.

5 MR PHILLIMORE: Our CD191 is a different document.

6 MR STINCHCOMBE: That's not helpful, is it? Bear with us
7 a second, I will see if we can ... it may be CD91. Try
8 that. That would seem more plausible in the sequence of
9 CD documents we have been looking at. That probably was
10 on my list, I suspect. Do we all have it? Page 147.

11 Do you see number 3, "Objective of the Department of
12 Transport: reducing aviation emissions"?

13 A. Yes.

14 MR STINCHCOMBE: "Pushing at EU and international level to
15 the inclusion of aviation emissions in emissions trading
16 schemes."

17 Yes?

18 A. Yes.

19 MR STINCHCOMBE: Just pausing there, that's the emissions
20 trading policy to which you have been referring in
21 anticipation of some of the questions I'm going to put
22 to you.

23 A. It is, yes.

24 MR STINCHCOMBE: That's the policy. And the objective of
25 that policy isn't inclusion of aviation emissions in

1 this trading scheme for the sake of it; the objective is
2 to reduce aviation emissions, isn't it?

3 A. Over time, yes.

4 MR STINCHCOMBE: And adding 1 million tonnes a year isn't
5 reducing aviation emissions, is it?

6 A. No, by itself it is not.

7 MR STINCHCOMBE: And we know, if we come back to aviation
8 emissions and the trading scheme in a short while,
9 before we do so, we can just complete the picture that
10 it is with a view to reducing emissions that the
11 Government has published its flagship bill, the Climate
12 Change Bill.

13 A. The Climate Change Bill addresses itself to a wide range
14 of things.

15 MR STINCHCOMBE: Yes, and including the mechanisms by which
16 it is anticipated to reduce emissions to its target
17 levels.

18 A. Yes.

19 MR STINCHCOMBE: Right.

20 A. Across the economy as a whole.

21 MR STINCHCOMBE: And they are significant emissions
22 reductions that the Government propose? They are
23 significant, the emissions reductions that the
24 Government propose?

25 A. Yes, a 60 per cent reduction against current levels by

1 2050.

2 MR STINCHCOMBE: So 60 per cent by 2050.

3 A. Yes.

4 MR STINCHCOMBE: As a matter of priority, the principal

5 objective of the Government to avoid catastrophe?

6 A. Yes. Well, sorry, to avoid catastrophe -- I don't know

7 if the Government has put it in that way, but it is

8 a clear and consistently stated Government objective to

9 reduce carbon emissions across the economy by

10 60 per cent by 2050. The words "to avoid catastrophe"

11 are yours.

12 MR STINCHCOMBE: Well, not just mine.

13 A. We have seen "catastrophe" in other senses, yes.

14 MR STINCHCOMBE: Indeed.

15 A. But it is not the way it is expressed in the Climate

16 Change Bill. But I don't want to argue with you about

17 the importance of it, I entirely accept the thrust of

18 what you are saying to me, or the science of it.

19 MR STINCHCOMBE: Of course. Addressed it must be because it

20 represents a potentially catastrophic threat, are the

21 Prime Minister's words.

22 A. If uncontrolled and unmitigated, yes.

23 MR STINCHCOMBE: Right. Now, in the light of that, let's

24 see if I can ask you a few questions about what

25 I understand to be two reasons which you give for not

1 taking that million extra tonnes of carbon every year
2 into account in this planning application.

3 If I've got it wrong, if you state it lower than
4 that or differently than that, then please correct me,
5 but, as I understand it, you say there are two reasons
6 that you should not be concerned about that extra
7 million tonnes. The first is the incremental effects
8 even of that on global temperatures would not be likely
9 to be significant or measurable; is that right?

10 A. That is right. That is common ground with the District
11 Council and that is the reason, for instance, why,
12 again, on common ground with the District Council, it is
13 not included in the environmental assessment. In itself
14 it is not likely to have a significant environmental
15 effect.

16 MR STINCHCOMBE: Right. But it's going to contribute to
17 that effect, isn't it?

18 A. Lots of developments contribute to that effect.

19 MR STINCHCOMBE: And this is going to contribute a million
20 tonnes a year?

21 A. Yes, but therein lies, with respect, your difficulty,
22 because if it was 800,000 tonnes or 1.2 million tonnes,
23 would it make any difference to the argument? I don't
24 think so. It isn't something which is susceptible to
25 being dealt with or weighed easily in an individual

1 planning application. Neither is it something which in
2 itself has a significant environmental effect, which is
3 why it is dealt through with through other policy
4 approaches.

5 MR STINCHCOMBE: I will come on to those other policy
6 approaches in just a short while. That is the trading
7 of carbon, isn't it? That is the other policy approach?

8 A. Yes, the Government has a comprehensive approach to
9 aviation and climate change.

10 MR STINCHCOMBE: Before I do so, just so I can be clear: you
11 have accepted that it's material to our investigations
12 today that the proposal would add a million tonnes of
13 carbon every year. Do you suggest the Inspectors should
14 nonetheless ignore it?

15 A. I'm not saying the Inspectors should ignore it, but
16 I find it difficult, I think decision-makers would find
17 it difficult to know how to weigh that figure in
18 isolation against an economic objective or benefit or
19 against an air quality impact or other more easily
20 understood planning considerations, which is why -- and
21 we also know, of course, that it is a function of
22 policy. This development is directly encouraged in
23 up-to-date national policy, yes, that it should take
24 place --

25 MR STINCHCOMBE: And -- I do apologise.

1 A. -- as a matter of urgency, as a first priority, as soon
2 as possible, to make full use of the runway at Stansted.

3 MR STINCHCOMBE: For economic reasons as outlined in the
4 White Paper.

5 A. For a number of national policy reasons, yes.

6 MR STINCHCOMBE: Just pausing there --

7 A. Therefore, this is a direct consequence of that, and the
8 consequences of carbon emissions from aviation are
9 something to which the Government has given very
10 detailed consideration and has developed a policy
11 approach to that, which is explained in the Air
12 Transport White Paper and in the progress report, which
13 is why discussion about the quantification of the
14 precise amount, particularly when one realises that it
15 by itself cannot be calculated to have a significant
16 environmental effect, makes it very difficult to treat
17 it in the way of other planning considerations.

18 I certainly don't suggest it is immaterial, but I do
19 suggest that it is addressed in other ways.

20 MR STINCHCOMBE: Right. Just pausing there, it's right,
21 isn't it -- and I suspect this follows from your
22 reliance on the White Paper in any event -- it is right
23 isn't it that you would not contemplate granting
24 planning permission for a proposal that caused a million
25 tonnes of carbon emissions every year unless there was

1 an economic need or a significant economic benefit that
2 outweighed that and other harms?

3 A. Or clear policy support for it. It isn't right to think
4 that every development must itself reduce carbon
5 emissions, because by definition, that's not going to
6 happen in the majority of developments. New residential
7 development in Takeley as compared to the green field
8 that it occupies at the moment is going to generate
9 carbon. So we have to be realistic about the
10 expectation and about the way in which policy is meant
11 to apply. But there are a range of initiatives across
12 planning, and across other Government policy, to address
13 climate change and it is appropriate that we look at
14 conditions relating to aviation in relation to this
15 application, because that is the way the Government has
16 told us it wants these issues to be addressed.

17 MR STINCHCOMBE: I just wonder if we can agree this far, and
18 I think I am fairly summarising what you said, but if
19 I have it wrong, then do correct me: that you would not
20 contemplate granting planning permission for something
21 causing a million tonnes of carbon every year unless
22 either it was supported by policy or there was evidence
23 of sufficient economic benefit or need?

24 A. Other benefits, yes.

25 MR STINCHCOMBE: I am obliged, that's helpful. And, of

1 course, in weighing that balance we would have to take
2 into account the importance of not just addressing
3 climate change, but being seen to address climate change
4 with the knock-on implications for other decisions
5 elsewhere.

6 A. No. We are not here concerned with being seen to do
7 something. We are here to address the real issues of
8 this case. This isn't tokenism or sloganism, it is
9 proper planning that is dealing with proper policies and
10 important development.

11 MR STINCHCOMBE: So let us have a look at the first policy
12 that you rely upon. You rely upon the White Paper,
13 I will come to that in due course. But you rely also on
14 the related policy introducing aviation into the trading
15 of CO2 emissions.

16 A. Yes.

17 MR STINCHCOMBE: Just pausing there, the fact that the
18 Government proposes to introduce aviation into the
19 international scheme of trading of carbon emissions
20 doesn't of itself mean that it is going to be able to
21 succeed, does it?

22 A. No, but it does mean -- and I certainly take at face
23 value what the Government has repeatedly said -- that it
24 is determined to ensure that, over time, aviation pays
25 the costs of its effects, and that the Government policy

1 is and the Government is making substantial progress
2 towards achieving that policy, is that aviation should
3 be included within the emissions trading scheme. In
4 addition, the Government is examining, as you know,
5 other fiscal measures. The Government's determination
6 and policy approach is quite clear.

