

PROPOSED UPGRADE OF VICTORIA UNDERGROUND STATION

NOTE OF A PRE-INQUIRY MEETING HELD AT CENTRAL HALL, WESTMINSTER ON WEDNESDAY 9 JULY 2008 AT 10.30

Introduction

1. The Inspector, Mr Christopher Tipping, welcomed those present and introduced himself as having been appointed by the Secretary of State for Transport to conduct the inquiry.
2. He introduced the Programme Officer appointed for the inquiry, Mr Graham Groom. Mr Groom's contact details prior to the inquiry were:

**Address: Persona Associates, West Point, Springfield Road, Horsham
West Sussex RH12 2PD
Tel: 01403 219899
email: grahamgroom@personaassociates.co.uk**

Mr Groom would be responsible for drawing up the inquiry programme and for all day-to-day administration, and would maintain the inquiry library. He would be the first point of contact for questions and advice.

3. The Inspector invited the advocate for the applicant, London Underground Limited, to introduce himself, and asked other parties present at the meeting who intended to appear or be represented at the inquiry to identify themselves. A list of such parties forms Annex B to this note.

Purpose and Scope of the Inquiry

4. The Inspector explained that the purpose of the inquiry was to allow him to hear all objections and representations relating to the two matters before the inquiry, namely the application for the London Underground (Victoria Station Upgrade) Order, pursuant to the Transport and Works Act 1992, and the related request for deemed planning permission under the Town and Country Planning Act 1990. As discussed at the meeting and confirmed in correspondence submitted after the close of the meeting, a direction has been given by the Secretary of State for Communities and Local Government that the three applications for listed building consent made by the applicant in connection with the upgrade be considered at the inquiry concurrently with the Order application and the request for deemed planning permission.
5. After closing the inquiry, the Inspector would prepare and send to the Secretaries of State a written report which would take into account all objections and representations, whether made orally at the inquiry or in writing. The report would reach conclusions about the

scheme and make recommendations in respect thereof. It would then be for the Secretaries of State to make the decision.

6. The particular matters in relation to which the Secretary of State for Transport desired to be informed were set out in a Statement of Matters issued by the Department for Transport on 8 May 2008. On 13 June 2008, the Secretary of State for Communities and Local Government issued a brief Statement of Matters relating to the applications for listed building consent. The contents of these Statements of Matters did not preclude the presentation by any party of evidence relating to other issues, provided always that the evidence was relevant to the questions of whether the Order should be made, be made with modifications or not be made, whether or not the application for deemed planning permission should be granted, and, if so, subject to what conditions, and whether or not the applications for listed building consent should be granted.
7. Outside the scope of the inquiry were issues of government policy (including guidance on economic and environmental appraisal, and all current design standards) and compensation. Matters of law were also not for determination by the Inspector; any legal submissions must be made in writing, as must any response. These would be then appended to the Inspector's report.

Procedure and Programme

8. The inquiry would be conducted under the Transport and Works (Inquiries Procedure) Rules 2004 (SI No.2018 of 2004). The Inspector retained considerable discretion as to procedure, and would exercise this so as to accommodate as far as possible the requirements of all parties to the inquiry.
9. The procedure generally to be adopted would be as follows: The applicant's case would be heard first. After an opening statement, the applicant's witnesses would give their evidence in turn. Questions to the applicant's witnesses would at that stage be limited to matters of clarification, with cross-examination being postponed. The case of any supporters wishing to appear at the inquiry would be heard next.
10. Objectors would then attend the inquiry in turn in accordance with a programme to be agreed. Objectors would first have the opportunity to cross-examine the applicant's witnesses (see, further, paragraph 20 of this note). The applicant's rebuttal evidence responding to the objector's case would also be before the inquiry at this point, and cross-examination of witnesses by objectors would extend to any matters contained in the rebuttal evidence with which issue was taken. Each objector would then present their own case. Objectors and their witnesses would be subject to cross-examination on behalf of the applicant.
11. Final submissions must be made in writing. Objectors who wished also to read out their final submissions at the inquiry could choose to do so either on conclusion of their case, or by appearing again towards the end of the inquiry. Objectors wishing to attend at the end of the inquiry for this purpose would need to make arrangements with the Programme Officer.

The applicant's closing submission would be heard last in accordance with the Rules. (A note outlining the proposed inquiry procedure forms Annex A to this note.)

12. The Inspector set the following deadlines for submission of documents prior to the inquiry. It was essential if the inquiry was to be conducted efficiently that these be observed by all parties. A questionnaire relating to intended appearance at the inquiry is attached to this note. Any party intending to take part in the inquiry must return this questionnaire, duly completed, to the Programme Officer by **Friday 25 July 2008**. The information supplied in the returned questionnaires would form the basis of the first draft of the inquiry programme.
13. The Inspector set **Friday 26 September 2008** as the date by which the proofs or statements of evidence and the supporting documents of those intending to take part in the inquiry were to be submitted and exchanged. This date would apply both to the applicant and to all other parties.
14. The applicant intended to propose modifications to the draft Order and to submit a supplementary environmental statement. It was anticipated that the modifications and statement would be published by 5 August 2008. The modifications would not result in any additional land-take. Objectors expressed concern that this would nevertheless make the deadline for the submission of evidence difficult or impossible to meet. After discussion, the Inspector confirmed the deadline date as 26 September; any party in difficulty over meeting it should contact the Inspector via the Programme Officer.
15. Three copies of each proof and of any supporting document must be sent to the Programme Officer at the address given in paragraph 2. A copy of the applicant's evidence must be sent to each statutory objector and to every other person entitled to appear at the inquiry, in accordance with the Rules. Electronic transmission of proofs and other documents was for agreement between the parties.
16. One copy of objectors' proofs must be sent by the deadline to: **Bircham Dyson Bell LLP, 50 Broadway, London SW1H 0BL**. It was the responsibility of the party intending to rely on other documents in their evidence to ensure that the documents (or suitable extracts) were also submitted, either in an appendix to their proof or as free-standing inquiry documents, unless the documents were already contained in the core document list.
17. Where a proof of evidence significantly exceeded 1500 words, it must be accompanied by a summary, whether as a separate document or incorporated into the proof itself. The summary would be read out at the inquiry, but cross-examination could extend to the whole proof.
18. The applicant would use its best endeavours to serve its rebuttal evidence not later than three clear inquiry days prior to the appearance at the inquiry of the objector to whom it related.

19. Any party intending to rely solely on letters of objection or other documents previously submitted (such as a statement of case), and therefore not proposing to submit further evidence, should inform the Programme Officer not later than Friday, 26 September 2008, to avoid needless reminders. Parties not intending to appear at the inquiry but wishing to make further written representations should also submit these by the 26 September deadline. Anyone in any doubt as to the requirements for submission of evidence should check with the Programme Officer.
20. Once the applicant's proofs of evidence had been published, objectors would need to indicate to the Programme Officer which (if any) of the applicant's witnesses they wished to cross-examine.
21. All inquiry documents would be managed by the Programme Officer. The inspector asked the parties to follow the following document numbering convention when preparing their evidence. The applicant should adopt the prefix "LUL/" and objectors a prefix based on their objector number. For example, the Cathedral Area Residents Group, Objector 10, would use the prefix "OB10/". Proofs of evidence, summaries and appendices would then be numbered, after the prefix, "P1, P1S, and P1A and so forth. Any other documents to be relied on by a party would be numbered using the same prefix and sequentially, thus "LUL/1" to "LUL/n." Again, any party in doubt as to what was required should contact Mr Groom.

Venue and Sitings

22. The inquiry would be held at Central Hall, Westminster beginning at 10.00 on Tuesday, 28 October 2008. Inquiry sessions would be held on Tuesday to Friday inclusive. There would normally be no session on Mondays. On Tuesdays, Wednesdays and Thursdays, sittings would take place between 10am and 5pm with an hour's break for lunch, and with a short break mid-morning and mid-afternoon. There would be a single session on Fridays from 9.30am to 1.30pm with a slightly longer mid-morning break. It was currently envisaged that the duration of the inquiry be between two and six weeks. Negotiations were continuing between the applicant and a number of objectors, and until these were completed it was not possible to give a more accurate estimate of the inquiry's duration.

Inquiry Facilities

23. The library, which would contain a copy of all inquiry documents, would be maintained by the Programme Officer at the inquiry venue. The library copy of any inquiry document must not under any circumstances be removed, but reasonable requests for photocopies would be met by the Programme Officer. A room would be provided for the use of objectors. Any party in need of particular facilities or equipment at the inquiry should approach the Programme Officer in the first instance.

Site Inspections

24. The Inspector had made a preliminary inspection of the sites affected by the proposed works, and of the surrounding area. He would make at least one more detailed inspection prior to opening the inquiry. As requested on behalf of one objector, he would find an opportunity before the inquiry closed to observe the impact on local traffic conditions of the Sunday closure of the Mall.
25. Arrangements would be made for a formal accompanied site visit to take place at or near the end of the inquiry. Anyone wishing to attend the formal site visit or wanting the Inspector to view any particular site or feature of the scheme should inform the Programme Office during the inquiry. Arrangements for the site visit would be announced towards the end of the inquiry.

Any Other Business

26. Any questions arising before the inquiry opened, regarding procedure, the timetable, the programme or any other matter, should be directed to the Programme Officer. The Inspector reminded parties of the deadlines set out in paragraphs 12 and 13 above, and urged all parties to make contact with the Programme Officer if they had not already done so, and thereafter to keep in touch.
27. The meeting closed at 11.50.

C J Tipping

Inspector
13 July 2008

Annex A

INQUIRY PROCEDURE

1. Inspector's opening remarks and any preliminary issues.
2. The opening submissions on behalf of the applicant.
3. The evidence-in-chief of the witnesses for the applicant, followed in each case by any unresolved questions of clarification.
4. The cases of the supporters.
5. Cross-examination of the applicant's witnesses by the first objector. The applicant's rebuttal evidence, having been previously served, will also be before the inquiry at this stage and may be the subject of cross-examination by the objector. Cross-examination may be followed by re-examination by the applicant's advocate.
6. Presentation of the first objector's case, followed by cross-examination by the applicant's advocate, and re-examination.
7. Repetition of stages 5 and 6 in relation to each subsequent objector.
8. Any other representations.
9. Closing submissions by objectors. Each objector may alternatively opt to make closing submissions after stage 6, or to make them in writing only.
10. The closing submissions of the applicant.
11. Announcement of arrangements for the accompanied site inspection.
12. Inspector's closing remarks and formal closure of the inquiry.

Annex B

APPEARANCES AT THE MEETING

THE APPLICANT

London Underground Limited

OBJECTORS

Westminster City Council

English Heritage

Network Rail

Land Securities plc

Freshwater Group, Norman Sinclair Properties Limited, Metropolitan Property Company Limited and Mayfair Charities Limited

Live Nations (Venues) UK Limited

Victoria Palace (an unlimited company)

Cathedral Area Residents Group

Victoria Interchange Group

Evelyn Mansions Residents' Association

Mr P Bates