

PUBLIC INQUIRIES

into proposals for the

MERSEY GATEWAY

and associated development

under the Highways Act 1980
 Acquisition of Land Act 1981
 Town and Country Planning Act 1990
 Transport and Works Act 1992
 Transport Act 2000

Inquiry opening at 10.00 on 19 May 2009 at the
Stobart Stadium, Lowerhouse Lane, Widnes WA8 7DZ

Pre-Inquiry Meeting held from 10.00-12.45 on 24 March 2009 at the
Brindley Art Centre & Theatre, High Street, Runcorn WA7 1BG

*These Notes incorporate the Inspector's decisions on disputed or
unresolved matters at the PIM. Any factual errors in the Notes should be
reported to the PO within seven days of receipt.*

*Alan Gray MRICS DipTP MRTPI
Inspector
Brenda Taplin
Programme Officer*

03.04.09

1. Inquiry Personnel and PIM Attendees

- *Inspector*
 - Alan Gray MRICS DipTP MRTPI
- *Deputy or Assistant Inspector*
 - to be appointed
- *Planning Officers*
 - Frances Gully BSc(Hons) MSC
 - Alan Nettey BA(Hons) MA
- *Programme Officer*
 - Brenda Taplin

- *Halton Borough Council (HBC)**
 - Timothy Straker QC
 - Christopher Boyle of Counsel
 - Howard Bassford (DLA Piper)
 - Amanda Campbell (DLA Piper)
 - Philip Allenby (DLA Piper)
 - Paul Kenny (DLA Piper)
 - Kate Creer (DLA Piper)
 - Helen Kirkham (GVA Grimley)
 - John Brooks (GVA Grimley)
 - Chris Taylor (DTW)
 - Peter Whelan (DTW)
 - Samantha Cheater
 - Mike Jones
 - David Walker
 - Councillor Tony McDermott
 - Councillor David Findon
 - Steve Nicholson (Project Director)
 - Claire Hall (Project Manager)
 - Marion Kirby
 - David Lyon
 - Mick Noone
 - David Parr
 - Mark Reaney
 - Alan Scarisbrick
 - Phil Watts

- *Great Sankey Parish Council**
 - C Lee (FoE-NW)

- *Sutton Parish Council**
 - Sandra Spruce

- *Highways Agency*
 - D Clark

- *Health & Safety Executive*
 - G Adderley

MERSEY GATEWAY : Pre-Inquiry Meeting Notes

- *The Alliance(including North West Transport Activist Roundtable)**
 - Lillian Burns (Campaign to Protect Rural England)
 - Frank Kennedy (Friends of the Earth NW)
 - Deni Newman (Friends of the Earth Halton)
- *Arven Chemicals / Mr & Mrs Rotheram / Ventcroft Limited*
 - Paul Hames (Edmund Kirby)
 - Charles Hubbard (Edmund Kirby)*
- *The British Association for Shooting & Conservation**
 - PR Williamson
- *Broadthorn Construction**
 - Matt Collings(Eversheds)
 - Sonya Veitch (Eversheds)
- *The Crown Coastal Estate*
 - Andrew Black (Carter Jonas)
- *David & Lynne McCarrick**
 - Lynne McCarrick
- *S Evans & Sons Ltd**
 - Glyn Bridge (McDyre & Co)
- *Broadthorn Construction*
 - Matt Collings (Eversheds)
 - Sonya Veitch (Eversheds)
- *FoE-Halton*
 - Deni Newman
- *Landmark Properties Limited / Thermphos (UK) Limited**
 - Charles Goodall
- *Mersey Conservancy*
 - Martin Bailey
- *Mersey Environmental Advisory Service*
 - P Slinn
- *National Alliance Against Tolls*
 - J McGoldrick (Mersey Tunnel Users Association)
- *Peel Ports*
 - Warren Marshall
- *Redman Heenan Properties*
 - Lisa Tye (DWF)
- *Maritime Centre*

- William Bowley

Chris R Head (Bilfinger Berger PI)
G Kealy (CP Films)

Andrew Basden*
D Bullock
Philip Cain
Samantha Cheater
Paul Cook
J Davenport
M Davenport
Richard Dennett
D & J Doran
S Doyle
P Duncan
W Duncan
Adrian Dunning
F Dwyen
A Egan
CP Fox
J Egan
Michael Gellings
Mike Jones
Paula Littler
Mr & Mrs A & J Lowe
Garry Murray
G & M Newman
Mark McLaughlin
Martin Ramsden
Jim Rice
Des Rylands
E Ryan
David Walker
John Wall
Occupier of 38 Halebank Road

2. Purpose of the Inquiry

- to consider the proposals; and
- to consider objections to and representations about the proposals; but
- not to consider the merits of Government policy or compensation issues.