7 MR STINCHCOMBE: Let us take it in stages.

8 Inclusion of aviation into the trading scheme; that
9 is going to take international agreement, isn't it?

10 A. To start with, it is going to take European agreement,
11 which exists already.

12 MR STINCHCOMBE: At what level?

13 A. At full EU level. The EU has published its proposals
14 for an emissions trading scheme to include aviation and
15 the Government is consulting on that.

16 MR STINCHCOMBE: And has it resulted in any legally binding
17 documentation?

18 A. Not yet, no. But, as you know, the consultation has
19 only recently concluded.

20 MR STINCHCOMBE: And in the negotiation of that agreement
21 firstly at EU level and thereafter at international
22 level, there are going to be a number of difficulties
23 which will have to be dealt with?

24 A. There may be, it may be perfectly straightforward. You
25 and I don't know. What we do know is that the

1 Government' policy is perfectly clear on the subject.

2 MR STINCHCOMBE: The Government policy is clear, but the

3 Government doesn't know, does it, whether it is going to

4 successfully agree with other countries to introduce

5 carbon aviation emissions into the international trading

6 of carbon; it doesn't know, does it?

7 A. Well, I do not think anybody seriously doubts that

8 aviation is going to be included within the EU emissions

9 trading scheme.

10 MR STINCHCOMBE: Will that be enough, for it just to be

11 within the EU trading scheme, as opposed to within

12 a wider global trading scheme?

13 A. Well, it would make a significant contribution to the

14 reduction of emissions if it was within the EU trading

15 scheme, but we do know that the Government's policy is

16 to extend that to international flights by 2012 and it

17 is determined to press to do that.

18 MR STINCHCOMBE: These issues have been considered at select

19 committee level in the House of Commons, haven't they?

20 A. They have been considered at a number of levels, yes.

21 MR STINCHCOMBE: Yes, including by the Environmental Audit

22 Committee of the House of Commons.

23 A. Yes, I think that's right.

24 MR STINCHCOMBE: And it's right, isn't it, that the

25 Environmental Audit Committee is an all-party committee

1 represented by all political parties?

2 A. Yes.

3 MR STINCHCOMBE: And it has the power to call expert
4 witnesses and to cross-examine them?

5 A. Yes.

6 MR STINCHCOMBE: And that its remit is to scrutinise aspects
7 of Government policy insofar as the impact upon
8 economics of the environment?

9 A. I expect that's the case.

10 MR STINCHCOMBE: I wonder if you can then have a quick look
11 for me at the second report of the House of Commons
12 Environmental Audit Committee, 2006/2007. I will see if
13 I can find the reference to that. Bear with me
14 a second.

15 I believe you will find it in an appendix to
16 Mr Levett's proof of evidence, which is proof 22, and
17 it's appendix 2 -- it is not proof 22. Proof 21,
18 appendix 2, 21C. It is SSE21C, appendix 2.

19 We can see what this document is. It is the House
20 of Commons Environmental Audit Committee looking at the
21 EU emissions trading scheme, lessons for the future, and
22 it is dated 1st March 2007.

23 A. Yes.

24 MR STINCHCOMBE: So a recent example of Parliamentary
25 scrutiny in this area.

1 A. Yes.

2 MR STINCHCOMBE: By an all-party committee.

3 A. Yes.

4 MR STINCHCOMBE: Right. Paragraph 1:

5 "The Government has made it clear that the EU
6 emissions trading scheme is the cornerstone of the
7 Government's policy to tackle climate change and given
8 that the Prime Minister has repeatedly emphasised that
9 climate change is probably the greatest long-term
10 challenge facing the human race and that tackling it is
11 a top priority for the Government at home and
12 internationally, it seems no exaggeration to say that
13 the Government has staked more on the success of this
14 one policy instrument than perhaps any other."

15 Yes?

16 A. I see that.

17 MR STINCHCOMBE: And you would agree with that, wouldn't
18 you?

19 A. I don't think I am qualified to agree or disagree with
20 that sort of statement.

21 MR STINCHCOMBE: Then we can see the reference in
22 paragraph 2:

23 "Within a matter of months the Commission is set to
24 have reached decisions on the next two phases ..."

25 We have had a phase already.

1 " ... of the EU ETS which will be vitally important
2 not just to the success of this scheme but to the
3 establishment of carbon trading worldwide."

4 And that is the reference for going beyond Europe
5 and to the world.

6 A. Yes.

7 MR STINCHCOMBE: We see the next sentence:

8 "The EU ETS has received serious criticism for its
9 design to date considering concerning the efficiency and
10 effectiveness with which it sets carbon allocations and
11 the way in which it relates to countries outside the EU
12 both in terms of dealing with international competition
13 and of funding offsetting projects in developing
14 economies. These challenges must be addressed if the EU
15 ETS is to prove the credibility of emissions trading as
16 the foremost mechanism for tacking greenhouse gas
17 emissions worldwide."

18 A. Yes.

19 MR STINCHCOMBE: So it is quite clearly of critical concern
20 to understand what these challenges are and to ensure
21 they are addressed.

22 A. Yes.

23 MR STINCHCOMBE: Paragraph 4:

24 "While this scheme so far has been an administrative
25 success its record in reducing carbon emissions is far

1 less impressive. It appears to us that phase 1 will
2 have little impact on carbon emissions across the EU,
3 allocations of allowances to emit carbons are too
4 generous and the market price of them consequently too
5 low."

6 Do you see that?

7 A. I do see that, yes.

8 MR STINCHCOMBE: What did Stern say the cost of carbon was
9 per tonne?

10 A. Stern gave three or four different costs per tonne for
11 carbon.

12 MR STINCHCOMBE: The figure I have in mind is £73 per tonne.

13 A. I don't recall that figure in Stern, not least because
14 he generally gave his figures in dollars, but we can go
15 to that if you want to.

16 MR STINCHCOMBE: We can perhaps after the next adjournment.
17 Just before we do that, though, what is the cost of
18 buying a tonne of carbon at the moment?

19 A. The allowance? Do you mean the carbon allowance?

20 MR STINCHCOMBE: What's the cost on the market?

21 A. Within the emissions trading scheme, do you mean?

22 MR STINCHCOMBE: Yes.

23 A. I don't know the precise answer but I know that it is
24 very much lower than that.

25 MR STINCHCOMBE: 18 pence?

1 A. It may be. I don't know.

2 MR STINCHCOMBE: One four-hundredth of the price that Stern
3 calculated was the proper cost of carbon?

4 A. Yes, I have addressed this particular document in my
5 rebuttal proof, and what I have identified -- I mean,
6 there are probably two or three things to say, but one
7 is, this relates to phase 1 of the emissions trading
8 scheme. As the committee say in paragraph 3, "Two years
9 in, there is much to applaud". The second sentence of
10 paragraph 3 says: "It is an impressive achievement", and
11 the third sentence says: "It is an administrative
12 success".

13 I haven't claimed that phase 1 of the ETS is
14 successful in reducing carbon. I don't claim that at
15 all. Neither would the Government claim that. But what
16 the committee say, and what I believe the Government to
17 understand, is that phase 1 was a necessary phase in
18 order to establish the machinery and test the
19 practicality of the approach. As the committee say in
20 paragraph 4, it was always intended that it would be
21 a -- their words -- "learning by doing phase", and I'm
22 sure the Government welcomes this report, as would the
23 EU, to help them design phase 2, which is intended to
24 include aviation.

25 But there isn't any doubt, nobody should believe

1 that there is any doubt about the Government's
2 commitment to ensure that the EU emissions trading
3 scheme works successfully and works to the point that:
4 (a) it includes aviation, and (b) it is the principal
5 vehicle to secure a market price for carbon, which Stern
6 identified was an essential -- was essential to provide
7 the incentive for aviation to innovate, so that it can
8 become more efficient, and until it could do that, for
9 aviation to pay for other industries to reduce their
10 carbon emissions. And I really don't think that that is
11 a matter of dispute as a matter of approach, and it
12 doesn't take us very much further by examining what is
13 happening in phase 1 for which no such claims have been
14 made.

15 And just to add, the last point is that
16 Nicholas Stern's report, he was very impressed with the
17 EU emissions trading scheme. He saw the EU as leading
18 the way for the world in developing economic mechanisms
19 to reduce carbon emissions.

20 MR STINCHCOMBE: Anything else?

21 A. Not for the moment, thank you.

22 MR STINCHCOMBE: It is right, isn't it, against that lengthy
23 disposition, to note as a matter of fact that the
24 Government cannot guarantee that there will be even
25 European agreement on aviation? It is not within its

1 gift?

2 A. It cannot guarantee it, no.

3 MR STINCHCOMBE: Thereafter there would have to be

4 international agreement between the EU and other

5 nations?

6 A. There would if it was to be extended internationally,

7 yes.

8 MR STINCHCOMBE: It is right that thus far, although it may

9 have been an administrative success, its record in

10 reducing emissions is far less impressive?

11 A. I have just agreed that with you and explained the

12 reasons why.

