

NOTES FOLLOWING A PRE-INQUIRY MEETING
19 November 2014
Hendon Town Hall, The Burroughs, London NW4 4AX
The London Borough of Barnet (West Hendon Regeneration Area)
Compulsory Purchase Order No 1 2014
NPCU/CPO/N5090/74016 – Inquiry 20 January 2015

Introduction

1. The meeting was opened at 13.30 by Mrs Zoë Hill BA(Hons) DipBldgCons(RICS) MRTPI IHBC who introduced herself as the Inspector appointed by the Secretary of State for Communities and Local Government to hold an Inquiry and report on The London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order No 1 2014 (the CPO).

The Purpose of the Meeting

2. The Inspector explained that the purpose of the meeting was to help all parties prepare for the Inquiry so as to ensure that the proceedings can be conducted as efficiently and effectively as possible so making the best use of Inquiry time. Mrs Hill explained that the meeting would not involve discussion of the merits of the CPO.

Appearances at the Inquiry

3. **Mr Neil King QC** and **Zack Simons** of counsel will appear for the Acquiring Authority, The London Borough of Barnet Council (LBB). Mr King indicated that he may call 7 witnesses: Martin Cowie the Interim Assistant Director of Strategic Planning, Regeneration and Transport dealing with the LBB's Regeneration Objectives; Paul Shipway Head of Strategy and Performance dealing with the LBB Housing Strategy; Paul Watling the Director of Valuation at Capita dealing with efforts to acquire by agreement; Thomas Wyld a Principal Planning Officer dealing with Planning Matters; Virginia Blackman Head of Compulsory Purchase at GVA dealing with the justification for the plots to be acquired; Hendrik Heyns Director of Allies and Morrison regarding the scheme design; and Matt Calladine Head of Development for Barratt London in respect of the scheme description and commitment to its delivery.
4. **Mr Knowles** of Sawyer Fielding has been appointed as a qualified professional to represent a number of objectors. It was advised that Mr Knowles will act as a key co-ordinator with 5 other surveyors (details not specified) who are involved in the CPO process.
5. **Miss Parsons**, who is a local resident, will represent another group of objectors.
6. It was acknowledged that there will be others who are likely to wish to represent themselves.
7. It was explained that it would be helpful to the running of the Inquiry if the details of those who wish to speak along with the broad details of their

objection are provided to the Programme Officer¹ ideally by the **22 December 2014**.

8. The Inspector confirmed that anyone who had been unable to attend the pre-inquiry meeting would not be precluded from attending or speaking at the Inquiry. In coming to her recommendation full account would be taken of the written representations she receives prior to the close of the Inquiry.

Programme Officer

9. The Acquiring Authority advised the pre-inquiry meeting that it has made arrangements for a Programme Officer. The details of the person have been notified to the Planning Inspectorate following the event and are as follows:- Ms India Norton who can be contacted on india.norton@barnet.gov.uk or on telephone number 020 8359 2069.
10. The Inspector wishes it to be clear that Ms Norton will have no direct involvement in the case and have no part to play in the Inspector's recommendation in respect of this CPO. The Programme Officer's role is to act as an impartial administrative officer of the Inquiry and she will be directly responsible to the Inspector. The main tasks of the Programme Officer are likely to be:
- Providing a link between participants and the Inspector, before and during the Inquiry;
 - Dealing with procedural queries relating to the programme and running of the Inquiry;
 - Setting up and maintaining the Inquiry library;
 - Dealing with day to day administrative arrangements during the Inquiry;
 - Ensuring that the web-based information is kept up-to-date.

Programme and Facilities

11. The Inquiry will open at 10.00 on Tuesday 20 January 2015 and the venue for the **opening day only** will be The Holiday Inn, Tilling Road, Brent Cross, London NW2 1LP. On that day a large room (for approximately 85 people) will be provided for the Inquiry with an overflow room provided for which there will be a voice link although the Council will seek to provide a video screen link.
12. On **all other days** the Inquiry will be held in Committee Room 3 at Hendon Town Hall, The Burroughs, London NW4 4AX.
13. The Inquiry is currently programmed to last for 8 days sitting from: Tuesday 20 to Friday 23 January; and, Tuesday 27 and Friday 30 January 2014. Sitting times will generally be 10.00 to 13.00 and 14.00 to 17.00 hours, but the Inquiry will finish earlier on Fridays and on the date of the evening meeting if this goes ahead.

¹ See details below

14. An evening meeting will take place on **22 January 2015** should it be required. The precise time for that meeting will be arranged at the beginning of the Inquiry but the Council will make sure accommodation is available for that event at Hendon Town Hall.
15. After the first day secure overnight storage will be provided for papers in a room at Hendon Town Hall. Copying facilities will also be made available to the parties at both the Holiday Inn and Hendon Town Hall.
16. The Acquiring Authority is requested to co-operate with the Programme Officer in identifying accommodation to act as a retiring room for the Inspector. It would also be helpful if meeting space for the Acquiring Authority and for the two main groups identified at the pre-inquiry meeting (Mr Knowles and Miss Parsons) can be provided.
17. Café / food and hot drink facilities are available at the hotel on the first day and in the area near to Hendon Town Hall on subsequent days.