3. Proposals before the Inquiry

- 1 Transport and Works Act Order;
- 2 Planning Applications;
- 2 Side Roads Orders;

- 2 Compulsory Purchase Orders;
- 1 Road User Charging Order;
- 1 Listed Building Application; and
- 2 S19 Applications under the Acquisition of Land Act¹.

4. Appearances at the Inquiry

- Entitled to appear (Statements of Case already lodged²)
 - Halton Borough Council;
 - Other local authorities including Parish Councils;
 - Statutory Bodies & Consultees;
 - Statutory Objectors³ to the Transport and Works Act , Side Roads, Compulsory Purchase and Road User Charging Orders; and
 - Rule 6 Parties.
- Other objectors and those who have made representations allowed to appear at Inspector's discretion⁴ provided
 - Permission obtained via Programme Officer; and
 - Evidence relevant and not repetitive.

5. Inquiry Procedure

- Governed generally by TWA Inquires Procedure Rules (SI 2004/2018)
- Sanctions will be imposed if/when Rules flouted
- Brief opening speeches only by advocates calling witnesses (30 minutes for HBC; 15 minutes for others⁵)
- HBC first followed by Supporters and Objectors, with HBC having the final word
- HBC witnesses will be heard in succession at the start of the Inquiry and return for cross-examination etc by Objectors
- Themed approach on the following basis⁶:
 - Case for the Project (including need, funding considerations and road pricing/tolls⁷)
 - Physical & Engineering Aspects
 - Economic & Socio-Economic Aspects (including traffic models and forecasts)
 - Environmental & Ecological Aspects (including land quality, estuarine considerations, biodiversity, noise, air quality, environmental capacity & climate change⁸)

¹ These relate to exchange land for open space being compulsorily acquired

² Lodged Statements of Case from those attending marked *

³ As defined in the relevant legislation

⁴ Members of the public may not know whether they are statutory objectors or not and in practice, many who wish to appear at the Inquiry will not have an entitlement, but the Inspector will exercise his discretion freely and will not unreasonably prevent anyone from appearing

⁵ The Inspector has concluded that HBC's advocate should have a longer slot because he is calling considerably more witnesses than any other party

⁶ It may be necessary, depending on statutory timescales, to have an exchange land theme

⁷ The Inspector has reached the view that the issue of tolling is inseparable from the case for the project itself because of the funding implications

⁸ The Inspector is of the opinion that matters of environmental capacity and climate change are relevant and should be considered within this theme which may need subdivision in the Inquiry Programme

- Compulsory Purchase
- Drafting Aspects of Orders and Consents (including conditions and planning obligations)
- Questions of factual clarification should be addressed to HBC by 12 May and will be answered in advance of the Inquiry appearance
- HBC has identified no alternatives in terms of the Highways Act (S258) requiring advertisement and scope for counter-objection
- Up to two Evening Sessions for those who cannot attend by day and make a request via the Programme Officer

6. Evidence, Documentation & Advocates' Submissions

- Advice from Planning Inspectorate's website
- Advice on nature and format of evidence attached⁹
- Advice on listing and referencing of documents attached¹⁰
- Summaries of Proofs to be read aloud at Inquiry
- Statutory Formalities bundle to be provided and maintained by HBC
- Unpublished reports of little value to Secretaries of State
- Core documents will provide the policy platform
- No surprises, save for material changes in circumstances

7. Pre-Inquiry Timetable

- HBC evidence submitted to Programme Officer and Statutory Objectors etc by 21 April
- HBC evidence available to general public at:
 - Inquiry website;
 - Kingsway Learning Centre, Victoria Square, Widnes WA8 7QY; and
 - Halton Lea Library, Halton Lea, Runcorn WA7 2PF.
- All other evidence submitted by 28 April to PO & HBC via Mersey.gateway@dlapiper.com
- Inquiry opens on 19 May at 10:00
- HBC rebuttals to Programme Officer and Objectors by one week ahead of Objector's appearance