13 MR STINCHCOMBE: One of the reasons is that whereas the cost

14 should be £73, of carbon, it is actually 18p?

15 A. Do we need to go over these things again? I am sorry if

16 I am sounding frustrated, but what we are now discussing

17 is a direct criticism and failure to accept Government

18 policy.

19 MR STINCHCOMBE: Moving on to paragraph 39, or perhaps it is

20 better to start this at paragraph 37: "Expanding the

21 scheme and linking with others". You see paragraph 37:

22 "A broad welcome to the Government's efforts to

23 expand the EU ETS towards forming a global carbon market

24 but they do so with caution given the potential to

25 weaken the scheme by changing its terms."

1 How might that arise?

2 A. Through a lack of determination.

3 MR STINCHCOMBE: Or the difficulty in negotiating an
4 effective scheme with other countries.

5 A. I am sorry but I am really not very interested in
6 debating with you whether or not the Government is going
7 to come up with difficulties in this scheme. The
8 Government has set out its clear intention to make the
9 scheme work. That is good enough for me as an
10 up-to-date statement of Government policy.

11 MR STINCHCOMBE: Let us just put what is good enough for you
12 in the context of what is good enough for the
13 Environment Audit Committee. Paragraph 39:

14 "While we support the principle of including
15 aviation ...(Reading to the words)... we have severe
16 doubts as to its effectiveness under the current
17 proposals."

18 That is March 2007.

19 A. Sorry, which paragraph is that?

20 MR STINCHCOMBE: Paragraph 39.S.

21 A. Well, if the current proposals are meant to be phase 1
22 of the ETS, then that is correct. It would be fair
23 though to reflect on paragraph 7 of the document which
24 identifies that:

25 "The Government should be commended for leading its

1 contribution to the robustness of phase 2 and the future
2 strength of the EU ETS in proposing a more stringent
3 system of allowances than many other Member States. The
4 UK Government ...(Reading to the words)... in fact that
5 in terms of setting limits to emissions the Government
6 is leading the way in Europe."

7 Nobody should underestimate the clarity of thought
8 or intention or determination which the Government has
9 set out in its approach to these issues.

10 MR STINCHCOMBE: And no one should invest a magical belief
11 in emissions trading as a miracle cure, should they?

12 A. I know that you are quoting from the paragraph when you
13 say that but the Government does not deal in magic. The
14 Government deals in policy.

15 MR STINCHCOMBE: The paragraph I am quoting is paragraph 53,
16 isn't it? That paragraph:

17 "Above all, the Government must ensure that it is
18 not investing a magical belief in emissions trading as
19 a miracle cure."

20 Then six lines from the bottom:

21 "It cannot guarantee sufficient progress in the
22 timescale required."

23 That's what this committee says, anyway?

24 A. Yes, the job of the committee is to keep the Government
25 up to scratch and make sure that it does its job

1 properly. The Government has set out its determination
2 to do so and I, for one, don't consider it part of my
3 remit to question that.

4 MR BOYLAND: Mr Stinchcombe, I am worried about where this
5 is going.

6 MR STINCHCOMBE: That was my last question, sir, on this
7 issue.

8 MR BOYLAND: You seem to be pushing at open doors as far as
9 the content of the Government policy and the science of
10 all this. If your intention is to put before us some of
11 this material, then that can be best be done in your own
12 evidence.

13 MR STINCHCOMBE: Yes, sir. That completes as a matter of
14 fact all of the cross-examination I wish to put on the
15 harm side of the balance. I don't seek to raise other
16 issues, which I can raise in-chief, on water or
17 landscape, or whatever, so it leaves only for the
18 remaining part of the cross-examination to deal with the
19 other side, the other material considerations, which is
20 the White Paper and the economic need and benefit. I
21 don't know whether that is an appropriate time to have a
22 short break or whether you want me to press on with
23 those issues now.

24 MR PHILLIMORE: How much longer do you need?

25 MR STINCHCOMBE: It is going to be a little while, sir. We

1 will certainly finish today and at some decent time
2 today, but it will take a little while.

3 MR PHILLIMORE: We will adjourn until 3.30 pm.

4 MR STINCHCOMBE: I am obliged.

5 (3.15 pm)

6 (A short break)

7 (3.30 pm)

8 MR PHILLIMORE: If we could resume, please. There is no
9 objection to removing jackets if people wish to do so.

10 Yes, Mr Stinchcombe.

11 MR STINCHCOMBE: Thank you very much indeed, sir.

12 We turn, then, to the other material considerations
13 upon which you rely, that is the Aviation White Paper
14 and the issues of economic benefit and need.

15 Before we look, however, at the Aviation White
16 Paper, I wonder if you could pick up for me CD376, which
17 is "Planning for a sustainable future", and look in
18 particular at paragraph 3.31.

19 I think I am right in suggesting that this is the
20 most recent emerging statement of Government planning
21 policy on sustainability. It is a White Paper
22 dated May 2007.

23 A. I think so too.

24 MR STINCHCOMBE: And paragraph 3.31 refers to the Air
25 Transport White Paper, which is now nearly four years

1 old, and it tells us that:

2 "National policy statements would need to be
3 regularly reviewed or updated to be sure that they take
4 account of significant developments."

5 Just pausing there, it is quite clear, is it not,
6 that if a White Paper -- if there has been an
7 intervening change of circumstances since a White Paper
8 has been published, that obviously would have to be
9 taken into account when attributing the proper weight to
10 that White Paper?

11 A. If it is of a particularly significant nature, yes, that
12 was not anticipated in the White Paper itself.

13 MR STINCHCOMBE: The Air Transport White Paper had
14 a commitment to monitor and evaluate the effectiveness
15 and impact of the policies with a progress report after
16 three years, and we have seen the progress report in
17 this Inquiry, haven't we? That is the progress report
18 that raised, amongst other things, the issues in respect
19 of the trading emissions.

20 A. Yes.

21 MR STINCHCOMBE: It was not a full review, it was just
22 a progress report, was it not?

23 A. Yes, sorry, when I said "yes" to you, I should have said
24 that the question of trading emissions of course was
25 raised in the White Paper itself as well as the progress

1 report.

2 MR STINCHCOMBE: Right. And the Government is now committed
3 to a full review in a further three to five years.

4 A. Yes.

5 MR STINCHCOMBE: Just pausing there, in its full review in
6 a further three to five years, the Government would be
7 able to take account, would it not, all of the concerns
8 that were raised by the Environmental Audit Committee?

9 A. The Government would be able to take account of all
10 sorts of issues, every material issue, I'm sure, as part
11 of its review. But the Environment Audit Committee
12 didn't raise, certainly in my judgment, any issues which
13 were not apparent to the Government when it drew up the
14 White Paper and of course the Government has had the
15 opportunity, if it thought it material, to consider the
16 report of the Environmental Audit Committee before
17 drafting this new White Paper, but has decided to set
18 out, as you say, in the most up-to-date statement of
19 Government policy on sustainability that it remains
20 committed to the Air Transport White Paper for a further
21 three to five years.

22 MR STINCHCOMBE: Just pausing there, what is sauce for the
23 goose is sauce for gander; it also makes it clear that
24 there is going to be a full review of that policy at the
25 expiry of three to five years.

1 A. Yes, I am not sure it comes into the sauce for the goose
2 category. We are dealing with the planning application
3 today. The Government has confirmed that this is its
4 policy, as you say, in its most up-to-date statement on
5 sustainability and it will remain its policy for
6 a further three to five years. This is, if it was
7 necessary, a restatement of commitment and confidence in
8 the Air Transport White Paper and a determination that
9 it should act as a national policy statement for the
10 purpose of planning inquiries.

11 MR STINCHCOMBE: But we can --

12 A. Just, if I can say, as a result it takes account of all
13 of the issues that you were putting to me before our
14 break just now: PPS1, the draft supplement to PPS1, the
15 Environment Audit Committee, we can assume that the
16 Government is cognisant of all of those issues but has
17 nevertheless stated its up-to-date commitment to the Air
18 Transport White Paper.

19 MR STINCHCOMBE: Have you finished, Mr Rhodes? I do not
20 want to cut across you. I don't mean anything rude by
21 that, just sometimes I have leapt in before you have
22 finished and I just wanted to ensure you have finished.

23 A. I have finished.

24 MR STINCHCOMBE: I'm obliged. We can also note, though, can
25 we not, in the light of a reason for refusal concerned

1 with prematurity, that when we have that review in three
2 to five years, it may be clearer whether or not the
3 aviation emissions have been introduced into the
4 international trading of carbon and, if so,
5 successfully?

6 A. Lots of things may be clearer, but it is not Government
7 policy to wait three to five years to make decisions on
8 planning applications. It has set out in the Air
9 Transport White Paper needs which are urgent and need to
10 be addressed in good time, in the interests of the
11 national economy, and I don't think there is any
12 argument to suggest that a reference to a review in
13 three to five years is any recipe for not making
14 decisions now. If the Government wanted us to pause in
15 our consideration of aviation then it would not have
16 endorsed the Air Transport White Paper for another three
17 to five years.

18 MR STINCHCOMBE: So we come on to your evidence on the White
19 Paper and your reliance upon it, and it is the first
20 main conclusion, is it not, in respect of the South
21 East, upon which you place first reliance? Perhaps we
22 can turn that up in the White Paper. I think it is
23 around about page 110 or 111.

24 MR PHILLIMORE: Which White Paper are we on now?

25 MR STINCHCOMBE: The Future of Air Transport White Paper.

1 MR PHILLIMORE: Thank you.

2 MR STINCHCOMBE: Which is CD87, is it?

3 A. Yes.

4 MR STINCHCOMBE: Paragraph 11.6. This is what you rely upon
5 in the policy statement.

6 "Our first priority is to make the best possible use
7 of the existing runways at the major South East
8 airports."

9 Then on page 111, paragraph 11.11:

10 "The principal conclusions about new runway capacity
11 in the South East are: we support making the best use of
12 the existing runway at Stansted."

13 And that is the policy priority that you rely upon,
14 isn't it?

15 A. Well, I rely upon the Air Transport White Paper as
16 a whole.

17 MR STINCHCOMBE: Okay. Just pausing there, and I don't seek
18 to make a false point here, I'm not for one moment
19 suggesting that these policy priorities don't imply
20 greater use of the existing runway at Stansted, clearly
21 they do, but those priorities do not contain the words
22 "making maximum use of the existing runway at Stansted",
23 do they?

24 A. Not as expressed there, but you will know that in
25 paragraph 11.26, specifically in relation to this

1 proposal, they refer to making "full use", and in 11.24
2 to 11.25, the reference is up to 35 MPPA as being the
3 development which the White Paper contemplates for the
4 runway. And the reason for that, for instance on page 7
5 of the document, the Government's starting point -- this
6 is the penultimate paragraph on page 7:

7 "The Government's starting point is that we must
8 make best use of existing airport capacity."

9 We see part of the explanation for that:

10 "We have concluded against proposals to build new
11 airports at a number of locations. In every case we
12 consider the consequences would be severe and better
13 options are available."

14 So that if it is national policy that there is to be
15 an increase in aviation, because it is very important in
16 the national interest, then the Government, having
17 considered the options, have clearly and I think
18 sensibly determined that best use must be made of
19 existing infrastructure before new development, which
20 will have greater effects, is contemplated. And,
21 therefore, full use, after the investigations which we
22 have discussed, and you may be about to discuss with me
23 again, of the appropriateness of that, full use of this
24 runway at Stansted is proposed in the clear expectation
25 that that will be 35 MPPA.

1 MR STINCHCOMBE: But we can record, can we not, that
2 paragraph 11.10 of the White Paper expressly requires
3 there to be a balanced and measured approach?

4 A. We can. I think it may be important in that respect to
5 say that my understanding of the reference to "balanced
6 approach" in the White Paper is it is a description of
7 the exercise which the Government itself has undertaken
8 in arriving at the policy which is set out in the Air
9 Transport White Paper. It is not to say: these are our
10 general policies, you go out and take a balanced and
11 measured approach to what you think of them. That much
12 is apparent from a number of passages in the Air
13 Transport White Paper, for instance, if I can just find
14 it, paragraph 2.19.

15 MR STINCHCOMBE: 2.19, what page?

16 A. It is on page 26. It is on the page which has the
17 heading, "A balanced strategy", and explains from
18 paragraph 2.17 that the Government does not believe in
19 either of the extremes, unlimited demand or not
20 providing sufficient capacity.

21 It sets out in paragraph 2.18 that a balanced and
22 measured approach to future air transport is needed, and
23 it sets out in that paragraph a number of matters which
24 are to be considered, and then it says in paragraph
25 2.19:

1 "The conclusions set out in the following chapters
2 seek to reflect these principles and identify case by
3 case and region by region an appropriate and fair
4 balance between them."

5 So the Government has struck the balance, having
6 regard to all of the issues which are set out, in favour
7 of full use of the runway at Stansted.

8 MR STINCHCOMBE: And the balance is between the
9 environmental and amenity harm, on the one hand, and the
10 evidence of need or economic benefit on the other hand?

11 A. It is. The Government has struck that balance.

12 MR STINCHCOMBE: Right. And I appreciate that we may depart
13 as a matter of law as to the extent to which we can
14 reconsider rather than consider that balance at this
15 Inquiry. But if we are to look at that balance at this
16 Inquiry, it would be in exactly the same way: a measured
17 approach, looking at the harm on the one side and the
18 benefit or the need on the other?

19 A. If we were to replicate in this Inquiry the SERAS and
20 White Paper exercise, that would be right, but if I can
21 take you perhaps to one more reference, to page 18 of
22 the Air Transport White Paper, part of paragraph 1.6,
23 which starts:

24 "The Government therefore believes that A national
25 framework for the future development of airport capacity

1 looking forward over a 30-year time horizon is needed in
2 order to ..."

3 Then it sets out in the first bullet point:

4 " ... provide a clear policy framework."

5 Second bullet:

6 "Give greater certainty."

7 The particular point I wanted to draw to your
8 attention is the third bullet point:

9 "Take a view of the long-term demand for air travel
10 and airport capacity both for the country as a whole and
11 across regions and for the best long-term strategy to
12 respond to that demand rather than addressing each
13 separate proposal in a piecemeal and uncoordinated
14 fashion."

15 MR STINCHCOMBE: I do apologise, I was flicking a page over
16 when you mentioned the reference. Can you tell me again
17 where that reference is?

18 A. Yes, it is paragraph 1.6, the third bullet point.

19 MR STINCHCOMBE: Thank you very much. I do apologise.

20 I was listening, I just didn't have it in front of me.

21 A. So it would not be a proper response to this White Paper
22 to seek to rerun the exercise which the Government
23 undertook in order to reach the decisions which are set
24 out in the White Paper.

25 MR STINCHCOMBE: I hear what you say on that. I need not go

1 back over the material that was put before
2 Mr Justice Sullivan on behalf of the Secretary of State
3 on that matter, and the extent to which we are precluded
4 or not precluded from looking at those issues again.
5 That's already on the record. But I wonder if I can ask
6 you to look at CD381, which is where the Minister tells
7 Parliament what the appropriate exercise is.

8 You can recall what was said to the High Court. Let
9 us see what Yvette Cooper, the Parliamentary Under
10 Secretary of State as she then was, says to the House.
11 You can see that we are dealing here with the Lords
12 amendment, and you have seen this document before,
13 haven't you?

14 A. I have seen it since you submitted it, yes.

15 MR STINCHCOMBE: Right. We can see what the amendment is at
16 the foot of the first page of CD381:

17 "Any planning application for a major infrastructure
18 project based on a site-specific proposal in a White
19 Paper shall be considered by an Inspector who shall be
20 able to question whether the development is needed."

21 And that is what the amendment proposed, and that is
22 what the Minister was responding to.

23 A. Yes.

24 MR STINCHCOMBE: And she says this, does she not, to
25 Parliament:

1 "Throughout the progress of the bill, the Government
2 have said that where there is a national policy
3 statement White Paper, it should help to reduce the
4 argument at a planning inquiry about the need for
5 a specific development at a particular site that of
6 course the Inspector is likely to have to consider the
7 need between balance and other factors. Those who
8 oppose a specific development will be able to present
9 their arguments against it, it is right that they should
10 have the opportunity to do so. It has never been the
11 Government's intention to rule out the possibility of
12 the Inspector spending some time considering need, but
13 that will be done in the context of what is said about
14 need in the national planning policy statement. The
15 Inspector must ensure that all relevant impacts of a
16 specific development are considered during an inquiry
17 and that means all material considerations, together
18 with relevant impacts such as economic or environmental
19 impact."

20 That is the Minister's position?

21 A. As stated there, yes.

22 MR STINCHCOMBE: So it is quite clear that the Government
23 has always said, I think it is said consistently now to
24 Parliament and the High Court, that it doesn't preclude
25 the possibility of the inspector spending time

1 considering need.

2 A. That's what it says, yes.

3 MR STINCHCOMBE: Right. If we can go towards the beginning
4 of CD381 and see what it says about economic impact
5 assessments, because it is clear that there are two
6 aspects to the Lords' amendment and the first deals with
7 economic impact assessments. Do you see the second
8 paragraph of the quote?

9 A. Yes.

10 MR STINCHCOMBE: The first part relates to economic
11 assessments:

12 "We would expect the promoter of major
13 infrastructure projects to engage with all parties at
14 the earliest possible stage in the development of such a
15 project. Indeed we expect promoters to do full economic
16 analyses of their project. It would be surprising if
17 any developer or private or public funding body were
18 prepared to sign up to major infrastructure projects
19 without appropriate economic analysis being done."

20 So we can see there an expectation that the promoter
21 will have the economic information to hand?

22 A. Well, I think we need probably to be precise about what
23 is being discussed here. It is not having the economic
24 information to hand; it is major infrastructure projects
25 having an economic impact report in support of them,

1 which of course is a requirement now brought in by the
2 circular and regulations last year for major
3 infrastructure projects, of which this is not one.

