

TRANSPORT AND WORKS ACT 1992

ASHTON VALE TO TEMPLE MEADS AND BRISTOL CITY CENTRE RAPID TRANSIT ORDER

Notes of the Pre-Inquiry Meeting held Wednesday 29 February 2012 at Armada House, Telephone Avenue, Bristol BS1 4BQ

Introduction

- 1 The meeting was opened by the Inspector, Mr Christopher Millns BSc(Hons) MSc CEng FICE FICHT of the Planning Inspectorate, who welcomed those present and introduced himself as having been appointed by the Secretary of State for Transport and the Secretary of State for Communities and Local Government to conduct an Inquiry into the application for the proposed Rapid Transit Order. The scheme was being proposed jointly by Bristol City and North Somerset Councils ("the Promoters").
- 2 The Inspector introduced the Programme Officer for the Inquiry Mr Graham Groom. His role was to ensure that the administrative arrangements for the Inquiry worked as smoothly as possible. His duties would include arranging the day to day programme of the Inquiry, maintaining the library of Inquiry documents and liaising with all parties on matters of timetable and documents as well as Inquiry facilities. He would be under the direction of the Inspector. Contact details for Mr Groom are attached to these notes.

Housekeeping

- 3 Fire alarm and emergency exit arrangements were explained. There were no concerns expressed regarding accessibility to the building. It was noted that there was an induction loop system in the room. Everyone was asked to sign the attendance register. An Inquiry website had been set up. The Inspector emphasised that this would be an important source of information for documents and the Inquiry programme. Website address on attached contact sheet.

Purpose

- 4 It was explained where the Pre-Inquiry Meeting sat in the chain of events for consideration of the Order. The Inspector explained that he was holding a number of inquiries into different aspects of the proposals but that as these were to be held concurrently he would henceforth refer to them as the Inquiry.
- 5 Following the closure of the Inquiry the Inspector would be writing his report which would summarise the evidence, arrive at conclusions and make a recommendation to the two Secretaries of State. This could be that the Order should be made with or without Modifications, or that the Order should not be made.
- 6 The purpose of the Pre-Inquiry Meeting was to prepare for the Inquiry. It was not to start to hear the case for or against the scheme but to clarify the procedure and most importantly to set out the way in which, and the times at which, Inquiry documents should be provided.

- 7 Summary notes of the meeting would be produced and these would be circulated as quickly as possible after the meeting. They would become an Inquiry document.
- 8 All matters discussed at the meeting and any agreements reached would be without prejudice to the entitlements and rights of statutory objectors and others who intended to appear at the Inquiry. It was noted that some parties had indicated that they were unable to attend the meeting. They would however receive a copy of the notes.
- 9 It was noted that the Inspector's overall objective was to conduct the Inquiry in accordance with the statutory rules, and the principles of openness, fairness and impartiality. In particular his aim was to ensure that the evidence was thoroughly examined and tested, that all parties had a fair hearing and the Inquiry was managed in an effective manner, making efficient use of Inquiry time.
- 10 The Inquiry would consider the objections to the Order and more broadly whether it met all the statutory requirements. The Inspector indicated that he had been made aware of around 200 objections from individuals, businesses and organisations.
- 11 The two Secretaries of State had now issued what are referred to as Statement of Matters. These are matters on which they particularly wish to be informed as part of their consideration of the Order. They are available on the Inquiry website. It was noted that they covered a comprehensive range of issues. The Inspector would need to report on these irrespective of whether they were raised by the parties. However, it was pointed out that they were not exclusive in that they did not preclude other relevant matters being raised and reported upon which might arise during the course of the Inquiry.
- 12 Matters that were outside the scope of the Inquiry included the merits or otherwise of government policy. How government policy had been applied to the scheme could however be discussed. Any legal submissions should be submitted in writing and would be appended to the Inspector's report. Procedural submissions made at the Inquiry would be determined by the Inspector.
- 13 Matters relating to compensation were for negotiation or for determination by the Lands Tribunal if they could not be agreed, if, but only if, the Order was ultimately made. Such matters were also outside the scope of the Inquiry.
- 14 The Inspector explained the scope of the draft Order. If made, it would authorise the construction and operation of the proposed guided busway scheme between the Long Ashton Park and Ride site and its proposed termination just north of Prince Street Bridge. It would permit the Promoters to acquire land, either compulsorily or by agreement, as well as rights in land and to use land for the purpose of the scheme. It also provided for associated works to the existing Bristol Harbour Railway, Prince Street Bridge, Ashton Avenue Swing Bridge, Vauxhall Bridge and Cumberland Bridge and a new bridge over the Portbury rail freight line. It included the regulation and restriction of traffic and parking on a number of existing highways and affected public rights of way. It also made provision for the operation and maintenance of the guided busway.
- 15 Although the proposed City Centre loop was not part of the Order works it would be considered at the Inquiry insofar as it impacted on the effectiveness of the overall scheme.

- 16 The Order included an application for deemed planning permission for the works covered by the Order and applications for 3 Listed Building Consents and 3 Conservation Area Consents. The Promoters confirmed that one of the Listed Building consents for the Green Metal Shed was to be withdrawn.
- 17 There was an on-going application for replacement of Open Space Land in connection with the scheme. The Promoters confirmed that the timing of this would allow it to be considered as part of the Inquiry.
- 18 The Inspector noted that he would have the assistance of a fellow Planning Inspector who would act as an assessor on the Listed Building and Conservation Area Consents.

Appearances

- 19 Mr Robin Purchas QC introduced himself as the advocate for the Promoters. Bircham Dyson Bell were the instructing solicitors. Mr Purchas informed the meeting that there would be 16 witnesses for the Promoters covering 14 topic areas although this was subject to confirmation. A show of hands indicated that approximately 25 individuals or organisations present intended to submit evidence in person to the Inquiry. Two individuals or organisations present indicated they intended to rely on written submissions.
- 20 The Inspector explained that evidence given in person, which stood up to scrutiny under cross examination, would carry more weight than written submissions. The Programme Officer would be writing to each objector and supporter in due course to seek confirmation of their appearance at the Inquiry, their availability and contact details.
- 21 The Inspector said that it would be helpful to Objectors and to the efficient running of the Inquiry if they grouped together to present their evidence where there were common issues. It was agreed that the notes of the meeting would include the names of the relevant organisations/groups and contact details to facilitate this. The Programme Officer would also assist in providing contact information if required.

Procedure

- 22 The Inquiry would be held under the Transport and Works (Inquiries Procedure) Rules 2004 (Deposit Document D2). They provided a broad framework for the way in which the Inquiry would be organised but gave a considerable degree of flexibility to the Inspector. The Promoters would give their evidence first. Any Supporters who wished to give evidence would then present their cases followed by Objectors. There would be opportunity for questions to be asked by Objectors of the Promoters' witnesses and any Supporters when they have finished giving their evidence in chief. Objectors might be asked questions by the Promoters' advocate about their evidence.
- 23 Witnesses could be re-examined after cross examination. It was explained that this was a process whereby advocates might wish to clarify answers given by witnesses under cross examination. It was noted that many Objectors would be representing themselves and would not have an advocate. The Inspector confirmed that this would not be a problem and he would do his best to make sure that no one was put at any disadvantage.
- 24 Supporters and Objectors would have the opportunity to make a closing statement either immediately after the closure of their evidence or at the end of the Inquiry. The Promoters

would give their closing submission last. No new evidence would be allowed during cross examination, re-examination or in closing submissions.

- 25 In addition to the above, it was explained that short opening statements might help to set the scene for the case being presented. These would be no more than a few minutes. Such statements were particularly relevant for the Promoter and some of the other parties to the Inquiry who were to be professionally represented and have a number of witnesses.
- 26 The Promoters indicated that they intended to include within their proofs of evidence, responses to issues raised by Objectors in the statements they had already submitted. Further responses (rebuttals) would be produced by the Promoters to deal with any additional issues raised by Objectors in their proofs of evidence. It was also agreed that any points of clarification on the proofs of evidence should be submitted to the Programme Officer. Subject to the approval of the Inspector, these would be passed on to the appropriate party for a response. This would save Inquiry time.
- 27 Based on the responses to his questionnaire, the Programme Officer would be drawing up a programme for the Inquiry. This would give the day and approximate time (morning or afternoon) when individuals or groups would give their evidence. This could be subject to change and it was important that Objectors kept in touch with the Programme Officer.

