

Proposal by Helioslough Ltd for a Strategic Rail Freight Interchange, North Orbital Road, St Albans

Notes of Pre Inquiry Meeting (PIM) held in the Council Offices, St Peters St, St Albans on 8th October 2009 at 10.00am

Introductions

1. The Inspector appointed to hold the inquiry and report to the Secretary of State on the appeal is Andrew Mead BSc(Hons) MRTPI MIQ. The purpose of the PIM was to discuss the procedures for the inquiry and not to discuss the merits of the case. The inquiry will be held under the Town and Country Planning (Inquiries Procedure) (England) Rules 2000.

2. The main parties at the inquiry will be:

St Albans DC represented by Matthew Reed of Counsel.

Helioslough (appellant) represented by Martin Kingston QC assisted by David Forsdick of Counsel

STRIFE represented by Paul Stinchcombe of Counsel

The Highways Agency represented by Mark Beard of Counsel

Programme Officer

3. Lesley Young is the Programme Officer (PO) for the inquiry. Although she works for St Albans DC, she reports to the Inspector for the purposes of the inquiry. Tel no: 01727 819304 email pins.appeals@stalbans.gov.uk

Other appearances at the inquiry

4. Names of those groups who wished to appear at the inquiry and give evidence were taken and these included St Stephens PC, St Albans Civic Society, 2 Residents Associations and St Albans Liberal Democrats. Anne Main MP gave notice to speak at the inquiry. James Clappison MP will also speak. Both individuals and groups who wish to appear at the inquiry and give evidence should give their names to the PO before the opening day of the inquiry.

5. The letters of invitation to the PIM were sent out based on the list of appearances at the previous inquiry. There is no disadvantage to those who were not at the PIM because they were either not invited or who were unable to attend. The note of the meeting will be publicly available.

Main Issues and Areas of Agreement

6. Notwithstanding the written submissions made by the appellant and the Council shortly before the PIM about the scope of this inquiry as a consequence of the findings of the previous inquiry, the appellant accepted that no objections would be made about the extent of evidence that would be called by the Council. No ruling was invited from the

Inspector. The appellant would respond appropriately, according to the number of witnesses called by the Council.

7. The Council suggested that witnesses would be called to defend all but 3 of the reasons for refusal equating to 7 witnesses, some taking more than one topic. No witness would be presented for reason no. 12, which deals with Highways Agency matters. Other issues could be dealt with by written submission. There may be a witness to deal with land contamination issues.

8. STRIFE commented that 5 witnesses would give evidence on its behalf.

9. The appellant has anticipated (in post PIM correspondence) that 4 witnesses would be called to cover planning and alternative sites, rail issues, commercial rail freight, including attractiveness, and highways. The appellant anticipates submitting written statements on noise, landscape and air quality. This may change when the Council's case becomes clearer.

10. The Inspector expressed interest in the significance of the availability criterion in the assessment of alternatives, and the rail pathing estimates, with special attention paid to night time operations and noise.

11. In view of the recent previous inquiry and decision by the Secretary of State for the similar proposal on the same site, the Inspector referred to Circular 03/2009, para B29 of which states that, irrespective of the outcome of an appeal, examples of circumstances which may lead to an award of costs against a planning authority include "... persisting in objections to a scheme or part of a scheme, which has already been granted planning permission or which the Secretary of State or an Inspector has previously indicted to be acceptable."

12. The Council has the responsibility for the presentation of its own case and whether or not, in the circumstances, its evidence remains within the bounds of reasonableness.

13. After comments from the Inspector and the appellant about the adequacy of the Council's pre-inquiry statement, the Council is to reply to correspondence from the appellant seeking clarification of the reasons for refusal within a week of the PIM, and also to meet representatives of the appellant with the same timescale.

14. A Statement of Common Ground is in progress. A list of possible planning conditions and a S106 Undertaking are also in draft.

Venue and Accommodation

15. The inquiry will be held in the Council Chamber at the Council Offices, St Peters St, St Albans. A retiring room will be available each for the Inspector, the appellant and the Council. Photocopying facilities will be available at a small charge.

Time estimates and programming

16. The inquiry will open on Tuesday 24 November at 10.00am and will normally sit from Tuesday to Friday; normally from 10.00 to 17.00 with an hour for lunch at around 1.00pm. However, the inquiry may adjourn on Fridays at late lunchtime (1.30?) but after an earlier start (09.30). There will be brief mid morning and mid afternoon breaks of about 10 mins. The inquiry will not sit on Thursday and Friday 10th and 11th December when the Inspector is unavailable. Wednesday 9th December will be a normal full inquiry day.

17. The inquiry is allocated for a duration of 16 days if necessary. Programming is more difficult than is normal due to the uncertainty of witnesses being called. The Council believe that its case would take until the middle of the second week. STRIFE will take at 2 to 3 days to present its case. Members of the public will take at least a day to give evidence. The appellant considers that the inquiry will be closed by 18 December. The Inspector is prepared to resume at 09.30 on Tuesday to Thursday if that proves necessary to keep to programme and is not averse to resuming on a Monday at 14.00 in very special circumstances.

18. The Inspector commented that this inquiry should not take as many days as the first inquiry due to efficiencies in agreeing matters of fact and dealing with cross examination.

19. A more detailed programme will be estimated on the opening day when it is hoped to specify a day when the priority will be to hear evidence from members of the public.

20. On the first day of the inquiry, following opening announcements by the Inspector, taking the names of those who wish to speak at the inquiry and any other procedural points, the main parties will be invited to make brief opening submissions (appellant, St Albans DC, STRIFE and Highways Agency). The Council will then present its case and call witnesses who will be cross examined by the appellant.

21. Following the Council, STRIFE will present its case and call its witnesses. Other objectors will then be heard with cross examination from the appellant where appropriate. If the Highways Agency is to appear, it would then present its case.

22. The appellant would be the final party to present its case, its witnesses being available for cross examination by the Council, STRIFE and other objectors who have given evidence at the inquiry, with regard being paid to the need to avoid repetitious questioning.

23. As in all planning inquiries, there will be a session, without prejudice, about planning conditions which might be imposed should the Secretary of State wish to allow the appeal. There will also be discussion of any legal agreements or undertakings.

24. Finally, there will be closing submissions by the Highways Agency (if appropriate), STRIFE, St Albans DC and the appellant, in that order. Closing submissions should be made available in writing and electronically (email attachments).

Nature and Format of Evidence

25. The Core Documents should follow the method used for the previous inquiry; the numbering of summaries, proofs and appendices, as before, except with a 9/ prefix to distinguish this inquiry from the previous one. See Circular 05/2000 Annex 3(i) for a guide to presenting written evidence at public inquiries.

26. Evidence should be submitted no later than 4 weeks before the opening of the inquiry (27 October) with rebuttal evidence a week before the opening (17 November). As an exception, the Highways Agency may submit its evidence two weeks before the opening day. The main parties should exchange the required number between themselves or use the PO as the contact point. In any event, 2 copies of documents are required by the PO for the inquiry library and the Inspector.

27. Objectors, other than STRIFE, who are to present evidence as part of a group, or are to speak as individuals, should submit their evidence to the PO prior to the day before they are due to be heard. In order to avoid undue repetition of points being made, objectors should consider aligning themselves with persons of similar view and appointing a spokesperson.

Webcast

28. The Council's Webcast facility is to be used to transmit the opening day of the inquiry until the completion of opening submissions. It will also be used to transmit closing submissions on the final day.

A Mead
Inspector