4 MR STINCHCOMBE: We can read on, and I hear what you say.

5 Read on, third paragraph:

6 " ... we would expect some form of economic impact
7 assessment or analysis to have been completed. Assuming
8 the application is called in the Inspector will consider
9 the economic effects along with all other aspects of the
10 application as part of the inquiry."

11 And if the economic impact is disputed, concerns can
12 be raised about that too.

13 Pausing there, that is because, if economic impact
14 or economic need is a material consideration and is
15 disputed, then that is a proper matter to be considered
16 during an inquiry?

17 A. In the context of specific proposals with an economic
18 impact report, yes.

19 MR STINCHCOMBE: And when we look at the second part of the
20 amendment, which is considering proposals in a White
21 Paper, it cites specific proposals, we can see, again it
22 is the last paragraph:

23 "The Inspector then must ensure that all relevant
24 impacts are considered during an inquiry, all material
25 considerations, together with impacts such as economic

1 or environmental impact."

2 A. Yes.

3 MR STINCHCOMBE: Right. So, unless I need to take you back
4 to Mr Justice Sullivan's judgment, I won't, but reading
5 it together, it is legitimate to question, is it not,
6 both the environmental impact and also the economic
7 impact and the economic case for need?

8 A. One thing to bear in mind is that the statement here,
9 which is not dissimilar from the statement that was made
10 on behalf of the Secretary of State to the High Court,
11 you will recall putting certainly in your opening the
12 references to Mr Drabble on behalf of the Secretary of
13 State, it was not accepted by the judge,
14 Mr Justice Sullivan, who recognised, as indeed had been
15 the concern of the District Council, that matters
16 contained within a White Paper once it was adopted would
17 be regarded as settled.

18 Similarly, certainly for my part, I don't accept
19 that criticism of economic effects would be legitimate
20 if it goes to the point of trying to undermine the
21 policy as a whole, as is in fact the case with the
22 arguments being advanced on behalf of SSE. It would not
23 be appropriate in my judgment at a planning inquiry to
24 seek to question the economic benefit of aviation, which
25 is a matter of settled policy, or the need, which is

1 identified in the White Paper, for the Government to
2 meet a requirement for expanded aviation across the
3 country. This is a proposal into a specific project.
4 If there are specific environmental and economic effects
5 relating to this project which are specific to this
6 project which do not go to the principle of need which
7 is established in the White Paper for increased aviation
8 as a whole, then I imagine that the Inspectors will
9 listen to what SSE has to say.

10 MR STINCHCOMBE: Let's just remind ourselves, shall we, that
11 on behalf of the Secretary of State, it was said to the
12 High Court that the White Paper didn't preclude
13 consideration of need at an inquiry?

14 That's right, isn't it?

15 A. Yes, I want to be careful about -- if we are going to
16 interpret that judgment we need to have it in front of
17 us, but --

18 MR STINCHCOMBE: Well, let us have it in front of us. I was
19 trying to avoid it, but let us have it.

20 A. Well, I think we can deal with this briefly, and we have
21 dealt with this before as well, and I have given my view
22 on this in evidence, that the need as established in the
23 Air Transport White Paper is something that I would
24 expect the Inspectors to have regard to at the Inquiry,
25 and to set against that established need the

1 environmental and other effects which are of concern to
2 objectors. So of course the need falls to be considered
3 in that context, but you have heard my evidence that it
4 does not fall to be reconsidered.

5 MR STINCHCOMBE: I see. The purpose of considering need,
6 not precluding it, is to enable it to be weighed against
7 the evidence on environmental and other impact, isn't
8 it?

9 A. Well, the purpose of the White Paper was to establish
10 need at a national level for projects which are of
11 national importance, so that need and benefits could be
12 settled, so that inquiries don't do exactly what the
13 White Paper does not want them to do in the quotation
14 I have just read to you from paragraph 1.6, "address
15 each separate proposal in a piecemeal and uncoordinated
16 fashion".

17 National infrastructure is too important for it to
18 be undermined in that way. That is why the Government
19 has set out a clear and impressive and determined
20 approach to arriving at its policies.

21 MR STINCHCOMBE: It is quite clear that the Secretary of
22 State was at pains, both in the High Court and to
23 Parliament, to make it clear that at an inquiry such as
24 this, it was for the inquiry to weigh the balance
25 between need and harm, and that looking at need did not

1 preclude its consideration, albeit that only some time
2 rather than extensive time would have to be spent on
3 looking at need, because the context for that
4 consideration would be the statement in respect of need
5 in Government policy?

6 A. Within the context of what is said about the need in the
7 Government policy, yes.

8 MR STINCHCOMBE: I wonder if we can take it one stage
9 further. The whole purpose of the Inquiry looking at
10 need and being permitted to look at need, alongside
11 looking at harm, is to enable it to weigh the balance
12 properly? That's right, isn't it?

13 A. Looking at need, yes.

14 MR STINCHCOMBE: Yes. To weigh it properly, you have to be
15 able to weigh what is in either side of the scales?

16 A. Yes, although the Air Transport White Paper helps us
17 a great deal, doesn't it, by setting out its view as
18 a matter of statement of Government policy, what weight
19 it attaches to the need.

20 MR STINCHCOMBE: And it's right that the White Paper itself
21 cannot predetermine the weighing of that balance, can
22 it?

23 A. It cannot predetermine the decision of an individual
24 planning application, no, but it does provide very clear
25 guidance about the weight to be attached to the need in

1 this case.

2 MR STINCHCOMBE: If it cannot predetermine the planning
3 application, that is because it cannot predetermine that
4 need outweighs harm.

5 A. That is because it cannot, by definition, have
6 considered every local environmental effect of an
7 individual development. But it did address a need for
8 projects, and unusually in this case, a site-specific
9 need for this particular project.

10 MR STINCHCOMBE: Let's see what Parliament says in respect
11 of these issues in -- not Parliament -- the Government
12 says in respect of these issues in CD376, the White
13 Paper, the most recent White Paper, how it proposes to
14 address this kind of issue in the future.

15 Paragraph 1.46.

16 "We want to clarify and improve the way policy is
17 set and decisions are made for nationally significant
18 infrastructure projects. We propose that Ministers
19 should be accountable, including through direct
20 Parliamentary scrutiny, for setting overall strategy in
21 national statements. We consider that decisions on
22 individual applications should then be taken within the
23 framework of the relevant national policy statement by
24 an independent and expert commission on an objective
25 basis."

1 White Paper policy sets the framework for
2 decision-making, doesn't it?

3 A. It does set a framework for decision-making. Different
4 national policy statements will be more or less specific
5 to individual proposals.

6 MR STINCHCOMBE: And it does, for our purpose, set the
7 framework for decision-making just as it will in the
8 future with this new scheme?

9 A. Yes, it sets the framework. It tells us that there is
10 a very strong need, that there are large net economic
11 benefits. It tells us that this is a good place to
12 expand aviation. It tells us that the noise effects are
13 likely to be acceptable. It tells us that the air
14 quality effect in respect of vegetation is not to apply,
15 and it tells us, or it tells the planning authority
16 considering the planning application, that the approach
17 it should adopt is to look -- this is paragraphs 3.5 and
18 3.6 -- at local controls in order to mitigate the
19 effects of the development. It provides a very clear
20 framework for the consideration of the application.

21 MR STINCHCOMBE: And if I can just try one more time to see
22 if you can agree this before going on to the next stage
23 of the cross-examination, not because I want to give up
24 the point, but just because there is no point
25 reiterating the same things in cross-examination, we can

1 leave them for submissions: but it is right, is it not,
2 that, just as it doesn't preclude the Inquiry from
3 looking at the individual decision within that
4 framework, weighing the balance of harm against need,
5 neither does it preclude the Inquiry when weighing that
6 balance from deciding to refuse permission, even if it
7 might frustrate one aspect of Government policy. That
8 is expressly stated.

9 A. I agree with that. I have said as much as that in my
10 evidence, but in order for that to happen, in my
11 judgment, there would need to be identified adverse
12 effects, which were substantial, and which go beyond
13 those, substantially beyond those which are anticipated
14 in the White Paper itself. Where the effects are
15 consistent with or in this case less than those
16 anticipated in the White Paper, it would be, in my
17 judgment, very surprising indeed if refusal of
18 permission was justified.

19 MR STINCHCOMBE: I wonder if we can leave that to one side
20 and leave it for submissions, because otherwise we would
21 be chasing the same football for a long time. You see
22 in paragraph 1.4.4 of CD376, the importance the
23 Government attaches in the future to Parliamentary
24 scrutiny.

25 A. 1.4.4, do you say?

1 MR STINCHCOMBE: We see it in 1.4.6, but it is also in
2 1.4.4, at the top of the page, the first bullet
3 point: they want to ensure effective Parliamentary
4 scrutiny of national policy statements before final
5 conclusions are reached.

