

**Notes of a Pre-Inquiries Meeting held on Tuesday 13 December 2011
At Superdrug Stores plc Distribution Centre, Unit 1 Prologis Park,
Arenson Way, Dunstable, LU5 4RZ**

Relating to Inquiries into:

The A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Compulsory Purchase Order No 1

The A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass) Compulsory Purchase Order No 2

The A5 Trunk Road (A5 - M1 Link Dunstable Northern Bypass) Order 20 .

The A5 Trunk Road (A5 - M1 Link Dunstable Northern Bypass) (Detrunking) Order 20 .

The A5 Trunk Road (A5 - M1 Link Dunstable Northern Bypass) Side Roads Order No.1. 20 .

The A5 Trunk Road (A5 - M1 Link Dunstable Northern Bypass) Side Roads Order No.2. 20 .

The M1 Motorway (A5 - M1 Link Dunstable Northern Bypass Connecting Roads) Scheme 20 .

Public Notice Of Intention To Issue A Certificate Under Section 19(1) (B) of the Acquisition Of Land Act 1981

Introduction

1. The pre-inquiries meeting (PIM) was held to consider the practical and administrative arrangements for concurrent inquiries to be held into the matters above. The draft Orders and Notice are associated with the Highway Agency's (HA) proposals to create the A1-M5 link (Dunstable Northern Bypass). No discussion regarding the merits or otherwise of the Orders took place at the PIM.
2. The Inspector appointed to hold the concurrent inquiries (from now on referred to as 'the inquiry') and report to both the Secretary of State for Transport and the Secretary of State for Communities and Local Government, is Mr David Wildsmith BSc MSc CEng MICE FCIHT MRTPI. After closing the inquiry he will make a report and recommendations to the Secretaries of State, who will make the decisions as to whether each of the Orders should be made.
3. The Inspector referred to the fact that a previous PIM had been held by a colleague Inspector, Mr Bob Lyon, in May 2010 but that the inquiry which had been scheduled to commence on 29 June 2010 was subsequently put on hold as a result of the Government's Spending Review.
4. A total of 10 alternative proposals had been put forward by objectors in 2010 and most of those have been carried forward for consideration at the forthcoming inquiry (one has been withdrawn). It was noted that under its published Notice of the inquiry, the HA requested that any further alternative proposals be submitted no later than 12 October 2011. No additional alternatives have been forthcoming.

5. The Inspector explained that the inquiry is not intended to be a forum to consider Government Policy, and no recommendations would be made on matters of law or compensation as they fall outside the scope of the inquiry. However, any legal submissions made at the inquiry would be appended to the report to the Secretaries of State.

Participants

6. Appendix 1, at the end of these notes, sets out a list of those parties who indicated, at the PIM, that they intended to take part in the inquiry.
7. At present there are 51 outstanding objections to the draft Orders and 13 supporters. It was indicated that, following publication of the various alternative proposals, counter objections have been received and counter objectors will therefore need to be accommodated within the inquiry timetable. Also, time will be set aside time at the inquiry to hear evidence from any other parties or individuals who may wish to appear. The fact that a body or individual was not present at the PIM would not preclude them from taking part in the inquiry.
8. The Inspector stated that he will take account of all representations, whether made in writing or in person at the inquiry. He pointed out that it would help if those who held similar views wrote joint letters as far as possible. Any petition should have the full text set out on each page, making it clear that this has been seen by all those signing the petition.

Programme Officer

9. Mr Graham Groom of Persona Associates has been appointed as Programme Officer to the inquiry. His contact details are:

Graham Groom, Persona Associates, 2nd Floor (East Suite), Barclays House, 51 Bishopric, Horsham, West Sussex RH12 1QJ.

Fax: 01403 217790 Tel: 01403 217799

DIRECT LINE: 01403 219899 MOBILE No: 07860 636909

10. The Programme Officer provides a point of contact for all parties. His role is to ensure that the administrative arrangements for the inquiry work as smoothly as possible. He will work under the Inspector's direction and act as the link between all the participants of the inquiry and the Inspector. He will take no part in anyone's case. His duties will include arranging the day to day programme of the inquiry, co-ordinating the distribution and numbering of documents and maintaining the library of inquiry documents. Should anyone wish to draw a matter to the Inspector's attention, or have any queries, it should be done through the Programme Officer.
11. The website for the Inquiries is at www.persona.uk.com/A5dunstable. This will contain all the relevant documents including objections, representations, statements of proofs and the Inquiry Rules. A link is provided also to the HA website.

