

**M4 CORRIDOR PRE INQUIRY MEETING
LYSAGHT INSTITUTE, NEWPORT
18 JULY 2016**

Introduction

The Inspector, **Mr William Wadrup**, opened the Pre Inquiry Meeting (PIM) at 1pm and introduced himself, **Mr Aidan McCooey**, the Assistant Inspector and **Mrs Joanna Vincent**, the Programme Officer.

Approximately 200 attendees engaged in a significant wide ranging debate and exchange of views about the forthcoming Public Local Inquiry (PLI), which is scheduled to open at 10.00am on 1 November 2016 at the **Lysaght Institute**, Orb Road, Newport.

Programme Officer

The Programme Officer's role was explained as the channel of communication between the parties to the Inquiry, as an advisor on matters of uncertainty, as the manager of the Inquiry Library and one who would keep the web-site up to date. She would be independent of the Welsh Government and would only work to the two Inspectors.

Her contact details are: telephone- mob 07483 133975, e mail joannavinc@personaassociates.co.uk.

The dedicated website can be found at <http://m4-newport.persona-pi.com/>.

Press and Media

Press facilities would be available at the Inquiry, although it would be inappropriate for the Press or Media to make contact with the Inspectors. Some media interest can be anticipated at various times during the Inquiry, filming and recording could feature but only with everybody accepting such a proposal and in a way that eliminates intrusion or intimidation. In such circumstances it would be stopped.

Reasons for the PIM and PLI

The Inspector explained the purpose of the PIM and the subsequent PLI, and why, under **Highways Act 1980**, the **Acquisition of Land Act 1981** and the relevant **Regulations**, it was necessary to hold an Inquiry into the case for a proposed scheme and the objections to its draft Scheme and Draft Orders, where a statutory objection remained outstanding. The scope of the Inquiry was explained. It would:

- Consider the case for constructing the proposed M4 and associated works.
- Consider the objections (either written or those delivered orally at the PLI) to the proposals and the adverse impact that it would have.

- Consider the Strategic Alternatives that had been proposed, or which would be generated by objectors by the deadline.
- Consider the more local or targeted Alternatives, of varying scale.
- Consider any counter arguments against the identified alternatives.
- Interrogate the Draft Orders in some detail and the responses from Statutory Bodies to the Environmental Statement/s.
- Consider the effects that would occur to Statutory Undertakings and whether there would be a serious detriment to their interests.
- Consider the written material which had been submitted following the publication of the draft Scheme and draft Orders.

The Conduct of the PLI

After discussion all agreed that the most efficient way to run the Inquiry, after the Government's evidence-in-chief and Supporters evidence had been presented, would be to on the basis of ***agreed topics***, as suggested by the RSPB and other Wildlife and Woodland Trusts, in correspondence.

The Inspector thanked the organisations and the Welsh Government for the professional and positive way this issue had been suggested and addressed. The discussion topics would enable a concentration of expert minds to ensue, confirm points of common agreement beforehand and present the remaining differences to the PLI.

It was agreed that the Inquiry Programme would take account of the seasonal ecological survey work which was currently ongoing, which would need time for reflection on the findings. A supplementary Environmental Statement would be published in early September 2016 and time would be needed for its contents to be digested.

The Groups of topics suggested would include:

- General scheme overview.
- Landscape, cultural heritage and land.
- Air, noise and carbon.
- Water quality, tidal issues and flooding.
- Habitat and Ecology.
- Shipping.
- Sustainable development.
- Alternative Routes

Ms Morag Ellis, QC for the Welsh Government, indicated the number of expert witnesses, acting on behalf of the Welsh Government, that would give evidence at the topic sessions. The RSPB indicated that Environmental Groups would consider an amalgam of their experts and convey their thoughts to the Programme Officer, who would then allocate time in the Programme accordingly.

The Inspector gave an assurance that, where objectors were located in the same geographical location, efforts would be made to hear evidence from such objections, perhaps on common issues, in succession, if

practicable. The programme would be managed to be as convenient as possible to those with similar interests.

The Inspector set out the matters that are not for debate at Local Inquiries, and explained why. These included:

- The merits of Government Policy including national forecasts, the distribution of Government funding, national design standards etc, all of which are for National Parliaments and not local inquiries into individual local schemes.
- Matters of Law. If any arise they must be submitted in writing. They would be appended to the Inspector's Report.
- Matters of Compensation, which are not for local inquiries but for agreement between those representing the parties or for referral to the Lands Tribunal in default of agreement, and
- The merits of individual transport proposals well clear of Newport that had no bearing on the M4 corridor or the traffic that uses it, but the traffic influence of such scheme on the corridor may be appropriate for consideration if they would enhance or detract from the arguments for the scheme.

The Welsh Government would present 14 witnesses at the start of the Inquiry which would take about two weeks to complete. Questions of clarification could be put to them in sequence but not cross-examination, that would come later when objectors were called to present their cases. Because of the numbers involved it would be essential that incoming objectors notify the Programme Officer or Welsh Government of the names of the witnesses they wish to cross-examine to ensure that they would be present on the relevant day.

All present accepted the general procedure to be followed at the PLI. In summary it would generally be based on the provisional sequence of events:

- Inspector opens the PLI and completes the register of those who wish to present evidence in due course.
- Welsh Government opens its case.
- Welsh Government witnesses are called in sequence and questions can be asked in clarification of their evidence as they conclude it.
- Supporters give their evidence, which is subject to cross examination by objectors.
- Supporters wind up their cases in sequence.
- Objectors appear to present their evidence, in sequence, as determined by the Programme Officer and at that stage may cross-examine WG witnesses.
- W G witnesses are re-examined and thereafter the objector presents his/her case. Those cases are subject to cross-examination by WG, or supporters and if represented re-examined. The objector winds up his/her case.
- Topics are programmed with witnesses being subject to cross-examination etc- this feature will be programmed for optimum

efficiency, mindful of the need to prepare evidence following the completion of survey work.