6 Yes?

7 A. Yes.

8 MR STINCHCOMBE: That must be taken as a sign, must it not,
9 that Government consider it is an important part of the
10 process of the promulgation of these national policies
11 within White Papers that Parliament scrutinises them
12 effectively before final conclusions are reached?

13 A. That is what it said in relation to new national policy
14 statements for applications which are to be determined,
15 not by Government but by the independent commission.

16 MR STINCHCOMBE: And it is right, is it not, in that regard,
17 that this particular White Paper, in its non-reviewed
18 form, knowing it is going to be reviewed in three to
19 five years, this particular White Paper has not been
20 scrutinised by Parliament before its conclusions were
21 reached and published?

22 A. That's correct, although, of course, the same can be
23 true for almost all of the planning policy, which is
24 nevertheless adhered to in planning decision-making.

25 MR STINCHCOMBE: And it is right also, is it not, that

1 Parliament has, however, scrutinised that White Paper
2 after its conclusions were reached.

3 A. Sorry, I just missed that?

4 MR STINCHCOMBE: Parliament has, however, scrutinised that
5 White Paper, the ATWP, after its conclusions were
6 reached and published? It has been the subject of
7 after-the-event scrutiny if not pre-the-event scrutiny?

8 A. I think we need to be careful of the word "scrutiny".
9 It was certainly the subject of similar scrutiny prior
10 to it being issued as Government policy, in
11 December 2003. There were a number of debates in the
12 House about it, but I don't think they were of a type
13 which is being referred to here.

14 MR STINCHCOMBE: There was never a vote in the House of
15 Commons, was there, on this White Paper?

16 A. Before or since, no.

17 MR STINCHCOMBE: But there have been votes on the White
18 Paper in scrutiny committees since, haven't there?

19 A. I don't know about that.

20 MR STINCHCOMBE: Let us have a look at CD365. Remember our
21 old friend the House of Commons Environmental Audit
22 Committee? You have seen this document before, haven't
23 you?

24 A. Again, since -- yes, I have seen it before.

25 MR STINCHCOMBE: Sir, do you have it to hand? Right:

1 "Budget 2003 in aviation, ninth report of session of
2 2002 to 2003."

3 Just if we can look to its end, first, at the last
4 few pages, the penultimate page in, you can see the list
5 of written evidence that was submitted. Do you see
6 that?

7 A. I see that, yes.

8 MR STINCHCOMBE: We see that the Treasury submitted
9 evidence, that BAA submitted written evidence. That's
10 right, isn't it?

11 A. Yes.

12 MR STINCHCOMBE: We can see beneath all of it, four up: Stop
13 Stansted Expansion also submitted written evidence?

14 A. Yes.

15 MR STINCHCOMBE: Just turn back one page to see what this
16 group of scrutinising MPs had before them in terms of
17 witnesses. They had the Economic Secretary, they had
18 the Head of Environmental and Transport (Taxation), HM
19 Treasury. On 4th June, they had a number of people from
20 the aviation industry. 11th June, BAA appeared. Then
21 on 1st July, the Secretary of State.

22 A. Yes.

23 MR STINCHCOMBE: So they had the benefit of a considerable
24 amount of written and oral evidence to consider and
25 could ask questions directly of BAA and the Secretary of

1 State.

2 A. Yes.

3 MR STINCHCOMBE: Right. So it is an informed report, isn't
4 it?

5 A. Yes.

6 MR STINCHCOMBE: I wonder if I can take you -- I don't want
7 to take you to very many lengthy passages within this,
8 but take you to some of them. Can you turn up page 13,
9 and the heading, "Why the economic benefits?". Do you
10 see that section?

11 A. Yes.

12 MR STINCHCOMBE: Just pausing there, this is exactly the
13 kind of scrutiny of the White Paper that the Government
14 envisages taking place in the future, does it not,
15 because it considers it important?

16 A. Not wishing to be unhelpful, but I don't know how the
17 Government would propose to scrutinise national policy
18 statements in the future.

19 MR STINCHCOMBE: At the moment the routine way that
20 Parliament scrutinises Government is through Select
21 Committees, isn't it?

22 A. That is part of the process, yes.

23 MR STINCHCOMBE: So we see the passage on wider economic
24 benefits:

25 "In 1998, OEF was commissioned to carry out a study

1 examining the wider economic benefits which aviation
2 brought to the UK economy. Some of the key findings
3 were that aviation contributed 10.2 billion to the UK
4 economy and supported 550,000 jobs. Such figures have
5 been widely quoted by the aviation industry and indeed
6 the Government in support of arguments for further
7 expansion."

8 Paragraph 35:

9 "However [various organisations] ... were critical
10 ...(Reading to the words)... to calculate wider economic
11 benefits."

12 So they report some concerns.

13 A. Yes.

14 MR STINCHCOMBE: Right. We see in paragraph 36 they also
15 report:

16 "The DFT Airport's Consultation acknowledges that it
17 is difficult to measure the indirect costs to the
18 economy of failing to develop airport capacity, and in
19 carrying out his economic appraisals the DFT made no
20 attempt to evaluate these wider economic benefits."

21 It reports that as well.

22 A. Yes.

23 MR STINCHCOMBE: "However there was a widespread perception
24 that the Airport's Consultation emphasises the economic
25 benefits of aviation without adequately discussing

1 disbenefits and in this respect was unbalanced."

2 So they report that concern as well.

3 A. Yes.

4 MR STINCHCOMBE: Then they report a specific example, and
5 this is moving back to the questions asked by Mr Hill
6 which I don't wish to repeat, but just to put the
7 context so far as national scrutiny is concerned:

8 "A specific example of the bias in DFT's
9 consultation is afforded by tourism. Paragraph 3.33 of
10 the DFT's South-East consultation mentions ...(Reading
11 to the words)... some 13 million foreign tourists spent
12 7 billion in the UK in 2000, but the paragraph entirely
13 fails to mention that UK tourists spend more abroad and
14 that there was a negative balance of 15 million in
15 tourism. In this context it is therefore unclear
16 whether any further expansion in aviation will be
17 economically beneficial or not. It could simply lead to
18 an increase in the tourism deficit."

19 That is what the select committee said --

20 A. It is.

21 MR STINCHCOMBE: -- in reporting the concerns reported. You
22 understand what the following paragraphs are when they
23 are involved, don't you, in the make up of the select
24 committee report? Those are the conclusions.

25 A. Yes.

1 MR STINCHCOMBE: What the select committee does is it puts
2 all its conclusions in bold and then lifts them out to
3 a separate concluding document. So let us see what its
4 conclusions are:

5 "It is disappointing that neither the Treasury nor
6 the DFT have conducted any recent analyses ...(Reading
7 to the words)... and in particular an analysis of the
8 growth in aviation which is proposed. In the absence of
9 a robust evaluation we are astonished at the over-bias
10 the ...(Reading to the words)... it is disturbing for
11 example that the consultation document quotes figures
12 for the positive economic benefits of tourism but
13 entirely fails to mention that there is an overall
14 substantial negative balance of 15 billion pounds."

15 That is the conclusion of this scrutiny committee.
16 And it is exactly this kind of scrutiny committee which
17 will be looking at any review of the White Paper.

18 A. As I say, I don't know what the process would be.

19 MR BOYLAND: Mr Stinchcombe, again, I am sorry to intervene
20 in your flow, but really this approach is not terribly
21 helpful. If all you are doing is putting published
22 documents to the witness, who may or may not have seen
23 them before, and asking if it says what it says, I am
24 not sure where that is getting us in cross-examination.
25 Are these not matters you could raise in your own case

1 rather than in cross-examination?

2 MR STINCHCOMBE: Sir, I am more than happy to. The only two
3 remaining passages which I was going to put to the
4 witness to see whether he had a comment on them were the
5 conclusions in paragraphs 42 and 49. Perhaps if I could
6 just identify those for the purposes of the next part of
7 my cross-examination, which is the economic evidence we
8 have before us today.

9 MR BOYLAND: Can I ask whether you intend to carry on in
10 this vein by simply putting passages to him?

11 MR STINCHCOMBE: Sir, I did want to identify one aspect from
12 the conclusion of paragraph 42, which is material to
13 a series of questions, short questions I need to put in
14 respect of the 2.9 billion figure which was covered by
15 Mr Hill in cross-examination yesterday. It will take
16 a couple of minutes and no longer.

17 MR BOYLAND: Yes, I appreciate that, that is the case in
18 every instance, but we seem to be following this
19 pattern.

20 MR STINCHCOMBE: Sir, I hear what you are saying. The
21 passages to which we will be referring in due course in
22 our own evidence will be paragraphs 42 and 49. They are
23 there before you, the conclusions of the select
24 committee, and, sir, you will note that in paragraph 42
25 there is a reference to benefits accrued to foreign

1 travellers. I just flag that up because I will ask some
2 questions about that in due course.

3 MR BOYLAND: That is fine, but a series of questions where
4 the answer is effectively, "that is what it says",
5 really is not helping us at all.

