



Report to the First Secretary of State and the Secretary of State for Transport

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THAMES GATEWAY BRIDGE INQUIRY

REPORT ON REQUEST FOR POSTPONEMENT OF THE COMMENCEMENT OF THE INQUIRY

Scheduled opening date of Inquiry: 7 June 2005

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DN5002/55/12M/1

DN5002/55/7/1

DN5002/60/1/03

1 INTRODUCTION AND BACKGROUND INFORMATION

- 1.1 This report concerns a request to postpone an inquiry which is scheduled to open on Tuesday 7 June 2005 at Charlton Athletic Football Club, Floyd Road, London SE7 8BL into the following matters:
- two planning applications called in for determination by the First Secretary of State, made by Transport for London ("TfL") to the London Borough of Greenwich (ref 04/1800/F) and to the London Borough of Newham (ref P/04/1470) for part full and part outline planning permission for the erection of the Thames Gateway Bridge, linking the A13/A406 in Beckton to the A2016 Eastern Way in Thamesmead and associated works and buildings.
 - a further planning application called in for determination by the First Secretary of State for a temporary construction work site at Armada Way, Beckton, made by TfL to the London Borough of Newham (ref P/05/0428).
 - the A2012 GLA Road (Thames Gateway Bridge) Special Roads and Bridge Scheme 2004, made by TfL and submitted to the Secretary of State for Transport for confirmation.
 - the A2012 GLA Road (Thames Gateway Bridge) (Side Roads) Order 2004, made by TfL and submitted to the Secretary of State for Transport for confirmation.
 - the A2012 GLA Road (Thames Gateway Bridge) Compulsory Purchase Order 2004, made by TfL and submitted to the Secretary of State for Transport for confirmation.
 - the A2012 GLA Road (Thames Gateway Bridge) Toll Order 2004, made by TfL and submitted to the Secretary of State for Transport for confirmation.
- 1.2 Notice of the intention of the Secretary of State for Transport to cause an inquiry to be held into the objections and representations to the Scheme and the Orders was given on 29 October 2004 under Rule 4 of the Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedure) Rules 1990 and Rule 14 of the Highways (Inquiries Procedure) Rules 1994.
- 1.3 The decision to call in the main bridge planning applications was notified to the local planning authorities concerned on 19 January 2005.
- 1.4 Notice of concurrent public local inquiries into all matters other than the temporary construction work site planning application was given under the relevant Rules on 25 February 2005. Public notice regarding the inquiries

was given on 23 March 2005, and site notices regarding the inquiries were posted on 24 March 2005.

- 1.5 The construction work site planning application was called in on 24 March 2005, and it is my understanding that effective written notice was given of that decision to third parties on a date during week commencing 11 April 2005. Site notices were posted on 6 April 2005.
- 1.6 Bridge abutments for the proposed bridge would be located in the London Borough of Greenwich and the London Borough of Newham. The construction site proposed is located in the London Borough of Newham. Objectors argue, however, that the main effect of the construction of the bridge would be felt in the London Borough of Bexley, where they consider that increased traffic would arise on existing roads.
- 1.7 I have been appointed to hear objections and representations and to report to the Secretaries of State on the matters listed in paragraph 1.1 above, assisted by Mr J Watson.
- 1.8 I was originally appointed to sit as Assistant Inspector to Mr R M Barker at this inquiry. Following an Inspector's Pre Inquiry Meeting ("PIM") held on 4 April 2005 under Rule 7 (1) of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000, Rule 8 (1) of the Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedure) Rules 1990 and Rule 17 (1) of the Highways (Inquiries Procedure) Rules 1994, Mr Barker withdrew from the case, and I was appointed Inspector.
- 1.9 At the PIM held on 4 April 2005, a number of objectors to the applications, the Scheme and the Orders which would be before the forthcoming inquiry requested a postponement of that inquiry. Mr Barker was not persuaded that the inquiry should be postponed, and made his view on that issue known to those present. The PIM was closed, amongst disorder, without concluding the business listed for the meeting.
- 1.10 A note of the PIM is attached. It records the main events of the meeting. It also records decisions taken by Mr Barker after the close of the meeting on various procedural matters relating to the inquiry.
- 1.11 Following my appointment as Inspector in this case, I considered that it would be helpful to hold a further procedural meeting to assist those preparing for the inquiry. The purposes of that meeting were to review the decisions taken at the PIM on 4 April, to hear further representations on the issue of the postponement of the inquiry in order to prepare a report for the Secretaries of State by whom any decision on postponement would fall to be taken, and to answer any questions on the procedure to be followed at the inquiry which parties might have, particularly as so many of the parties intending to appear at the inquiry had no previous experience of taking part in public inquiries.