Timetable

18. **The Acquiring Authority will provide its Statements by 22 December 2014** – this is an earlier date than normally required and has been offered by the Acquiring Authority to ease workloads over the Christmas period. Two printed sets of Statements, Summary Statements, and Appendices for each witness for use by the Inspector should be forwarded to the Programme Officer.
19. **It would be helpful if all objectors' Statements are submitted by 22 December 2014.** It is anticipated that the Statements from those who are professionally represented meet this deadline (it is understood Mr Knowles should be able to do this but if he has any difficulty he must contact the Programme Officer to advise of difficulties and then may have until 30 December to submit his Statements). Following discussion at the pre-inquiry meeting, it is clarified that Rule 15 of the Compulsory Purchase (Inquiries Procedure Rules) 2007 requires all those entitled to appear at the Inquiry to provide Statements by **30 December 2014** at the latest in this case, although achieving the earlier deadline of 22 December would be appreciated. One printed set of Statements, Summary Statements and Appendices (and subsequently, where appropriate, Rebuttal Statements) for each witness should be forwarded directly to the Acquiring Authority and two sets should be provided for the Inspector. It was agreed that at the same time as sending the hard copies electronic copies would also be provided. The Programme Officer should be informed of when and to whom the Statements have been sent.
20. The Compulsory Purchase (Inquiries Procedure) Rules 2007 do not make provision for the submission of rebuttal statements and there is a presumption against their submission. A Rebuttal Statement will not be accepted unless there is a clear and convincing reason why it should be accepted. However, where a party intends to submit a Rebuttal Statement, two sets for the Inspector should be submitted to the Programme Officer no later than **12 January 2015** with a note setting out the reason for its

submission. It would be helpful if electronic copies could be provided on the same date to the Programme Officer.

21. One printed set of Statements, Summaries and Appendices, and where appropriate, Rebuttal Statements for each Acquiring Authority witness and each objector should be provided in the Inquiry Room as part of an Inquiry Library. The Inquiry Library will be maintained by the Programme Officer and so copies should be forward to her for this purpose. In addition, the Acquiring Authority have agreed to provide a clean CPO Order Lands plan which they shall display at the venue and a further copy shall be made available to be located on a table where it can be easily accessed. Plans of the main elements of the associated planning proposal shall also be displayed in the Inquiry Room.
22. The Acquiring Authority agreed to co-ordinate the collation and distribution of the initial Core Documents, which it is understood are now with the Planning Inspectorate and available for public inspection and thereafter the Programme Officer will undertake the task of keeping the Core Documents Library up to date. One set of Core Documents shall be maintained as an Inquiry Library and available for public inspection in the Inquiry Room. Each of the main objectors made known (Mr Knowles and Miss Parsons) should have one hard copy set and two sets shall be made available for public inspection (one at Hendon Town Hall and one at Hendon Library). Where possible an electronic copy of the Core Documents should be provided to the Programme Officer so that they can be published on the web site. Each party is responsible for providing sufficient copies (directly to the Programme Officer) of the Core Documents to which they intend to refer. Additional Core Documents can be added to that Library, but in the first instance it will be helpful if all parties seek to submit documents to which they wish to refer by the **22 December 2014**.
23. Miss Parsons agreed to coordinate a timetable for the appearance of the objectors whom she is in contact with and it was agreed on Mr Knowles's behalf that he would do the same. Other objectors wishing to appear should contact the Programme Officer. All parties shall provide her with details of witnesses availability and it would be helpful if an indication could be given of time estimates for the presentation of evidence and, where possible, cross examination for each witness. All parties are asked to co-operate with the Programme Officer so that a draft timetable can be established. To assist in this regard it would help if intentions to speak are made known by **12 January 2015**.
24. Provision for an evening session will be made for **Thursday 22 January 2015** starting at either 18.30 or 19.00 depending on the numbers wishing to speak. It will not continue beyond 21.00 hours. The Programme Officer will co-ordinate a list of those wishing to address the Inquiry. The Programme Officer will seek to be fair in affording time to those wishing to speak. This session is to hear the views of those who cannot attend the Inquiry daytime sessions and will not involve cross-examination so it will not be appropriate for those who have a specific qualifying objection which requires cross-examination. All those involved in the process, particularly Mr Knowles, Miss Parsons and Humayune Khalik (Kalim), who represented Mr Knowles at the pre-inquiry meeting, shall seek to encourage speakers to co-ordinate

themselves and put forward spokespeople so as to avoid repetition of comments. It is often helpful for those wishing to be heard to prepare a Statement which they will read. Those who intend to appear at the evening session are encouraged to submit their Statements by the **22 December 2015**.