6 MR STINCHCOMBE: I am obliged.

7 A. Could I perhaps comment?

8 MR STINCHCOMBE: You had better ask the Inspector, I think.

9 A. I have asked myself the question.

10 MR PHILLIMORE: If you have a useful comment, yes.

11 A. Simply to say that, as we know, the Government didn't
12 agree with the committee. This committee report was
13 published in July 2003; the White Paper came out
14 in December 2003. No doubt the Government found it
15 a helpful contribution to the consultation which it
16 undertook extensively on the draft, but we know that the
17 Government did not agree with this report, we know that
18 the Government policy is what it is, set out in the Air
19 Transport White Paper.

20 MR STINCHCOMBE: You will recall the concerns that were
21 raised by the local planning authority in respect of the
22 negative impact of increasing aviation at an airport
23 such as this in that it leads to a negative flow of
24 income from the UK.

25 A. I recall that. It is -- and you helpfully identified

1 that SSE were a party to this committee, for instance.
2 Those sorts of concerns were set out to Government
3 extensively by SSE and by District Council in the
4 consultation on different stages of SERAS and
5 particularly on the draft White Paper following its
6 publication in February 2003.

7 What this Inquiry isn't is a rerun of what the
8 Government should have done. The Government -- we can
9 and should assume the Government took account of those
10 representations and didn't agree with them, and then
11 published its policy. It is the policy that provides
12 the framework for the consideration of this application,
13 not the representations which were not accepted.

14 MR STINCHCOMBE: But you don't dispute, do you, I didn't
15 understand you to dispute with Mr Hill that in
16 consequence of this proposal there will be a net outflow
17 of money from the United Kingdom?

18 A. Mr Hill as I recall it didn't put that point to me.

19 MR STINCHCOMBE: Well, I will put it to you. You don't
20 dispute it, do you?

21 A. Again, we need to be careful about glib conclusions
22 about this sort of thing. I don't dispute that there is
23 more money at present being spent by people flying
24 abroad from Stansted to spend overseas than there is
25 money spent by people flying to the UK through Stansted.

1 That is something of which the Government was fully
2 aware, thanks to SSE and others. That is something on
3 which the Government comments directly in the Air
4 Transport White Paper, at paragraphs 4.21 to 4.23.

5 What I have said in my evidence is that it is wrong
6 to regard that as a net cost to the economy in the way
7 that SSE does. Whether it's necessary to debate that or
8 not, I don't know, because the position is settled in
9 the Air Transport White Paper, directly addressed and
10 settled. Similarly it was directly addressed in the
11 consultation in February 2003.

12 The Government's position is clearly set out. The
13 Government is clear in its policy that it does not
14 intend to erect barriers to open economy, and as the
15 White Paper says, I think it is paragraph 4.23, it is
16 common that the UK can compete on its own merits both as
17 a tourist destination but also as a trading destination,
18 and what it regards as essential is the establishment of
19 sufficient links with the global economy.

20 Some places are better at providing holidays than
21 the UK: that is fine, that is a benefit to residents in
22 the UK, that they have access to those holidays, for
23 which they are prepared to pay a value. That helps to
24 sponsor the UK aviation industry and travel agents and
25 other businesses in this country. But it also more

1 importantly provides a direct benefit to UK residents
2 which they clearly value. It is entirely false
3 accounting to try and set that against macro economic
4 benefits, as I have tried to explain, and Tribal have
5 tried to explain on my behalf in appendix 4 of my
6 evidence.

7 MR STINCHCOMBE: Well, I come on, very shortly, to the final
8 few questions of my cross-examination. It is right,
9 isn't it, though, that when we are looking at these
10 kinds of concerns, that they flow from the function of
11 Stansted as being principally a leisure airport rather
12 than a business airport?

13 A. Well, I know that they are expressed in that way. But
14 to express them in that way tends to omit a number of
15 important considerations, not least that the character
16 of aviation at Stansted is almost identical to the
17 character of aviation at other airports, with the
18 exception of Heathrow. So 18 per cent of Stansted's
19 business is in the form of business passengers. That
20 compares, slightly exceeds, for instance, the proportion
21 at Gatwick, is very similar to the proportion at Luton,
22 and is very similar to the proportion at Manchester.

23 Of course the Government knew these things, studied
24 these things properly to help when drawing up the White
25 Paper, and it considers that there are significant

1 social benefits to facilitating tourism and overseas
2 visits, for instance 37 per cent of the trips through
3 Stansted are visiting friends and relations overseas.
4 Clearly an important social benefit.

5 We have also heard already in this Inquiry that it
6 is through the demand for leisure travel that new routes
7 are created, so for instance Stansted offers more routes
8 to Europe than does Heathrow. Last year Stansted added
9 37 new routes, plainly opening up the opportunity for
10 new business markets. It is part of a much larger
11 picture. It is far too simplistic to say that this is
12 all about leisure travel.

13 MR STINCHCOMBE: Well, it is part of a much longer answer to
14 a very short question. The question I put to you was
15 that the reason there is this net outflow of money is
16 because Stansted functions principally as a leisure
17 airport rather than a business airport. That's why
18 there's a net outflow of money, isn't it?

19 A. I think I have answered that question.

20 MR STINCHCOMBE: The answer is yes.

21 A. The answer to that question is yes.

22 MR STINCHCOMBE: Right. Where in your evidence, where in
23 your evidence do you give any direct testimony as to the
24 NPV benefit of your proposal at Stansted?

25 A. I record what the calculated user benefits are in my

1 evidence.

2 MR STINCHCOMBE: Well, if you are going to attach any weight
3 to these benefits, where do we see any quantification in
4 your evidence of the NPV benefits?

5 A. I set out the NPV user benefit at paragraph 8.13 of my
6 evidence.

7 MR STINCHCOMBE: 8.13. 2.9 billion pounds.

8 A. Yes.

9 MR STINCHCOMBE: Is that your calculation?

10 A. No, but I know where it comes from.

11 MR STINCHCOMBE: Tribal's calculation?

12 A. Yes, Tribal's analysis of the Government's calculation.

13 MR STINCHCOMBE: Let's have a look at that, shall we? That
14 is your appendix 1, isn't it?

15 A. Yes.

16 MR STINCHCOMBE: And there is nowhere else I can go in the
17 evidence to any break down of the NPV benefits of your
18 proposed expansion of Stansted? This is the only place,
19 isn't it?

20 A. It is. I don't want to put you off your
21 cross-examination, but it isn't particularly important
22 to my evidence whether it is 1.9, 2.9 or 3.9. As you
23 know, the White Paper reaches a specific conclusion that
24 there will be large net economic benefits from full use
25 of the runway at Stansted as an up to date statement of

1 national policy. That at least for me carries very
2 substantial weight.

3 MR STINCHCOMBE: I see. Well, your consultants have sought
4 to quantify that, so let's just see whether it is right
5 and what weight we should attach to it.

6 Their quantification is 2.9 billion, we can see that
7 in 3.2.10 of appendix 1, can't we.

8 A. Yes.

9 MR STINCHCOMBE: And we can see how they got there from
10 paragraphs 3.2.7 onwards, can't we?

11 A. Yes.

12 MR STINCHCOMBE: So the total benefits, if we go through
13 from 3.2.7, just to see what they have done and whether
14 it is a credible and good exercise, the total benefits
15 are 16.8 billion in respect of Luton, Stansted and
16 Gatwick.

17 A. Yes.

18 MR STINCHCOMBE: Total cost, 3.1 billion, net benefits,
19 13.7 billion.

20 A. Yes.

21 MR STINCHCOMBE: You recall the reference that I invited the
22 Inspector to enable me to earmark in the select
23 committee report, the comment in respect of foreign
24 passenger benefits. Do you remember that? Paragraph
25 I think it is 42?

1 A. I do, yes.

2 MR STINCHCOMBE: Foreign passenger benefits should be
3 excluded, shouldn't they, in these calculations?

4 A. That's not my understanding.

5 MR STINCHCOMBE: I wonder if we can just check that by
6 looking at the Green Book. That should be on the core
7 document list that we put in just before lunch, 390.
8 Page 21. Page 21, CD 390, the Green Book. Under the
9 heading "Estimating the Value of Benefits",
10 paragraph 5.25.

11 "Appraisal should take account of all benefits to
12 the UK."

13 Footnote 4:

14 "All impacts including costs and benefits both
15 direct and indirect on non-UK residents and firms should
16 be identified and quantified separately where it is
17 reasonable to do so and if such impacts might affect the
18 conclusions of the appraisal. Proposal should not
19 proceed if despite a net benefit overall there is a net
20 cost to the UK after taking into account environmental
21 costs."

22 It follows from that, does it not, that the Green
23 Book makes it clear that project viability depends on UK
24 benefits, not foreign passenger benefits, in these
25 regards?

1 A. I need to caveat any answer I give you by first of all
2 explaining that I do not profess to be an expert in
3 these issues. If it's necessary, I can certainly ask
4 Tribal to submit a further written explanation to the
5 Inquiry.