- 1.12 A note of that further procedural meeting is also attached.
- 1.13 The original TfL Statement of Case was dated December 2004. An amended version dated March 2005 was apparently sent to the Government Office for the North East on 1 March 2005, but copies of it did not reach the Inspectors in this case until 4 April 2005.
- 1.14 The original Environmental Statement prepared in connection with the bridge proposals was produced in July 2004. The Secretary of State asked for further information on 3 February 2005. An addendum to the Environmental Statement was thus produced on 24 March 2005. It was received by the Inspectors during April 2005, and put on deposit during the latter part of April 2005.
- 1.15 The full set of deposit documents in this case is maintained at the offices of TfL at Victoria Station, London. A proportion of these documents can be viewed on the internet. As at 27 April 2005, the deposit copy of one of the documents (D801, the Inspector's report of a public inquiry held in 1985/86 on the then proposed East London River Crossing) remained incomplete. Pages 199 to 390, containing the Inspector's conclusions and recommendations, were not included in the deposit copy of the document.
- 1.16 Copies of the planning applications and Environmental Statement are available at a variety of public buildings in Greenwich and Newham. With effect from 12 April 2005, copies of this restricted range of documents were also made available at a variety of public buildings in Bexley.
- 1.17 Following the request of Mr Barker, made at the PIM on 4 April 2005, TfL have confirmed that a daily transcript of the inquiry will be provided.
- 1.18 This report purely concerns the request of certain parties to the inquiry for a postponement of the opening of the inquiry. In considering that issue, however, it has regard to what I believe to be the related issues of the venue for the inquiry and the timing of various procedural steps to be taken before and during the inquiry.

2 THE CASE OF THOSE ARGUING FOR THE POSTPONEMENT OF THE INQUIRY

- 2.1 The arguments put forward in favour of postponement of the inquiry are set out at paragraphs 8.2, 8.3 and 8.5 of the note of the procedural meeting of 28 April 2005. Rather than my seeking further to summarise those arguments, the Secretaries of State are referred to the listed paragraphs of that note.

3 THE CASE OF THOSE OPPOSING POSTPONEMENT OF THE INQUIRY

3.1 The arguments put forward against postponement of the inquiry are set out at paragraphs 8.7 and 8.8 of the note of the procedural meeting of 28 April 2005. Again, rather than my seeking further to summarise those arguments, the Secretaries of State are referred to the listed paragraphs of that note.

4 CONCLUSIONS

4.1 In this section of the report, reference is made in square brackets to the paragraphs in the note of the meeting of 28 April 2005 in which a point at issue is raised.

4.2 I consider that the main issues on which a recommendation is needed from me are:

- whether the opening of the inquiry should be postponed from the scheduled date of 7 June 2005;
- whether there is any consequent need for the dates currently set for the delivery of proofs of evidence to be amended; and
- whether the proposed venue for the inquiry should be altered.

The issue of postponement

4.3 I consider that extensive publicity has been given to the proposal to build a bridge across the Thames between Beckton and Thamesmead [8.7.a, 8.8.b, 8.8.c, 8.8.d]. That publicity may well have presented the case for the bridge in a positive way, but it brought the proposal to the attention of those receiving it. The publicity included information in a variety of minority languages as to the ways in which further details could be obtained [8.2.a, 8.5.a, 8.7.a, 8.8.b].

4.4 The publicity given to the proposal has led, at present, to more than 2,000 representations being received regarding the proposal. In fact, many of those representations come from addresses in Bexley [8.2.b].

4.5 The meetings held on 4 April 2005 and 28 April 2005 were called on the initiative of the Inspectors concerned [1.13, 1.17, 1.23, 1.34]. There is no legal requirement for an Inspector to hold such a meeting where the Secretary of State has decided that it is not necessary to call a PIM. For both meetings, a very wide view was taken on the range of people who should be invited [1.18, 1.34, 8.7.d]. Both meetings held were called to discuss the procedure to be followed at the inquiry. Failure to attend such

meetings (or, indeed, failure to be invited to such a meeting) would not preclude anybody from attending or speaking at the subsequent inquiry [8.2.c, 8.7.c]. I do not consider that arguments regarding the status of the procedural meetings justify any postponement of the inquiry [8.3.l]. If clarification of their status is necessary, it is not a postponement which will deliver it.

- 4.6 Original objections will be considered at the inquiry. Any inadequacy in the summary of an objection contained in the promoters' Statement of Case will not affect the consideration given to that objection at the inquiry [8.2.d].
- 4.7 As indicated in paragraph 1.8 above, the inquiry and the arrangements for it are governed by a variety of sets of Rules. Those Rules impose slightly different requirements in relation to deposit documents. The most detailed requirements are contained in the 1994 Rules.
- 4.8 As stated in paragraph 1.15 above, the only full set of deposit documents is maintained in central London. One document, which I consider to be an important document (D801) is deficient, in that almost 200 pages of it are missing.
- 4.9 No statutory objector to the Highways Scheme and Orders has complained that Rule 16(2) of the 1994 Rules has not been complied with. So far as other objectors are concerned, it could be argued that the less specific requirements of Rule 16(7) have been met [8.2.e].
- 4.10 The promoters argue that the statutory requirements in relation to documents (amongst other matters) have been met [8.7.g], and that few people have asked to see the deposit documents [8.7.e]. Given their location, that is perhaps not surprising. The provision of deposit documents is not generous in my view, and I can understand the problems facing those who wish to refer to them but have difficulty in doing so because of employment or caring responsibilities.
- 4.11 I do not consider that any particular problem arises from the amendments made to the Environmental Statement [8.5.d, 8.5.e] or to the access arrangements for copies of that document [8.2.f]. The payment requested for the supply of hard copies is substantially less than that which has applied in many comparable cases in my experience. Requests for information from the promoters or from local planning authorities should in my view be dealt with under the applicable statutory codes and guidance [8.2.e, 8.3.n, 8.5.f, 8.8.f, 8.8.g].
- 4.12 I consider that there is no justification whatsoever for the claim that objectors need to see the promoters' proofs of evidence before they can prepare their own evidence [8.2.g, 8.7.h]. Nor do I consider the size or the political affiliations of the majority in favour of approval of the bridge application by the London Borough of Greenwich to be of relevance to the issue of postponement [8.5.b, 8.8.a].