25. Interested persons attending the Inquiry will be provided with a suitable time to speak and may be cross-examined and be able to ask questions of the opposing party. It is expected that those involved in that process will not speak at the evening meeting.
26. On the first morning of the Inquiry, the promoter of the CPO, that is the Acquiring Authority, will be expected to set out the formalities (Convening Notice; Protected Assets Certificate; General Certificate). Then any legal submissions about the case will be heard. After that any modifications to the Order will be heard. At the pre-inquiry meeting two modifications were identified. They relate to plot 4 and plots 41a and 41b the Acquiring Authority will provide those details for the Programme Officer so that they are made available as part of the public records. The outcome of ongoing negotiations will need to be explained and if any objections have been withdrawn this will need clarifying.
27. Then a broad outline of the Acquiring Authority's case will be set out and the order of the Acquiring Authority's witnesses will be provided.
28. The Acquiring Authority's witnesses will each appear and then be open to cross examination. That cross-examination should relate to the general content of the Statement made by the witness, as each objector wishing to make a specific case will be able to do so and it is not helpful to hear repetitive discussion. The witness may then be re-examined and the Inspector may have questions of her own. When each of the Council's witnesses has been heard each of the qualifying objectors will then be heard. They will be open to questioning by the Acquiring Authority. After this, non-qualifying objectors and interested parties (who have not appeared at the evening meeting) will have an opportunity to speak and each may be questioned by the opposing side.
29. For the avoidance of doubt the relationship of the Stopping Up Orders should be explained along with the CPO case.
30. The concluding session will provide for final comments from the objectors' groups followed by the Acquiring Authority.

Site Visits

31. The Inspector will make an unaccompanied visit to the general area of the Order Lands viewing from public vantage points before the opening of the Inquiry.
32. If there are any public vantage points which any party considers that the Inspector needs to visit before the opening of the Inquiry a list, accompanied by appropriate plans and directions, should be submitted to the Programme Officer no later than **6 January 2015** by the party seeking the visit so that

all parties can view the list and the Inspector can be provided with a copy of it no later than **12 January 2015²**.

- 33.No-one should approach the Inspector during unaccompanied site visits.
- 34.Formal accompanied site inspections will be undertaken, these may be after the close of the Inquiry or before closing submissions. The Programme Officer will co-ordinate a list of site inspections, organise a timetable (with plans of locations) and, if appropriate, advise on transport arrangements. This will need to provide for suitable breaks. The site visit may include visits to individual properties, vantage points and other locations including outside of the Order Lands. During these visits no evidence will be heard.

Documentation

- 35.To assist the Inquiry process, all documents should be paginated. Summary Statements, Statements, and Appendices should be bound separately. Within Summary Statements and Statements each paragraph must be numbered. Complicated paragraph numbering systems should be avoided. Appendices should be indexed with numbered (back and front) section dividers.
- 36.All Statements exceeding 1,500 words will be expected to be accompanied by a Summary.
- 37.Where an Appendix is an extract from another document only the identifying page i.e. the cover page and date of publication, the extract being referred to and sufficient of the document to provide the context of the extract should be included. **If the document is listed as a Core Document there is no need to reproduce extracts from it in the Appendices.**
- 38.If during the Inquiry it becomes necessary to submit further documents these should have a cover page setting out the title of the document and where appropriate the date of publication and an acknowledgement of the source. It would also help if it is clear which party is submitting the document.
- 39.All documents should be A4 or capable of being folded to that size. Plans that are larger than A4 should be folded to A4 size and where possible A3 copies should also be provided. Where there are several plans the A3 copies should either be bound together or contained in a wallet with, in all cases, identification of the party submitting them and a document reference.
- 40.The Inspector would expect the closing comments from the Acquiring Authority in typed Word format with two copies for her use and at least three additional copies for the other parties (additional copying can be undertaken at the venue as required). The Inspector would also expect that after the event these will be submitted to the **Planning Inspectorate Case Officer³**

² This latter date has been inserted after the PIM to provide the Programme Officer with time to collate any requests – it does not alter the time frame that would have applied were this being managed by the Planning Inspectorate Case Officer.

³ After the Inquiry closes all correspondence should be with the Planning Inspectorate Case Officer, Jennifer Tynan Room 3/25 Temple Quay House, Temple Quay, Bristol BS1 6PN
email address: Jenny.Tynan@pins.gsi.gov.uk

by e-mail **within 2 working days of the close of the Inquiry**. It would be helpful to the Inspector if closing comments from the professional and other main objectors could be provided in the same manner. Clarification on this point will be sought at the Inquiry.

Other Matters

41. Acquiring Authority made it clear it would wish to answer queries arising from its Statements and provide further documentation as soon as possible so that matters can be addressed as effectively and efficiently as possible. Matters that can be resolved or differences that can be clarified in this way can assist best use of Inquiry time and so are to be encouraged.
42. Concerns were raised about language difficulties, particularly in respect of written correspondence. The Acquiring Authority explained that this had not been raised as an issue to date but it will assist if requested to do so and will investigate how to help including at the Inquiry. Requests for help should be directed through the Programme Officer.
43. Whilst it is acknowledged that professional advice has been made available to the objectors throughout the CPO process, the objectors explained that this had lacked continuity. The Acquiring Authority advised that the latest change resulted from an insolvency matter and the issues in this regard had been beyond their control.

The meeting ended at 15.30 hours