
**THE LONDON BOROUGH OF SOUTHWARK
(AYLESBURY ESTATE SITE 1B-1C) COMPULSORY PURCHASE ORDER 2014**

NOTE FOLLOWING THE PRE-INQUIRY MEETING (PIM)

held on 12 September 2017

at Prospero House, Borough Hill Street, London SE1 1GA

1 Introduction

1.1 The Inspector welcomed all present and introduced himself as **Martin Whitehead**. He has been appointed by the Secretary of State for Communities and Local Government to hold an inquiry into the application by Southwark Council to the Secretary of State for Communities and Local Government for confirmation of **The London Borough of Southwark (Aylesbury Estate Site 1B-1C) Compulsory Purchase Order 2014**.

1.2 The Inspector also introduced **Graham Groom**, who was representing **Brenda Taplin**, who will be the Programme Officer for the Inquiry. Her main duties, under the Inspector's direction are:

- keeping records of those attending PIM and Inquiry;
- organising and keeping under review the Inquiry programme;
- organising practical arrangements for the Inquiry, including co-ordinating and advising on appearances;
- acting as a contact between participants and the Inspector;
- co-ordinating the receipt and distribution of documents;
- holding a master set of all documents, including an Inquiry Library and website (details of which are given in Appendix 2 attached) and maintaining document lists; and
- planning site visits.

She will play no part in the Inspector's report beyond helping with the collation of lists of those appearing at the Inquiry and of Inquiry documents, which will be appended to it. The Programme Officer's contact details are given in Appendix 2.

2 Scope of Inquiry and Issues to be addressed

2.1 The Inquiry will be into the Compulsory Purchase Order. The evidence should mainly focus on those matters given in the 'Guidance on Compulsory purchase process and The Crichel Down Rules for the

disposal of surplus land acquired by, or under the threat of, compulsion'. A note was made available to give an indication of the tests that the Inspector will apply in his report to the Secretary of State. A summary of these tests is attached at Appendix 3. In addition, the Inquiry will deal with other matters raised in objection, including section 149 of the Equalities Act 2010, the viability of the scheme, the extent of negotiations, the density and design of the scheme and its impact on infrastructure and local services. It will not review the previous quashed decision or report or the legal case.

3 Purpose of the Pre-Inquiry Meeting

- 3.1 The meeting was to enable all concerned to discuss procedural matters relating to the Inquiry, which is due to open on 9 January 2018. This should help everyone concerned make the best use of the time between now and the Inquiry, and help the proceedings to run smoothly.
- 3.2 There was no discussion of the merits of any of the cases. This will take place after the Inquiry formally opens.

4 Appearances at the Inquiry

- 4.1 Those present gave an indication of who would be appearing for them at the Inquiry. Mr Christopher Jacobs indicated that he is acting for Aylesbury Leaseholder Action Group, who includes 3 leaseholders (Beverley Robinson, Rita Eneuchie and S Agnes Kabuto) and 35% Campaign, who is a Non-statutory objector. Judi Bos, who is a leaseholder, indicated that she would be representing herself and would possibly call some of her neighbours to support her case. In addition, Paul Palley has indicated in writing that he would be appearing at the Inquiry.
- 4.2 Those who are likely to appear, together with an indication of those witnesses that would be called are given in Appendix 1. This is not necessarily a full list and will not exclude other parties from appearing at the Inquiry should they indicate their intention to do so.

5 Inquiry venue, dates and times

- 5.1 The Inquiry is planned to be held at the London Borough of Southwark Council Offices, 160 Tooley Street, London SE1 2QH. The venue is accessible for people with disabilities. The Inquiry room will be locked

overnight for security. No parking will be provided but a loading bay will be available at the rear for delivering documents.

5.2 The Inquiry is proposed to open at 1000 hours on Tuesday 9 January 2018. It is provisionally estimated that the Inquiry will sit for 12 days. Mr Jacobs indicated that he may well not be available on 17 and 18 January. The Inquiry will be programmed to avoid the need for his presence on these dates by either hearing objectors that he is not representing or carrying out site visits. Additional days will be made available on Tuesday 30 and Wednesday 31 January if they are needed. However, a better idea of the length of the Inquiry will emerge once estimates of the time needed for the various stages in the Inquiry have been provided and a programme has been drafted.

5.3 The Inquiry will generally sit at the following times (apart from opening at 1000 hours on Tuesday 9 January):

- Tuesday to Thursdays: 0930 hours to about 1700 hours (with breaks for lunch at around 1300 hours, and short breaks at convenient points mid-morning & afternoon);
- Friday: 0930 hours to about 1530 hours with no afternoon break.

6 Accommodation and facilities at the Inquiry

6.1 In addition to the main Inquiry room, there will be a room for the Programme Officer and Library and a retiring room for the Inspector.

6.2 A projection facility and facilities for laptops will be provided. Photocopying facilities will be available but objectors may have to come to an arrangement with the Council to pay for the use of the photocopier. The programme officer will only photocopy for the Inspector or at his request.