- 4.13 I consider that the offering of funds to assist objectors is an important step. In my view, a wide group of voluntary organisations, not accustomed to working together, cannot be expected to be able to make an immediate and coordinated response to such an offer [8.2.h, 8.3.m], which the promoters accept is unusual, if not unprecedented [8.7.i]. I consider that the objectors benefiting from this arrangement have moved with reasonable speed, and it is clear to me that they have commissioned work from potential witnesses of substance, whose contributions to the evidence before the inquiry could be of valuable assistance to the inquiry.
- 4.14 On the other hand, I consider that TfL have displayed commendable flexibility in their offered approach to the deadlines for the provision of proofs of evidence by other parties to the inquiry. This would mean that evidence from statutory bodies would not be required until 24 May 2004 [5.9.b], and that evidence from other parties would not be required until 14 June 2005 (after the scheduled opening of the inquiry) so long as an outline of each proof was provided by 31 May 2005 (a safeguard suggested by one of the objectors concerned) [5.9.c]. I consider that this timetable would allow anybody involved in the General Election time to deal with issues concerning the inquiry [8.2.i].
- 4.15 The flexible approach to deadlines for proofs was welcomed by objectors, but they still considered that the time available for preparation of their evidence could prove to be inadequate [8.3.m].
- 4.16 At the same time, however, I am very conscious that the full statutory periods for preparation for the inquiry have already been provided in this case [8.7.g], and that substantial costs would arise if the existing accommodation for the inquiry needed to be cancelled and the same or alternative accommodation needed to be secured for different dates [8.7.j]. The existing venue would be unlikely to be available if the inquiry took place during the football season, and finding an alternative which met all the requirements for an appropriate inquiry venue has proved to be difficult [6.2.b].
- 4.17 Having regard to all of these factors, and to all the other matters raised on both sides of the issue at both of the meetings at which postponement has been discussed, I consider that the crucial considerations are that the date of the public inquiry has been known since 25 February 2005, and the full statutory periods of notice have been given for each stage of the procedure. There would be avoidable costs falling on a public authority if the inquiry were to be postponed. On the other hand, if the provision of funds to assist objectors is to be anything other than an empty gesture, time needs to be available to allow those funds to be put to proper use.
- 4.18 I believe, however, that the lengthy discussions on procedure which took place on 28 April 2005 offer a means by which additional time could be provided for the non-statutory objectors at the inquiry to prepare their evidence without the worst consequences of a postponement being felt. The keys to this are the arrangements made for the non statutory objectors

to be able to present their objections in a self contained way during the inquiry, and the acceptance that a transcript of the inquiry will be provided.

- 4.19 It was agreed at the procedural meeting on 28 April 2005 that objectors would have the option of cross examining the promoters' witnesses either immediately after those witnesses had given evidence in chief, and then presenting their objections at a later stage in the inquiry; or, alternatively, of cross examining the promoters' witnesses at the time at which their objection was made, thereby dealing with an individual objector's case in a self contained way, which would minimise the days on which it would be necessary for an individual objector to attend the inquiry [5.4]. The agreement that a transcript will be arranged [3.5] makes this alternative approach perfectly viable, without detriment to an objector's opportunity to take account of all the proceedings of the inquiry which take place before he or she makes his or her case.
- 4.20 I consider that the inquiry should open as planned on 7 June 2005, to hear the cases of the promoters, the supporters, any statutory bodies who object, and any non-statutory objector who wishes to proceed during that session of the inquiry. When that process has been concluded (after, perhaps, four weeks), the inquiry should adjourn until, say, 13 September 2005, at which stage remaining non-statutory objections should be heard. This would be followed by any reserved closings and by the closing for the promoters.
- 4.21 Inquiries with adjournments much more substantial than this are not unknown. This proposal would meet, it seems to me, the issues regarding time for preparation raised by those objectors seeking a postponement, without delaying in any substantial way the overall timescale of the inquiry and the report which will be produced following it.
- 4.22 One objector claimed that a bridge in the area of the proposed scheme had been discussed for 43 years. Local people find it hard to understand why a short further delay in the overall consideration of this proposal cannot be countenanced.
- 4.23 I conclude that, while the inquiry should open as planned on 7 June 2005, that session of the inquiry should be used to hear the promoters' case, the cases of the statutory supporters and the statutory objectors, and any non-statutory objector who wishes to proceed during this session. None of the statutory parties has suggested that it would not be possible for them to proceed with the inquiry on 7 June 2005. I conclude that it would then be appropriate for the inquiry to adjourn until 13 September 2005, at which stage the balance of non-statutory objections and representations would be heard, together with any reserved closings and the closing of the promoters.