Evidence

- 28 It was noted that some Objectors might not wish to produce a proof of evidence and rely solely on the written objections already submitted. This was acceptable. For those preparing proofs of evidence the following points were important:

Summary required if evidence longer than 1500 words

Appendices and Figures to be bound separately from main proof

Page and paragraph numbers

A4 size or folded to A4

No internet references (may be allowable in some circumstances eg statutory document).

3 hard copies to be sent to Programme Officer

In addition an electronic copy to Programme Officer

- 29 The Promoters would be sending a copy of their proofs of evidence to each objector who had indicated they would be appearing at the Inquiry. In some instances, Objectors had already indicated that they wished to receive the information electronically.
- 30 Only the summary proof would be read out at the Inquiry. Cross examination would be on the whole of the evidence. All proofs of evidence and other documents would be placed in the Inquiry library and be available for public inspection. They would also be on the Inquiry website. All documents would be uniquely numbered. The library and document numbering system would be maintained by the Programme Officer.
- 31 The Inspector referred to the Statutory Tests which related to some aspects of the scheme. The tests for the Compulsory Purchase Order were referred to in the Statement of Matters. Parties should consider including references to the Statutory Tests and the Statement of Matters as appropriate in their evidence.

- 32 The purpose of the evidence was to persuade those taking the decision on the proposals to the party's view. It should therefore be relevant, authoritative and focused on the issues. The Inspector would intervene if he thought the evidence was not relevant to the issues before the Inquiry or was repetitious.
- 33 Without prejudice to the final decision, there would be a discussion at the appropriate stage in the Inquiry on planning conditions in the event that the Order was made and deemed planning permission granted.
- 34 In preparation for submitting evidence, the Inspector encouraged the use of informal meetings between the Promoters and Objectors to discuss issues which had been raised and to determine common ground and outstanding areas of disagreement. It was noted that this process had already started. The Promoters would give contact details to facilitate this and as a general point of first contact (included on contact sheet attached).
- 35 With respect to alternative routes and technologies, the Inspector confirmed that he was aware of such suggestions from the evidence he had seen and that such matters could be considered at the Inquiry. The relationship between the proposed scheme and future proposed extensions of it by the Promoters was also relevant insofar as it impacted on the works proposed as part of the Order before the Inquiry.

Timetable

- 36 The timetable in the lead up to the Inquiry was discussed and agreed as follows:
Proofs of evidence to Programme Officer by Monday 23 April
Questions of clarification to Programme Officer by Monday 30 April
Outstanding rebuttal evidence from Promoter by Tuesday 8 May
Inquiry to commence 10 am Tuesday 22 May
Currently forecast to last 18 days

The Inquiry

- 37 The venue for the Inquiry was the same as for the Pre-Inquiry Meeting.

The Cabot Room, Armada House, Telephone Avenue, Bristol BS1 4BQ
- 38 Sitting times as follows:
10:00 - 17:00 on Tues, Wed, Thurs
9:30 - 1.00pm on Fri
No sitting Mondays
Mid-session and lunch breaks as appropriate
- 39 The Programme Officer would do his best to meet people's reasonable requirements in terms of their appearances at the Inquiry and to keep them informed of progress. It was though the responsibility of people who were scheduled to appear at the Inquiry to keep in close touch with the Programme Officer in case of delays or changes to the programme. The Inquiry programme would be listed on the website together with documents as they emerged.

- 40 The Inspector thought it would be helpful if parties were represented on the first day of the Inquiry if at all possible. He would be making opening announcements on that day and reminding everyone of the procedures.
- 41 If any party decides to withdraw either their support for or objection to the scheme, the Programme Officer should be informed as soon as possible.
- 42 Photocopying facilities would be available at the Inquiry. In response to a request, the Programme Officer undertook to see if a room could be provided for Objectors. The Promoters undertook to see if a projector could be set up to show sections of the route during the Inquiry as appropriate. If Objectors wished to use such a facility to show slides it was important that any material shown was also available for the Inquiry library in hard form. Participants should inform the Programme Officer well in advance if they wish to use such a facility.
- 43 The Inspector had already undertaken one unaccompanied site visit. He proposed to make a number of other such visits both prior to and during the Inquiry. These would include visits on foot, cycle and bus. There was also a discussion of potential visits by the Inspector to existing guided busway schemes which he would consider undertaking prior to the Inquiry. The details of any accompanied site visits would be discussed at the Inquiry.

Any other Business

- 44 A discussion took place on amendments which had been made to the scheme. The Promoters confirmed that the changes made to the scheme since the publication of the Environmental Statement were set out in paragraph 13.6 of their Statement of Case. The Promoters undertook to ensure that the latest position on the details of the scheme was clear to all parties and provide any further information on this as necessary.
- 45 It was confirmed that the impact of the scheme during the construction phase, if it went ahead, would be a relevant matter to raise in evidence.
- 46 The Promoters needed to know at the earliest possible date if the Inspector/Secretary of State considered that further work was needed in relation to the Environmental Statement as this would have to be subjected to consultation. The Inspector undertook to consider his view on this as soon as possible.
- 47 A request was made by an objector that certain evidence might need to be submitted in confidence. The Inspector did not agree to this as it would be contrary to the principle of openness. Mr Purchas for the Promoter indicated that in his view the particular issue in question could be resolved without recourse to such measures.
- 48 The Inspector reminded everyone that the watchwords of the Inquiry were openness, fairness and impartiality. With these in mind, he asked that participants did not engage him in conversation outside the context of the Inquiry as this could be misinterpreted by others. Anything that needed to be said to him should be said in the Inquiry where everyone else would have the opportunity to hear what was being said and to comment on it. The Programme Officer Mr Groom was the 'go between'. He would operate even handedly between all the parties to the Inquiry.

The meeting close at 12.20pm

CONTACT DETAILS

Programme Officer

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Inquiry Tel: 07860 636909
grahamgroom@personaassociates.co.uk

Inquiry website: www.persona.uk.com/ashton

Promoter Contact

Mr Bob Fowler
Bristol City Council
Tel: 01179 036579
bob.fowler@bristol.gov.uk

Contact Details for Groups etc

1. **Friends of the New Avon Cut** (c/o John Purkiss, Chair, 63 Stackpool Road, Southville, Bristol BS3 1NL)
2. **The Ashton Vale Heritage Group** (email – pcrispin@blueyonder.co.uk)
3. **Portishead Railway Group** (email – Alan.Matthews@mwgroup.net)
4. **Bristol South Green Party** (email – greenpanda@blueyonder.co.uk)
5. **Transport for Greater Bristol Alliance** (email – a.i.crawford@blueyonder.co.uk)
6. **Long Ashton Parish Council** (clerk@longashtonparishcouncil.com)
7. **Bristol Civic Society Transport Group** (email - stephen_wickham@btinternet.com)
8. **Trans Wilts Save the Train Campaign** (canber@hotmail.co.uk)
9. **Bristol Living Streets** (stevemeek999@gmail.com)
10. **Light Rail Transit Association (Tramforward)** (email – bslomas@lrta.org)
11. **Ramblers Avon Area and Bristol Group** (susan.carter@blueyonder.co.uk)
12. **Friends of Suburban Bristol Railways** (email – brendan.briggs@googlemail.com)
13. **Sustainable Development for a 3rd Millennium** (email - dnnclsn@aol.com)
14. **Sustraco Ltd** (email – james@jskinner.demon.co.uk)
15. **Chamber of Commerce** (email - nigel.hutchings@businesswest.co.uk)
16. **SAVE** (email - pcrispin@blueyonder.co.uk)
17. **SERA South West Transport Group** (c/o David Redgewell 87 Lower Bristol Road, Oldfield Park, Bath BA1 3BQ)
18. **Bristol and Avon Archaeological Society** (c/o 28 Castle Wood, Chepstow NP16 5TZ)