- Alternatives are presented in sequence. The advocate of the alternative presents the case for it and is cross-examined on it, re-examined etc. Rebuttal evidence by the WG is then delivered and is subject to cross-examination and re-examination (if agreed, the examination of the WG can be delayed until rebuttal evidence is given). A closing address on the alternative may then be given by the promoter of it.
- Counter-objectors are then asked to deliver their evidence and they may cross examine the alternative promoter etc.
- Outstanding written correspondence and rebuttals is dealt with.
- This concludes the taking of evidence at the Inquiry at which point the Inspector will invite the Welsh Government to make its closing statement(although it would be permissible for partial closing into particular cases to occur earlier in the Inquiry).
- The Inspector closes the Inquiry and accompanied site visits take place.

Statements of Evidence

The Welsh Government confirmed that its Outline Statement and Statement of Case were due to be made available soon but given that the Statement of Case would be in much more detail than the Outline Statement (effectively embracing it) and the extremely long lead time to the start of the PLI they suggested that only the Statement of Case need be published. No party dissented or considered that would be prejudicial against their interests.

All statements of evidence must be submitted a minimum of **3 weeks** before the start of the PLI (**11th October**) but the Inspector requested that **4 weeks** before would be more appropriate given the lead time and asked that participants achieve this if practicable (**4th October**).

The **deadline** for any alternatives to be submitted and clarified in sufficient detail for them to be adequately identified is **2 weeks** before the start of the PLI, (**18th October**). Earlier submissions would be an advantage to those charged with advertising such alternatives.

If there are blocks of evidence which are similar, repetitive or identical it would be helpful if a spokesperson representing that evidence could speak on behalf of the several. No weight of argument would be lost by such an approach.

Any proof of evidence greater than 1500 words **must** have a summary proof and only the summary will be read into the Inquiry. Cross examination may be directed to the whole proof.

The Inspectors will both require a hard copy of every document submitted, a further hard copy for the Inquiry library plus an electronic copy for the Inquiry website. These should be sent to the Programme Officer and be clearly marked.

All proofs submitted and placed on deposit, or documents submitted during the Inquiry will be allocated a unique reference number. All proofs will be loaded onto the Inquiry web-site to enable all concerned to follow how the Inquiry is progressing. After debate the meeting unanimously considered this a satisfactory and efficient way of keeping the public informed.

The available facilities at the venue were discussed and found to be satisfactory. Evidence may be given in Welsh and to encourage that Welsh to English simultaneous translation would be provided throughout. Photocopying facilities would be made available and the objectors would be allocated a secure room. A hearing induction loop has been installed and passage and toilet facilities for disabled persons are located on the first and ground floors. The meeting agreed that the central nature of the venue was satisfactory and that it was well served by regular and frequent public transport bus services.

Site visits were discussed-anyone who wishes the Inspectors to visit a particular part of the proposed site should contact the Programme Officer during, or prior to, the Inquiry period. A number of suggestions were already submitted.

Participants at the Inquiry and the Programme

The Inspector thanked the significant number of participants who identified themselves and explained the estimated Inquiry time needed to present their cases. This was in addition to others who were absent but had written in, expressing a wish to appear at the Inquiry. All requests to appear seemed to be based on relevant objections to the subject matter of the Inquiry. This useful information would be used to produce a first draft of a programme for early discussion at the Inquiry. Initial indications from the meeting were that some 13 weeks of inquiry time was needed to satisfy those who had estimated their requirements, although it was appreciated that much work is ongoing and discussions between the parties may resolve issues in the normal way. Further adequate time would be built into the programme to allow for the topic based approach and to consider the written material submitted.

Given the large numbers of CPO objections that are currently outstanding the Inspector considered it most unlikely that all CPO objections could be resolved before the start of the Inquiry although it is appreciated that formal advice requires serious efforts to be made to resolve issues and from the quantity of material currently being produced that some progress was likely. However it would be prudent to allow Inquiry time for such matters to come before the Inquiry.

Similarly sufficient time will be allocated to the NRW Objections but this would need review because of ongoing serious discussions with the WG.

A discussion was held regarding local and strategic objections, for example, on behalf of the Friends of the Earth, which had indicated an

intent to appear at the Inquiry. The Inspector felt that these are strategic objections to the need for the scheme. An allowance of one day per objection would be provisionally allocated to such objections but that could be amended when further information in the form of Statements was to hand.

If they so wished, objectors could rely on the letters of objection already submitted (as their evidence) but they should make that clear to the Programme Officer. No fresh submission of evidence would be needed in such circumstances.

It was agreed with **Mr Rhodri Price-Lewis QC** that the objection on behalf of Roadchef House is subject to ongoing negotiations and will be considered later in the programme alongside the objection submitted by Rontec Roadside Retail.

Mr Andrew Tait QC also made a point that due to ongoing developments on behalf of Associated British Ports, their objection should be raised during the latter part of the Inquiry and that there would be an advantage for the Liberty Steel objection to be heard at a similar time.

The meeting concluded at **4.40pm** with the Inspector thanking everyone for their attention and courtesy and the positive, thorough exchange of views that were most helpful in shaping the way forward.

W Wadrup
INSPECTOR