Inquiry Venue and Accommodation

12. The inquiry will be held at Superdrug Stores Plc, Distribution Centre, Unit 1, Prologis Park, Arenson Way, Dunstable LU5 4RZ. The industrial estate is known locally as Woodside. A retiring room will be provided for the Inspector and private meeting rooms will be available for parties appearing each day. The parties should contact the Programme Officer to make reservations for meeting rooms. The venue has the following facilities:
- A public address system;
 - An inductive hearing loop will be active for the inquiry;
 - Disabled access and facilities;
 - Colour copying and fax facilities;
 - Car parking;
 - Secure facilities for document storage;
 - Refreshment/canteen facilities (at attendees own expense). Canteen opening hours are:
 - Breakfast – 8.30am to 11.00am;
 - Lunch – 12.30pm – 2.00pm;
 - Dinner – 5.00pm to 6.15pm;;
 - Toilet and washroom facilities;
 - The inquiry library and display boards for drawings will be provided – and facilities will be available for documents, plans, photographs etc to be scanned and projected onto screens, as necessary.

Procedure at Inquiry

13. The inquiry will open at 10:00 on 7 February 2012.
14. The procedure at the inquiry should follow both the Highways (Inquiries Procedure) Rules 1994 and the Compulsory Purchase (Inquiries Procedure) Rules 2007. For simplicity, the inquiry will follow the Highway Rules but adopt the Compulsory Purchase Rules where these are favourable to the objectors. However, the Inspector will determine the appropriate course in the unlikely event of any complication or dispute.
15. Regarding the order of presentation of cases, there was no dissent when the Inspector indicated that the inquiry should follow the procedure discussed and agreed at the previous PIM. The Order of Presentation of Cases is contained in table form at Appendix 2 to these notes, and in simple terms can be summarised as:
- the HA, as promoter, will go first and set out the scheme which is being put forward;
 - those who support it will make their cases next;
 - objectors to the draft Orders will speak next (also presenting their alternative proposal, as appropriate – these may be responded to by counter objectors);
 - then anyone else who has got anything relevant to say will be heard;
 - the HA has the final right of reply.
16. Closing submissions should be submitted in writing, certainly from the HA but also from other parties, wherever possible. However, it is appreciated that this may be unduly onerous for some unrepresented parties. They were requested, if reading from handwritten notes, that the Programme

Officer should be allowed to photocopy any such notes to assist the Inspector and other parties.

17. It was indicated to Mr Lewsley that it would be extremely helpful if the HA's closing submissions were also provided in an electronic format as this can help the report writing process. It was agreed that the HA's closing submissions would take place a day or so after the completion of evidence. The gap in the inquiry would be filled by accompanied site visits. The inquiry will close after the closing submissions on behalf of the HA.
18. The Programme Officer will co-ordinate the inquiry programme. He will send a Programming Form to all those who responded to the publication of the draft Orders and those who attended at this PIM. The form will ask whether the recipient wishes to appear at the inquiry; request contact details; information on any proposed professional representation; and an estimate of the time likely to be required to give evidence and to conduct cross-examination. It will also seek an indication of which HA witnesses are likely to be cross-examined by the objector or his/her advocate. This information will assist in the efficient scheduling of the inquiry timetable. The programming forms should be completed and returned to the Programme Officer by 17 January 2012.
19. It was agreed that the availability of Objectors will be the prime consideration when deciding on the order of appearance for Objectors. To save time on the opening morning, the parties should provide a typed list of the witnesses to be called, including their qualifications and positions held.
20. The normal sitting times of the inquiry will be 10.00am to 5.00 – 5.30pm on Tuesdays to Thursdays; on Fridays the inquiry will start at 9.30am and be adjourned at mid-afternoon – possibly around 3.00-3.30pm, to accommodate those participants who may have lengthy distances to travel. Sitting times will be reviewed, as necessary as the inquiry progresses. The Inspector indicated that depending on progress, it may be necessary to consider starting at 9.30am on days other than Friday. The lunch period will be from about 1.00pm to 2.00pm and there will normally be short 10-15 minute breaks each mid-morning and mid-afternoon.

