

PROPOSED LUTON DUNSTABLE TRANSLINK ORDER

**NOTE OF A PRE-INQUIRY MEETING
HELD AT THE VAUXHALL RECREATION CLUB, GIPSY LANE, LUTON
ON MONDAY 8 NOVEMBER 2004 AT 1030**

Introduction

1. The Inspector, Mr C J Tipping, welcomed those present and introduced himself as having been appointed by the Secretary of State for Transport to conduct the inquiry.
2. The Programme Officer appointed for the inquiry was Ms Brenda Taplin. Her contact details until the opening of the inquiry would be:

**Persona Associates, West Point, Springfield Road, Horsham,
West Sussex RH12 2PD Tel: 01403 219892 Fax: 01403 217790
email: brendataplin@personaassociates.co.uk**

Ms Taplin would be responsible for the inquiry programme and for all day-to-day administration, and would maintain the inquiry library.

3. The Inspector asked the advocate for Luton Borough Council ("the Council") to identify himself and the witnesses he proposed to call. The Inspector then invited other parties intending to take part in the inquiry to introduce themselves.

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 applications by the Council for:

The Luton Dunstable Translink Order, under the Transport and Works Act 1992;

and for

Deemed Planning Permission for Translink, under the Town and Country Planning Act 1990.

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5. After closing the inquiry, the Inspector would prepare and send to the Secretary 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 proposals and make recommendations in respect thereof. It would then be for the Secretary of State to make a decision in respect of the applications.
6. The particular matters in relation to which the Secretary of State would wish to be informed for the purposes of considering the proposals were set out in a Statement of Matters issued by the Secretary of State in October 2004. A copy of the Statement of Matters is appended to this Note.
7. The contents of the Statement 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, and whether or not the application for deemed planning permission should be granted.
8. Outside the scope of the inquiry were issues of government policy (including guidance on traffic and economic appraisal) 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

9. The inquiry would be conducted under the Transport and Works (Inquiries Procedure) Rules 1992 (SI No.2817 of 1992). The Inspector retained considerable discretion as to procedure, and would exercise this so as to accommodate as far as possible the needs of all parties to the inquiry.
10. The procedure generally to be adopted would be as follows: The Council's case would be heard first. After an opening statement, the Council's witnesses would give their evidence in turn. Questions to the Council's witnesses would at that stage be limited to matters of clarification, with cross-examination being postponed to a later stage. The case of any supporters wishing to appear at the inquiry would be heard next.
11. 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 Council's witnesses (but see paragraph 21 of this note). Each objector would then present their own case. Objectors and their witnesses would be subject to cross-examination on behalf of the Council. The Council's rebuttal evidence responding to the objector's case would also be presented to the inquiry at that stage.

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12. Objectors who wished to make a closing submission could choose to do so either on conclusion of their case, or by appearing again towards the end of the inquiry. Objectors would need to tell the Programme Officer which of these two courses of action they proposed to follow. The Council's closing submission would be heard last. (The inquiry procedure is outlined in the Annex to this note.)
13. The Inspector agreed to consider the extent to which it might be desirable in the interests of efficiency and expedition to deal at the inquiry with certain issues on a "topic" basis, with the Council witness concerned and all interested objectors attending the inquiry on an agreed day or days to address a specific topic such as ecology or funding.
14. The Inspector set the following deadlines regarding submission of documents prior to the inquiry. It was essential if the inquiry was to be conducted efficiently that the following deadlines be met by all parties. A questionnaire relating to intended appearance at the inquiry had been sent to all parties; further copies were available at the Meeting. Any party intending to take part in the inquiry who had not already returned the questionnaire should obtain one and return it to the Programme Officer on or before **Friday 19 November 2004**. The information supplied in the returned questionnaires would form the basis of the draft inquiry programme.
15. The Inspector set **Friday 21 January 2005** 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. This date would apply both to the Council and to all other parties.
16. Three copies of each proof and of each supporting document must be sent to the Programme Officer at the address given in paragraph 2. A copy of each of the Council's proofs and supporting documents must be sent to each statutory objector and to every other person entitled to appear at the inquiry. It was agreed that the Council's proofs would be made available on-line. Further, any objector who preferred to have the Council's proofs sent to them on a CD-ROM rather than in paper form should inform the Council at the address given in the following paragraph well before the 21 January 2005 deadline.
17. A copy of each objector's proof and supporting documents must be sent to the Council at the Town Hall, Luton LU1 2BQ marked "Luton Translink Objection" on the envelope. It was the responsibility of the party intending to rely on a document in their evidence to ensure that the document or a suitable extract therefrom was available to the inquiry.