8. Inquiry Venue, Sittings, Facilities & Programme

- Stobart Stadium, Lowerhouse Lane, Widnes WA8 7DZ
- No sitting on 22 & 26 May
- Up to two evening sessions according to demand
- Inquiry programme will be published following processing of appearance and other requests
- Inquiry could last up to 10 weeks but will not sit for more than 6 consecutive weeks
- Library of evidence
- Photocopying facilities per HBC: first 10 pages free, 10p per A4 and 20p per A3 copy thereafter
- Site visits before, during & after Inquiry
- Sitting Times:

⁹ See Appendix 1

¹⁰ See Appendix 2

- Mondays no sitting
- Tuesdays – Thursdays 10:00-17:00
- Fridays 09:30-13:00

9. Environmental Statement

- ES adequate in terms of appropriate regulations to allow Inquiry to proceed¹¹

10. AOB

- HBC confirmed that evidence would be led in relation to viability, deliverability and funding of the project, which the Inspector welcomed
- HBC agreed to ensure that all necessary material (including Appraisal Summary Table and Wider Economic Impact Report) would continue to be freely available to The Alliance via deposited documents or the Inquiry website
- HBC confirmed that it would be open to cross-examination on the 'road network paradox'
- The Inquiry proceedings will not be recorded by way of a transcript or similar facility¹²
- Media coverage, blogging and referenda are beyond the Inquiry scope

11. What Next?

- Evidence to be prepared and submitted by deadlines
- Outline Inquiry programme to be issued during w/c 11 May
- Keep in touch with the Programme Officer
 - Brenda Taplin
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West Point
Springfield Road
Horsham
West Sussex RH12 2PD

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¹¹ Having regard to EU Directive 85/337, the Inspector has concluded that there has already been sufficient opportunity to challenge the scope of the ES in terms of boundary and transport modelling considerations, and that it provides an adequate basis for the Inquiry to proceed; the Secretaries of State will, of course, reach their decisions on the basis of the ES together with all other environmental information provided to the Inquiry

¹² The Inspector concluded that there was an insufficient argument for a transcript of the Inquiry proceedings in the light of the expense (which would have to be borne by HBC), the widespread availability of material via the Inquiry library and the website; and that an Inquiry minute-taker would offer a limited and unassured service which would be inappropriate.

Appendix 1: Nature & Format of Evidence & Submissions

1. Core Documents in addition to those listed by HBC

- Agree, assemble, list and submit to Programme Officer by 21 April

2. Proofs of Evidence & Appendices

- Hard Copies should respect the following specification

A4 format

Verdana 11pt Font

Lines @ 1½ spacing

Paragraph & page numbering essential

May be printed double-sided

Opinions in Proofs & data etc in Appendices

Binding as necessary

Objectors' Proofs should be structured by Themes as necessary

- Digital Versions

Essential

Word Documents (not PDF or HTML unless capable of cutting & pasting))

CD Rom/memory stick or Email to PO

3. Digital Evidence

- Copies for opposing parties
- Equipment for displaying should be available at the Inquiry

4. Colour

- Avoid colour unless copying facilities can cope
- Consider colour blindness in the readership

5. Orders and Conditions etc from HBC

- Hard and digital versions essential

6. Advocates Opening, Closing & Other Submissions

- Hard copies and digital versions required
- In advance of delivery

Appendix 2: Listing, Referencing & Availability of Documents

1. Document Lists

- Maintained by each participating party throughout the Inquiry
- Hand in Appearance List at opening of your case

2. Document Referencing

- PO will advise on individual references
- Example Abbreviations
 - HBC Halton Borough Council
 - FoE Friends of the Earth
 - ALL The Alliance
 - P Proof
 - S Summary
 - A Appendix
 - CD Core Document
- Examples References
 - HBC/0/1 First general document of Halton BC
 - HBC/1/1 First Document of Halton's First Witness
 - HBC/2/4 Fourth document of Halton's Second Witness
 - ALL/0/1 The Alliance's Appearance List
 - ALL/1/1 The Alliance's First Document of their First (or only) Witness
 - INQ/1 Notification of Inquiry
 - CD/1 PPG13Proofs of Evidence, Summary Proofs and Appendices will be additional identified by letter eg HBC/1/2P

3. Document Availability

- Copies of proofs & core documents will be held in Inquiry Library
- Display plans of the proposals in a public area