Submission of documents

21. Mr Lewsley confirmed that the proofs of evidence of the HA's witnesses (including the HA's Full Statement of Case) have already been distributed, either by mail or electronically, to all objectors and to those who have made representations. In addition, all of the HA evidence is available on the Persona website referred to above. It was agreed that the remaining documentation should be submitted in accordance with the following timetable:

17 January 2012	Submission of Proofs of Evidence by Objectors and other parties
1 February 2012	Submission of rebuttal evidence by HA
7 February 2012	Inquiry opens

22. Objectors should submit a minimum of 4 sets of documents by 17 January 2012. **One** of those sets should be sent directly to the HA at the following address:

Karen Green, The Highways Agency, The Cube, 199 Wharfside Street, Birmingham, B1 1RN

The remaining sets of documents should be submitted to the Programme Officer at the address given in paragraph 8. Two of the sets are required by the Inspector, with a further set needed for the inquiry library.

The Format of the Evidence to be Presented

23. Evidence in chief is normally presented at an inquiry in the form of a written proof of evidence, which should have both its pages and paragraphs numbered. The proof may be supported, if necessary, by Appendices which may contain drawings and diagrams. The appendices should normally be bound separately from the Proof to which they refer. Appendices should also be paginated throughout and contain a list of the documents included with page references at the beginning of the bundle. Dividing with a projecting tab can be useful.
24. An appendix need contain only those extracts that are relevant, not the whole document, but should always include the title page. The full document should, however, be available at the inquiry. The documents to be relied upon by each party should be numbered sequentially and given the prefix numbers which will be allocated by the Programme Officer to indicate their source (eg 1/1/1 refers to Objector number 1/witness number 1/ document number 1). Parties should contact the Programme Officer if they require information regarding the numbering of documents.
25. Documents should be A4 size (or A3 folded to A4) wherever possible. Units of measurement in proofs and documents should be metric (with imperial equivalents in brackets if considered necessary).
26. In accordance with the inquiry procedure rules, the Inspector will normally only require summaries of evidence to be read at the inquiry, unless the proof of evidence itself is less than 1500 words. Summaries should not exceed 1500 words or 10% of the proof whichever is the greater. They should be submitted at the same time as the proof of evidence and should contain the main points to be relied on, with limited elaboration, sufficient to enable readers and listeners to make sense of the evidence. A useful guide to the adequacy of a summary is to consider whether or not you are satisfied that it covers all your points of concern and would be sufficient to be used to report your case to the Secretaries of State.
27. Although only the summary will be read at the inquiry, cross-examination will be permitted on the whole of the evidence contained in the full proof. In this regard the Inspector indicated that he would expect witnesses answering questions in cross-examination to try to answer directly the question asked, in the terms in which it was asked, as this can save a great deal of time at an inquiry. The Inspector made it clear that witnesses who follow this guideline will be permitted to qualify their answer in any way they wish, without interruption.