The issue of timetable

4.24 If the hearings of the inquiry are not to be split as I recommend, I consider that the timetable of events set out in the note of the procedural meeting of 28 April 2005 should be followed. If, however, the recommendation which I shall make based on the conclusion set out in paragraph 4.23 above is accepted, I conclude that the following revised timetable for the delivery of proofs, documents etc between now and the opening of the inquiry should be substituted:

- 10 May 2005 TfL proofs of evidence to be delivered to the Programme Officer.
- 10 May 2005 Statement of Common Ground to be delivered by TfL and the London Boroughs of Greenwich and Newham to the Programme Officer.
- 20 May 2005 Request for any document to be a core document to be made to the Programme Officer.
- 24 May 2005 Local authorities, statutory bodies and supporters intending to appear at the inquiry to deliver proofs of evidence to the Programme Officer.
- 31 May 2005 Objectors to provide an outline of their evidence and a list of the issues on which they would wish to cross examine the promoters' witnesses to the Programme Officer.
- 7 June 2005 Inquiry opens.
- 14 June 2005 Non-statutory objectors intending to appear during the first session of the inquiry to deliver their proofs of evidence to the Programme Officer by today. Rebuttal proofs would be required to be delivered to the Programme Officer five days before the programmed date on which any objection is to be heard.
- 21 June 2005 Supporters of the proposals not to be listed to be heard before today.
- 16 August 2005 All remaining parties wishing to appear at the inquiry to deliver their proofs of evidence to the Programme Officer by today.
- 6 September 2005 Rebuttal proof for first listed objector to be heard during the second session of the inquiry to be delivered to the Programme Officer by today. Thereafter, rebuttal proofs to be delivered to the Programme Officer five days before the programmed date for the hearing of the objection.

- 13 September 2005 Inquiry resumes to hear balance of non-statutory objections, representations and closings.

The issue of venue

- 4.25 On the basis of my experience of the PIM held on 4 April 2005, I consider that Charlton Athletic Football Stadium is an acceptable venue for this public inquiry. It is well located for public transport, and has good parking [6.2.a]. It has been used successfully for a public inquiry already, and the smaller room available at the venue, to which the inquiry would move as soon as numbers permitted, is considered to be a particularly good location [6.2.c]. I do not consider that this location is inaccessible to people from Bexley or to people with access related disabilities. I see no reason why the venue cannot be accessible at the same time to all parties to the inquiry [8.2.j, 8.7.j].
- 4.26 If my recommendation is accepted regarding the hearing of non-statutory objections and representations on and after 13 September 2005, an alternative venue would need to be found for the balance of the inquiry. If it proved to be available, I consider that Woolwich Town Hall could be an acceptable venue for the balance of the inquiry [6.2.d].
- 4.27 I share the view that two evening sessions north of the river and two evening sessions south of the river at locations other than the normal inquiry venue could usefully be arranged if the demand for such sessions exists. I consider that it would be logical for these evening sessions to take place during the second session of the inquiry, if my recommendation on that approach is accepted.

5 RECOMMENDATIONS

- 5.1 I recommend that the inquiry opens as planned on 7 June 2005, but that that session of the inquiry should be used to hear the promoters' case, the cases of the statutory supporters and the statutory objectors, and any non-statutory objector who wishes to proceed during this session. I recommend that the inquiry should then adjourn until 13 September 2005, at which stage the balance of non-statutory objections and representations should be heard, together with any reserved closings and the closing submissions of the promoters.
- 5.2 I recommend that the revised timetable set out in paragraph 4.24 above should be applied to the inquiry.
- 5.3 I recommend that the inquiry should take place at the venue currently retained, but that an alternative venue should be found for the session of the inquiry commencing on 13 September 2005.

6 OTHER MATTERS

6.1 At the request of people who attended the procedural meeting held on 28 April 2005, the attention of the Secretaries of State is drawn to the following concerns of parties to the inquiry:

- the projected lack of translation facilities at the public inquiry for parties for whom English is a second language or for parties who have no facility in English (paragraph 3.5 of the note of the meeting of 28 April 2005)
- the fact that the meeting of 28 April 2005 continued until 10.25pm, and that it was necessary for some people to leave the meeting before it had concluded (paragraphs 8.4 and 10.3 of the note of the meeting of 28 April 2005).
- the projected lack of crèche facilities and transport facilities in connection with the inquiry (paragraph 10.1 of the note of the meeting of 28 April 2005).



INSPECTOR