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18. 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. In such cases, only the summary would be read out at the inquiry, but cross-examination could extend to the whole proof.
19. The Council's rebuttal evidence must be served at least three inquiry days prior to the appearance at the inquiry of the objector to whom it related. The Council agreed to use its best endeavours to exceed this minimum period.
20. Any party intending to rely solely on letters of objection or other documents previously submitted, and therefore not proposing to submit further evidence, should inform the Programme Officer not later than Friday, 21 January 2005, to avoid needless reminders. Anyone in any doubt as to the requirements for submission of evidence should check with the Programme Officer.
21. Once the Council's evidence had been submitted, objectors must also indicate to the Programme Officer which (if any) of the Council's witnesses they wished to cross-examine.

Venue and Sitings

22. The inquiry would be held in the Council Chamber, Luton Town Hall beginning at 10am on Tuesday, 15 February 2005. Sessions would normally be held on Tuesday to Friday inclusive; inquiry hours would be from 10am to 5pm on Tuesdays, Wednesdays and Thursdays, 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. It was currently envisaged that the inquiry would last about four weeks.
23. Concern was expressed as to access to the public gallery of the Council Chamber for the disabled. The Council agreed to check the arrangements in this respect. The Inspector invited anyone intending to be present at the inquiry who was concerned as to disabled access to contact the Programme Officer before the inquiry opened.

Inquiry Facilities

24. The library, containing 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. Any party in need of particular facilities or equipment at the inquiry should approach the Programme Officer in the first instance.

25. A room for exclusive use by objectors would be provided.
26. Information about Translink and the inquiry was currently available on a web site provided by the Council (address: www.translinkexpress.org.uk). An inquiry web site, administered by the Programme Officer, is established www.persona.uk.com/luton/index.htm

Site Inspections

27. The Inspector had made a preliminary inspection of the proposed route of Translink and of the surrounding area. He would make a more detailed inspection prior to opening the inquiry. 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 should inform the Programme Office during the inquiry, also telling her of any particular sites or features they wished the Inspector to view. Arrangements for the site visit would be announced towards the end of the inquiry.

Any Other Business

28. Any questions arising before the inquiry opened, regarding procedure, the timetable, the programme or any other matter, should first be raised with the Programme Officer. The Inspector reminded parties of the deadlines set out in paragraphs 14 and 15 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.
29. The Inspector noted that a public inquiry was currently in progress in relation to the Luton Local Plan 2001 – 2011, in which Translink formed Policy T5. It was not open to the Inspector to confer with the Local Plan Inquiry Inspector about Translink. The weight to be attached to the emerging Local Plan was a matter for the Inspector and for the Secretary of State, regard being had to any submissions made at the inquiry.
30. The Meeting closed at 1340.

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C J Tipping, Inspector

Annex

INQUIRY PROCEDURE

1. Inspector's opening remarks and any preliminary issues
2. The opening submissions of Luton Borough Council ("the Council")
3. The evidence-in-chief of the witnesses for the Council, followed in each case by any questions of clarification
4. The cases of the Supporters
5. Cross-examination of the Council's witnesses by the first Objector, followed by re-examination by the Council's advocate
6. Presentation of the first Objector's case, followed by cross-examination by the Council's advocate, and re-examination
7. Rebuttal evidence presented by the Council's witnesses followed by cross-examination by the Objector and re-examination. (This stage may be combined with stage 5.)
8. Repetition of stages 5 to 7 in relation to each subsequent Objector
9. Other Representations
10. Closing addresses by Objectors; each Objector may alternatively opt to make a closing address after stage 7
11. The Council's closing address
12. Arrangements for the accompanied site inspection
13. Inspector's closing remarks and formal closure of the inquiry