28. Proofs of evidence should be concise and brief, with no repetition within each proof or between witnesses. They need not repeat the text of national or regional guidance and policies unless a short quotation is necessary to make a particular point. Extracts from such guidance need not be included in the appendices. However, where in the text of the proof a point is made in reliance upon a document, whether a core document, one included within an appendix or in national guidance, the page and paragraph number of the document should always be identified.
29. If a party wishes to give in evidence material drawn from the internet, it should be printed and submitted in hard copy, normally as an Appendix to the proof of evidence. Reference to a website address is not sufficient as website material may change or be removed.
30. The Inspector asked that both objectors and supporters of the various draft Orders should make it clear in their submissions, precisely which Orders they object to or support. In addition, those seeking modifications to any of the Orders should provide a general description of what it is they are seeking, details of the justifications for those modifications, and also the detailed drafting amendments they would like to see for all or any of the Orders.
31. The Inspector also asked that those appearing at the inquiry as a representative of a group or organisation should set out, at the start of their proof of evidence, what sort of organisation they are appearing for. For example, whether it is a charity, a local council or a community or residents' group etc. Information should also be provided to indicate whether the organisation has a written constitution; what its purposes are; how many members it has; and how the representation which is being made (whether in favour of the scheme or against it) has been authorised by those members. Including this information in the written evidence will save time having to deal with such matters at the inquiry.
32. All documents submitted to the inquiry will be placed in the inquiry library and would be open to public inspection. If possible additional proofs and summaries should be made available for members of the public to help them follow the evidence as it is being presented (hence the reason for asking for a minimum of 4 sets of documents to be submitted).
33. General advice on the preparation of evidence can be found on The Planning Inspectorate website, in Good Practice Advice Note 07 - http://www.planningportal.gov.uk/uploads/pins/gpa_07.pdf
34. The Environmental Statement (ES) on the proposed A5 – M1 Link Dunstable Northern Bypass has been published by the HA, together with an updated review of the ES, and may be found on its website or by way of a link from the Persona Inquiries' webpage.

Timetable and Programme

35. The inquiry has been provisionally programmed for 16 days. The HA anticipates that it should be able to present its main evidence in chief and for that evidence to be subject to clarification in 2-2½ days. In terms of time estimates from supporters or objectors, none were put forward at the PIM. Mr Rowe, who has submitted representations on behalf of the Chiltern

Society Rights of Way Group, indicated that he may well submit written evidence to the inquiry, rather than needing to appear.

36. Negotiations are in progress between the parties, and it may be that a number of objectors will not appear at the inquiry. On balance it was agreed that the preliminary time estimate of 16 days should be retained for the purposes of drawing up a draft programme, but it is possible that this could be reduced if a number of objectors have their concerns satisfactorily addressed and decide not to appear. A preliminary draft programme has therefore been drawn up on this basis, and can be found at Appendix 3 to these notes. This includes an adjournment when accompanied site visits may be made before returning for closing submissions on behalf of the HA, and the closing of the inquiry.
37. As indicated, the Programme Officer will draw up a more accurate programme on the basis of the information received on the Programming Forms which are to be returned by **17 January 2012**.

Site Inspections

38. The Inspector indicated that he would make at least one unaccompanied visit to the area of the scheme before the inquiry, at which the area would only be inspected from public viewpoints. Towards the end of the inquiry, accompanied site visits (ASVs) will be made to the area. On these the Inspector will be accompanied by representatives of both the HA and objectors. No discussion as to the merits or otherwise of the draft Orders will take place at the ASVs. Requests for ASVs and to take part in such visits to particular locations, should be made to the Programme Officer.

Other Matters

39. In bringing the PIM to a close, the Inspector reminded those present that the watchwords of those who sit at inquiries such as these are openness, fairness and impartiality. For that reason, he asked that people did not try to speak to him outside the context of the inquiry. Anything that needs to be said to the Inspector should be said in the inquiry, where everybody else has the opportunity to hear and to comment on it.
40. Finally, the Inspector made a few observations on the possibilities of combining the contribution of objectors, to assist the efficient running of the inquiry and to avoid unnecessary repetition.

D Wildsmith

INSPECTOR
16 December 2011

APPENDIX 1

A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass)

PARTIES WHO ATTENDED OR WERE REPRESENTED AT THE PRE-INQUIRY MEETING HELD ON 13TH DECEMBER 2011 AND WHO INDICATED THAT THE EXPECTED TO APPEAR AT THE INQUIRY ITSELF

PARTY	Comments
Highways Agency, The Cube 199 Wharfside Street Birmingham B1 1RN (Promoter)	Represented at PIM by Mr Christopher Lewsley of Counsel, instructed by The Treasury Solicitor on behalf of the Highways Agency. Arrangements for inquiry are as follows: Advocate: Mr Lewsley 11 witnesses are to be called as follows: 1. Karen Green (HA Policy) 2. Ronan Finch (Engineering) 3. David Elliott (Traffic) 4. Andrew Goodwin (Construction) 5. Alfred Maneylaws (Noise). 6. Thomas Jonson (Landscape) 7. Jay Carver (Heritage) 8. Stephanie Peay (Ecology) 9. Alistair Field (Land Use) 10. Sheena McCallum (Planning) 11. Garry Gray (Air Quality)
Central Bedfordshire Council, Technology House, Amphill Road, Bedford (Supporter)	Represented at PIM by Mr J Tombe. Indicated that Cllr Nigel Young intends to speak at the inquiry in support of the scheme
AXA Sunlife Plc and AXA REIM (UK) Ltd (Objector)	Represented at PIM by Mr M Lewin, TPP, 70 Cowcross Street, London, EC1M 6EQ
St Albans Diocesan Board of Finance and Old Road Securities Plc (Objector)	Represented at PIM by Mr J Priest of Williams & Co, 2 Woburn Street, Amphill, Bedfordshire
Hertfordshire Highways, Highways House, 41-45 Broadwater Road, Welwyn Garden City, AL7 3SP (Objector)	Represented at PIM by Mr Benyam Kenbata
Chiltern Society Rights of Way Group (Representation)	Represented at PIM by Mr John Rowe, Fox Meadow, Water End Road, Potten End, Berkenhamstead, HP24 2SH

APPENDIX 2

ORDER of presentation of cases at the Inquiries relating to **A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass)**

Inspector's opening preliminaries and announcements	
HIGHWAYS AGENCY (HA)	
Short opening statement by Mr Lewsley	This will allow those people unable to attend the whole of the inquiry to have an understanding of the issues
Witnesses' evidence in chief.	
Cross examination	Limited to questions of clarification
EACH SUPPORTER	
Presentation of case	
Cross examination by objectors	
Re-examination	
Closing remarks	
EACH OBJECTOR	
HA will present a response	
Objector questions HA witnesses	Where possible Objectors should inform Programme Officer beforehand which HA witnesses are to be cross examined
Re-examination of HA witnesses	
Objector's evidence in chief	Objector presents case including any alternative proposals
Questions by HA	on objection and any alternative
Re-examination of Objector	
Counter objector's evidence	Counter objector (if any) presents counter objection to alternative (if any) put forward by objector
Questions from objector	Counter objector questioned by objector on counter objection
Re-examination of counter objector	
Closing remarks by counter objector	
Closing remarks by objector	
OTHERS	
Evidence	After all objectors and counter objectors have completed their cases, any other evidence from interested persons or bodies who may object to the Orders in some way will be heard.
Questions from HA	If any
Closing submissions on behalf of HA	

The Inspector may have questions for each witness after re-examination

APPENDIX 3

A5 Trunk Road (A5-M1 Link Dunstable Northern Bypass)

Preliminary Draft Inquiry Timetable

7 Feb	Inquiry opens Inspector's opening & preliminaries	
	Highways Agency	Opening Statement Witnesses 1-4 evidence in chief Clarification by cross-examination
8 Feb		Witnesses 6-10 evidence in chief Clarification by cross-examination
9 Feb	Supporters	a. Andrew Selous MP (Supp/010) b. Central Bedfordshire Council (Cllr Nigel Young) (Rep/014)
10 Feb		Other Supporters inc. A.G. Hemming (Supp/03)
14 Feb	Objectors	a. Mr J Priest, St Albans Diocesan Board of Finance and Old Road Securities Plc (Obj 8) b.
15 Feb		c. AXA Sunlife Plc and AXA REIM (UK) Ltd (Obj 29)
16 Feb		d. Hertfordshire Highways (Obj 43)
17 Feb		e. General Motors (Obj 39) f.
21 Feb		Objectors as yet undeclared as to whether they are to speak
22 Feb		Ditto
23 Feb		Ditto
24 Feb		Ditto
28 Feb	Others	a. Chiltern Society Rights of Way Group (Rep/11) b.
29 Feb		Adjournment (site inspections)
1 Mar		Adjournment (site inspections)
2 Mar		HA closing submissions Inquiry closes

1. To be read in conjunction with Appendix 2, which shows the steps through which each witness will be taken during the inquiry.
2. A more accurate programme will be produced on the basis of the information on the Programming Forms returned on **17 January 2012**.
3. Participants should be aware that the programme will be flexible and any gaps appearing will be closed where possible. Thus the end date of the inquiry may be before 2 March 2012.