6 My planning understanding of what the footnote says
7 is that non-UK resident impacts, costs and benefits,
8 should be identified separately. That is not the same
9 as saying that they should not be taken into account.
10 And the second sentence does not in my understanding
11 relate to -- I'm sorry, I can't help you any further
12 without speculation.

13 MR STINCHCOMBE: It would be very helpful if we can hear
14 more from Tribal in these regards through a note.
15 Before we leave the point entirely, just so we can pick
16 it up again in the CD 365 document that we looked at,
17 paragraph 9 on page 4. CD 365, paragraph 9, do you have
18 that in front of you?

19 A. Yes.

20 MR STINCHCOMBE: Exactly the same concern:

21 "Department for Transport failed to follow guidance
22 issued by the Treasury by including in its economic
23 appraisal the benefits accruing to foreign travellers.
24 In doing so it significantly distorted and overstated
25 the economic benefits of expansion options."

1 MR PHILLIMORE: Sorry, which paragraph are you reading from?

2 MR STINCHCOMBE: Paragraph 9 of CD 365.

3 A. That's what it says. We know, thanks to this document,
4 the Government was aware of the concern which the
5 committee had expressed. The Government went on to then
6 publish the Air Transport White Paper, setting out its
7 view that there would be large net economic benefits for
8 instance from full use of the runway at Stansted. The
9 Government did not accept that criticism.

10 MR HUMPHRIES: Sir, I think the 9 is actually -- it is the
11 conclusion 9, which is the same as paragraph 42 in CD
12 365.

13 MR STINCHCOMBE: It is indeed.

14 MR HUMPHRIES: Sorry, I think we were all looking at the 9
15 in the document itself.

16 MR STINCHCOMBE: I do apologise, that is my fault. I think
17 as I made clear at the outset but didn't follow through,
18 the emboldened paragraphs are lifted out as conclusions
19 and put at the front of the select committee report, so
20 the conclusion paragraph 9 is indeed paragraph 42, which
21 I did ask you to bookmark.

22 Just pausing there, this Tribal calculation which
23 results in 2.9 billion, that has also included in,
24 rather than excluded, as the Green Book should have it,
25 included in the foreign passenger benefits, hasn't it?

1 A. I'm sorry? My fault.

2 MR STINCHCOMBE: The calculation made by Tribal has also
3 included in rather than excluded the foreign passenger
4 benefits, hasn't it?

5 A. It has been included in, yes.

6 MR STINCHCOMBE: And if you can help us with this, then
7 please do so: if you excluded the figures, the
8 13.7 billion net benefit, if you excluded the foreign
9 passenger benefit, that falls to 8.8 billion, doesn't
10 it?

11 A. I have no idea.

12 MR STINCHCOMBE: Perhaps we can ask Tribal to confirm that.

13 MR PHILLIMORE: Sorry, what was the --

14 MR STINCHCOMBE: 8.8 billion, sir.

15 MR PHILLIMORE: Thank you.

16 MR STINCHCOMBE: And if that's right, it would be that
17 figure which would have to then be apportioned between
18 the MPPA increases at Luton, Stansted and Gatwick.
19 That's right, is it not?

20 A. If it was a different figure it would have to be
21 apportioned between those three and the results would be
22 different.

23 MR STINCHCOMBE: I wonder if you can turn up CD 120 for me.

24 A. Sorry, can you just remind me what that document is?

25 MR STINCHCOMBE: CD 120, expert economic forecasting. The

1 economic contribution of the aviation industry in the
2 UK. Turn to page 74. Yes?

3 A. Yes.

4 MR STINCHCOMBE: In attributing that £8.8 billion to the
5 three airport expansions, we would have to take into
6 account the different value to be attached to business
7 movements and leisure movements, wouldn't we?

8 A. Just help me to refer to that, please?

9 MR STINCHCOMBE: Look at page 74 of CD 120. Paragraph 9.5.
10 Four lines up:

11 "It is business passengers that we expect to
12 generate these wider benefits."

13 Not leisure passengers; business passengers. That's
14 right, isn't it?

15 A. It is my understanding that we may be talking about two
16 different things here. The NPV calculation is
17 a calculation of user benefits for business and leisure
18 passengers. The wider economic benefits, which are
19 estimated by OEF as being in the order of four times
20 greater than the user benefits, were not quantified for
21 the purposes of the Air Transport White Paper, but were
22 certainly relied upon by the Government as being
23 significantly greater than the user benefits. It may
24 well be that in looking at elements of the wider
25 economic benefits, that business passengers are

1 particularly important.

2 MR STINCHCOMBE: So far as these user benefits are

3 concerned, there was a computer model that calculated

4 them and applied them, wasn't there?

5 A. There was.

6 MR STINCHCOMBE: We can agree, we can look at the references

7 in due course if need be, that that computer model

8 attributed a value of £7 an hour for a leisure passenger

9 and £42 an hour for a business passenger?

10 A. You are going beyond my knowledge, I'm afraid.

11 MR STINCHCOMBE: Perhaps that is another thing we can

12 footnote for Tribal. If that's right, then the value in

13 terms of user benefits to be attributed to a business

14 movement is six times as much as would be attributed to

15 a leisure movement?

16 A. Well, if that's right, yes.

17 MR STINCHCOMBE: Right.

18 A. Of course, the way in which your cross-examination is

19 going, this is not directed specifically to Stansted but

20 would apply across the aviation sector, and amounts to

21 a direct attempt to rework the economic assessment that

22 went into the establishment of Government policy.

23 MR STINCHCOMBE: Well, it's not.

24 A. It is.

25 MR STINCHCOMBE: What I am seeking to do is to rework the

1 test or the exercise that has been undertaken to come to
2 this 2.9 billion figure, because if we do look at that
3 calculation again, and make an allowance for the foreign
4 passenger benefit so that the 13.7 billion becomes
5 8.8 billion, and then apply the proper weighting so that
6 six times greater benefit arises from a business
7 passenger as compared to a leisure passenger, then we
8 don't get 2.9 billion at all, do we, for Stansted?

9 A. If we change the numbers, the figures will be different,
10 of course.

11 MR STINCHCOMBE: Yes. Do you know what the figures would
12 be?

13 A. I have no idea.

14 MR STINCHCOMBE: I am in some difficulty here because I do
15 not have a Tribal witness to put this to.

16 A. We are also in some difficulty for two other reasons:
17 one is because this is a direct attack on Government
18 policy; the second is because none of this has been put
19 in your client's evidence in a way that could have been
20 examined and that BAA could have considered if it wanted
21 to respond with evidence. But it generally isn't BAA's
22 view that it wants to reopen matters which were settled
23 in the Air Transport White Paper.

24 MR STINCHCOMBE: When we get to the end figure, we then have
25 to take into account the additional capital costs that

1 have to be subtracted from that figure, don't we? That
2 is right, isn't it?

3 A. We have to be very careful not to confuse different
4 types of calculation. We also have to recognise that if
5 there is an economic benefit in increasing aviation at
6 an airport which has a representative mix of business
7 and leisure passengers, then that benefit is likely to
8 be that much greater in proportion if it can be achieved
9 without the construction of additional substantial
10 infrastructure, which is why my evidence identifies that
11 the benefit/cost ratio of maximising the use of the
12 existing infrastructure is likely to be the most
13 economically beneficial aspect of the proposals set out
14 in the Air Transport White Paper.

15 MR STINCHCOMBE: The simple point is this: the only figure
16 for NPV benefit of your proposal that you have given is
17 appendixed, it is 2.9 billion, and it's wrong.

18 A. Well, that is your view, not mine. Certainly my
19 understanding of the intention in producing this
20 evidence was to set out the benefits which the
21 Government itself had calculated. If SSE want to
22 criticise the Government, that is a matter for SSE.

23 MR STINCHCOMBE: Sir, I will just check to see whether there
24 are any other matters I need to ask. (Pause)

25 Thank you very much for your patience. Thank you

1 very much indeed, Mr Rhodes.

2 MR PHILLIMORE: Thank you.

3 Mr Holgate, you have been waiting for some time for
4 your session of cross-examination. In view of the time,
5 we have quite a number of documents to get out for that.
6 I do not know if you wish to start, maybe there is
7 a relatively short section you can deal with, but
8 otherwise I think we need to leave it until tomorrow.

9 MR HOLGATE: Sir, I think we ought to do whatever is most
10 convenient for the Inquiry. I can see you have
11 accumulated quite a lot of documents already, and
12 I appreciate you have to change over. I suspect that
13 will take five minutes or so, so I suspect we will get
14 about 15 minutes' worth of discussion this afternoon.

15 MR PHILLIMORE: It doesn't sound to me as if that would be
16 particularly useful at this stage.

17 MR HOLGATE: No. I hope it would be useful tomorrow, but
18 subject to that minor caveat, yes.

19 MR PHILLIMORE: Fair point. I think in view of the position
20 we have reached, I think we are now adjourned until
21 tomorrow. Thank you very much.

22 (4.40 pm)

23 (The hearing adjourned until 10.00 am on Thursday,
24 14th June 2007)

25