6.3 The previous Inquiry had been filmed, including for a documentary, and it is likely that a request will be made to film the forthcoming Inquiry. Such a request will be considered but filming will be stopped if it is disruptive. The film will not be able to be used as evidence at the Inquiry but a transcript can be made from the film.

7 Inquiry procedure

7.1 The Inspector will generally follow the Compulsory Purchase (Inquiries Procedure) Rules 2007. The Council, as the acquiring authority, will open and present its case. Its witnesses will be open to cross-

examination on matters by the advocate for Aylesbury Leaseholders Action Group.

7.2 Objectors to the Orders will present their cases in turn. They and/or their witnesses will be open to cross-examination by the Council, who will also call witnesses in relation to matters specific to that objector. The Council's witnesses will be open to cross examination by the objector. Each objector will be able to present closing submissions at the end of their evidence.

7.3 Closing submissions will be heard at the end of the Inquiry from the advocate for Aylesbury Leaseholders Action Group and finally the Council. No further evidence will be heard after these closings.

8 Programming the Inquiry and Inquiry timetable

8.1 The Inspector will wish to ensure that inquiry time is efficiently used. He asks that all advocates provide their estimates of the time they expect to take in evidence in chief and cross-examination. This information should be received by the Programme Officer no later than 2 weeks before the Inquiry opens ie 22 December 2017. This will enable the Inquiry to be programmed before it opens and a timetable sent to all parties in advance.

9 Form of Evidence and opening and closing statements

9.1 **Statements of Common Ground** would be helpful if they can be agreed. They should be received by the Programme Officer by 1700 hours on **22 December 2017**.

9.2 A Statement of Case has been submitted by the Council. The Statement of Case for Aylesbury Leaseholder Action Group was submitted in August, but was not dated. Updated Statements of Case will be required. All **Statements of Case from Objectors** should be received by the Council and the Programme Officer by 1700 hours on **7 November 2017**. **The Council's updated Statement of Case in response to the Objectors** should be received by the objectors and Programme Officer by 1700 hours on **21 November 2017**.

9.3 **Proofs of Evidence** are to be exchanged and received by the Programme Officer by 1700 hours on **12 December 2017**. This deadline applies to all participants at the Inquiry.

-
- 9.4 **Rebuttal Proofs or Supplementary Proofs** should be exchanged and received by the Programme Officer by 1700 hours on **2 January 2018**.
- 9.5 Proofs of evidence should be succinct and to the point. If the proofs are longer than 1500 words, summaries of the proofs must be submitted at the same time as the proofs themselves. Summaries should be no more no more than 10% of the proof or 1500 words. Only summaries may be read in full at the Inquiry, but the full proofs will count as evidence and will be open to cross-examination. Additional evidence may be given orally, though as far as possible such material would better be included in statements, and these should if possible be followed up in writing.
- 9.6 Units of measurement should be in metric and all documents should be numbered and prefixed by something which identifies the author eg LBS 1. Appendices should be tabulated and paginated and filed separately from the proofs.
- 9.7 The Inspector requires 2 copies of each statement, proof of evidence, appendices and core documents: one for his use and submission to the Secretary of State and one for the Inquiry Library. A copy of the statements, proofs and documents should be available for each main party who intends to take part in the Inquiry. A further copy should be available on the day of presentation of any evidence in case of any third party interest.
- 9.8 All statements/documents should be paginated, numbered in sequence and dated. A list should be kept by each main party to give to the Inspector in hard copy and electronic format at the end of the Inquiry.
- 9.9 A **Core Documents List** should be agreed and made available by **12 December 2017**. Objectors will be able to suggest additions to the Core Documents List. The current Core Documents include 3 bundles that were provided in hard copies to all the objectors at the previous Inquiry and so no new hard copies of these documents will be provided to objectors. The Council will provide 2 sets of hard copies of the Bundle 4 documents, which represent new material since the previous inquiry, to the Aylesbury Leaseholder Action Group/35%
-

Campaign and one hard copy set to the other objectors. The Council has indicated that it will endeavour to provide hard copies of other agreed additional Core Documents to the objectors where required.

- 9.10 The main parties will be permitted to make an opening statement at the beginning of the Inquiry. Opening statements are to be produced in writing and shall not exceed 15 minutes. The statement should be given a document number within the relevant parties' series.
- 9.11 Closing Statements are to be emailed to the Programme Officer (in the form of an MS Word document). The Inspector will endeavour to make time within the programme to permit this. They should follow the issues set out and should provide a summary of the case to be put to the Secretary of State. In the report to the Secretary of State it is the Inspector's intention to use the closing submissions as the basis of the summary of a party's case.
- 9.12 Closing statements and if possible all other documents should be concise and written in a simple format – for example:
- Verdana 11 pt, with consecutive paragraph numbers;
 - use sub headings only where needed to maximise clarity
 - references to documentary evidence to include relevant document number, page and paragraph (whether a core document, appendix to a proof or a proof)
 - reference to oral evidence should give the day of the evidence, the name of the witness and whether given in evidence in chief, in cross-examination or in re-examination.
 - Sub headings should be in bold and sub-sub headings in italics.
 - Minimal additional formatting should be used to avoid complications when the text is pasted into the report.
- 9.13 The Inspector should be supplied with a type written 1.5 line spaced transcript, which can be annotated at the time and where appropriate text inserted into that supplied in electronic format. The transcript should be given a document number within the relevant parties' series.
- 9.14 The Programme Officer will keep a web-site of Inquiry Documents. The web-site address is given in Appendix 2. The documents will include:

-
- Core Documents, including those still relevant from the previous inquiry, updated.
 - Evidence, including Statements of Common Ground, Statements of Case, Proofs of Evidence and Rebuttal Proofs. If the proofs are similar to those from the previous inquiry they should be renumbered and updated as new proofs.
 - Documents submitted during the course of the previous Inquiry with only those referred to in the current Inquiry being included in the report to the Secretary of State.
 - Documents submitted during the course of the current Inquiry.

10 Site Visits

10.1 The Inspector will look at the site and its surroundings as an unaccompanied site visit before the Inquiry. The Council will arrange for entry to the site in due course, which is likely to be in the afternoon of 8 January 2018. The Inspector will also be willing to carry out unaccompanied site visits and accompanied site visits where necessary that will need to be arranged at the Inquiry. If there are any sites which a party considers the Inspector needs to visit a list should be given to the Programme Officer during the Inquiry. Potential dates for these site visits are 17 and 18 January 2018.

12 Other Matters

12.1 Mr Jacobs indicated that the Aylesbury Leaseholders Action Group would wish to have the opportunity to comment upon the proposed new planning application, the Section 106 obligations that are likely to be available in October, and any variations to the Development Partnership Agreement. The Council agreed to disclose this information in hard copy (redacted where necessary) and electronically when available.

12.3 The minutes of the Pre-Inquiry Meeting will be sent to all those attending and will be made available on the website.

M J Whitehead

INSPECTOR

Appendix 1- Appearances at Inquiry

Council for the London Borough of Southwark		<i>Acquiring Authority</i>
Reps at PIM	Melissa Murphy of Counsel, Sadia Hussain (Senior Lawyer for the Council), Neil Kirby (Lead Officer for the Council), Helena Crossley	
Rep at Inquiry	Melissa Murphy of Counsel and Caroline Daly of Counsel, both instructed by the Legal Department for the Council	
<p>11 witnesses that will be called will be</p> <ol style="list-style-type: none"> 1. Neil Kirby 2. Greater London Authority Witness to give the Mayor's prospective 3. Witness on rehousing matters 4. Witness on urban design matters 5. Witness on equalities 6. Witness on regeneration benefits 7. Notting Hill Housing Trust witness 8. Witness on estate management issues and liaison with leaseholders 9. Witness on the negotiations to acquire by agreement 10. Architecture witness 11. Planning witness 		

Aylesbury Leaseholder Action Group and 35% Campaign		<i>Statutory Objector and Non-Statutory Objector</i>
Rep at PIM	Christopher Jacobs of Counsel, Beverley Robinson and Rita Eneuchie (Aylesbury Leaseholder Action Group), Adrian Glasspool (35% Campaign)	
Rep at Inquiry	Christopher Jacobs of Counsel, instructed by the public access scheme to represent both objectors	
<p>A possible 23 witnesses to be called (15 confirmed) to include the following-</p> <ol style="list-style-type: none"> 1. Quantity surveyor 2. Planner 3. Regeneration expert 4. Architect 5. Urban design expert 6. Displacement witness 7. Surveyor regarding lighting 8. Viability expert 9. Witness on tenure and affordable housing 10. Equalities expert 11. Human rights expert 		

Judi Bos		<i>Statutory Objector</i>
Rep at PIM	Judi Bos	
Rep at Inquiry	Judi Bos and supporting non-expert witnesses	

Paul Palley		<i>Non-Statutory Objector</i>
Not represented at the PIM		
Indicated that he would be appearing at the Inquiry		

Appendix 2- Contact Details and Addresses

The Programme Officers' contact details

Telephone no: 01403 217799.

Mobile no: to be notified later

Email address: btaplin@personaassociates.co.uk

Address: Persona Associates Limited, 1st Floor, Bailey House, Barttelot Road, Horsham, West Sussex, RH12 1DQ.

Inquiry Library and Website

The Website is at <http://aylesbury-estate.persona-pi.com/>

NB *The website is currently being prepared – you will be notified when the site goes “live”*

During the Public Inquiry, all documentation will also be made available to view at the Inquiry venue.

Appendix 3- Tests to be applied to the Compulsory Purchase Order

The Inspector will take into account evidence regarding the following matters¹:-

- Whether there is a compelling case for acquisition in the public interest.
- Whether the purposes of the Order justify interfering with the human rights of those with an interest in the land.
- Whether the acquiring authority has a clear idea of how the land is to be used.
- Whether the acquiring authority can show that all necessary resources to carry out its plans are likely to be available in a reasonable time scale.
- Whether the scheme is unlikely to be blocked by any impediment to implementation.
- Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area.
- Whether the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area.
- Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.

¹ Ref- *Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion*