

# **THE LONDON BOROUGH OF HARINGEY (WARDS CORNER REGENERATION PROJECT) COMPULSORY PURCHASE ORDER 2016**

## **COMPULSORY PURCHASE (INQUIRIES PROCEDURE) RULES 2007 APP/NCPU/CPO/Y5420/77066**

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### **INSPECTOR'S NOTE OF THE PRE-INQUIRY MEETING**

10.00am, Wednesday, 3 May 2017

Haringey Civic Centre, High Rd, Wood Green, London N22 8LE

To be read in conjunction with the Inspector's Pre-Meeting Note of 27 April 2017

#### **1. Introduction**

The Inspector opened the PIM by welcoming those present, naming the Order Subject to the Inquiry and explaining that he was a Chartered Town Planner. He would report to the Secretary of State who would make the decision whether or not to confirm the Order. Fire safety arrangements were announced. The Inspector touched on the issue of Spanish translation, asking whether this was a problem today. On behalf of Marta Hinestroza, Patria Roman of Latin Elephant explained that today she would provide translation where necessary.

The main parties introduced themselves:

Andrew Byass of Counsel, with Tim Corner QC, on behalf of Haringey Council.

Monica Feria-Tinta of Counsel, with Tom Leary of Counsel, on behalf of 18 market traders, with instructions from a further 3 parties. She explained that she would deal with some aspects of the objections, with other points being dealt with by Mr Leary.

Richard Lloyd of Eversheds Sutherland with his client's representative, Charles Norman of London Underground Limited.

Aidan Dickinson of Sharpe Pritchard LLP, Solicitors, on behalf of his client, Airmoss Limited.

Susan Penny of Clyde area residents' association, who would be working with Marta Hinestroza.

Ian Ginbey of Clyde & Co with his colleague, Anna Simpson, and his client's representative Jonathan Kiddle of Grainger plc.

Pam Isherwood of Wards Corner Community & Page Green Residents' Association.

Candy Amsden of the Clyde Valley Residents' Association and Wards Corner Coalition.

Emmet Haverty-Stacke, a local resident, formerly of a property within the Order area.

#### **2. Purpose of the Pre-Inquiry Meeting**

The Inspector explained that the meeting was procedural and no evidence on any cases would be considered today. Brenda Taplin was introduced as the

Programme Officer and would deal with the Inquiry documents, the programme and the Inquiry Library. The Inspector expressed a hope that where possible many objectors would be able to come together under one spokesperson/representative at the Inquiry. This would save Inquiry time and avoid repetition of the evidence. He explained that there were forms on seats seeking details to facilitate this possibility. Completed forms to be returned to the Programme Officer, who would be making contact with objectors to ask similar questions.

### **3. Who is allowed to attend and speak at the Inquiry in July?**

The Inspector explained that anyone who has had a reply to their objection letter will have been listed as a registered objector and may speak at the Inquiry. But he wanted a comprehensive and unequivocal classification as to who was a qualifying objector (a CPO owner, leaseholder, tenant or occupier living or running a business, even without formal documentation). Mr Byass agreed that the position was to be reviewed and Appendix D of the Statement of Reasons updated. There are difficulties relating to petition signatories, whether tenants and occupiers may, or may not be still there and any interests acquired. A question was raised about those who were statutory objectors but have since been evicted, would they lose their qualification? The Inspector confirmed that there may be differing legal views but he looked to the Council for a first view. It may be a matter for discussion at the Inquiry. The Council agreed to review the status issue and provide a working update of the list of objectors as urgently as possible.

### **4. Procedures in the run-up to the Inquiry**

The Inspector explained that the original objection letters may be taken as read. Those who represented a number of parties, or with substantive cases, particularly those on general grounds of objection to the scheme, were encouraged to present their evidence by further written submissions. Statements of Case from those intending to give further evidence. Such a Statement need not necessarily be detailed but simply the main grounds of objection. These should be provided by 9 May 2017 and would be helpful when drafting the Inquiry programme.

The Department for Communities and Local Government had notified all parties that full Statements (Proofs of Evidence) and any Appendices should be provided by 16 June 2017. It was agreed that such evidence was important to be circulated for all parties to prepare counter-arguments. However, to assist the Council in relation to availability of its Counsel to co-ordinate the evidence of its 8 witnesses, the Inspector agreed to amend the date to Tuesday, 20 June 2017. He stressed the importance of not missing the revised date. Any earlier release of evidence would be welcomed.

Mr Byass reported that discussions were underway for an amendment to a Section 106 Agreement. A non-mandatory consultation about the amendment would be conducted and would keep objectors informed. The Inspector welcomed progress and looked to the Council and Grainger plc to provide a degree of certainty on the Section 106 Agreement.

The Inspector asked if Objectors could add their objection number to the top right-hand corner of their documents.

## **5. Procedure at the Inquiry**

The Inspector explained that an Inquiry is a formal process and parties would take it in turn to present witnesses and for cross-examination. Although it can be daunting, taking part should not be discouraged. The first part of the Inquiry would be for the Council to give its evidence. The Inspector recognised two elements at this Inquiry – overall general objection and specific premises objection. He would try to keep these separate. The Inspector would appreciate the Council's witnesses dividing their evidence into these streams where possible. The Inspector explained that each witness would be open to cross-examination. The objectors on general issues would be called, with priority given to those more substantive groups to avoid repetition of evidence. This would be followed by the specific cases, cross-examination then objectors' presentations. The Council to make the final closing statement.

## **6. Co-operation between Objectors**

The Inspector reiterated his wish for co-operation between objectors; to work together where possible to present joint cases, or within umbrella groups. Ms Feria-Tinta agreed that there was scope for joint intervention and is working with Latin Elephant and Wards Corner Coalition, from whom she proposes to call 4 witnesses. The Inspector responded that he was very encouraged but would not discourage objectors' individual cases on different topics, or on opposing views.

The Council would enquire about potential meeting rooms for objectors, in advance the inquiry as well as during it, should there be a need, to facilitate co-operation between parties. The Programme Officer would be notified about availability.

Ms Feria-Tinta would do her best to co-ordinate local groups.

## **7. Statements of Common Ground**

The Council will look into the potential for such documents.

## **8. Site Visits**

The Inspector will programme accompanied site visits. He reported that he had made an unaccompanied site visit. Should site specific visits, including internal inspections, be needed, or requested by objectors, these would need to be with owners' consent and accompanied by a representative of the relevant objectors and from the Council.

The Inspector was asked to visit the empty upper floors of the Market main building. The building is owned by London Underground Limited and would need its consent and health and safety clearance as it involved an operational site.

The Inspector was requested to make an accompanied Saturday site inspection of the Market. The Council agreed that this would be appropriate.

## **9. Compensation**

The Inspector stressed that he is unable to determine financial settlements and that compensation was not a matter for the Inquiry.

## **10. Withdrawals**

Objections may be withdrawn, in writing, at any time.

Mr Lloyd advised the Inspector that he hoped agreement could be reached to protect the operational assets of London Underground Limited. But the position of his client was reserved. He would keep the Inspector updated.

## **11. Inquiry Programme**

The Programme Officer hoped a first draft of the programme would be available by the end of May.

The Council believed that the 3 week estimate of the length of the Inquiry would be sufficient.

The Inspector explained that statutory objectors have a right to speak, other objectors he would try to accommodate. If parties cannot attend, the first recourse is for further written evidence but to let the Inspector know of the difficulties, via the Programme Officer, for him to consider.

## **12. Inquiry venue, facilities, dates and times**

The Inspector asked to avoid audio/visual presentations if possible as cross-examination is difficult. But if objectors have a need for different forms of presentation, they should explain these to the Inspector, via the Programme Officer.

The location of the Inquiry venue was questioned by objectors, with options of the College of North East London and the old Tottenham Town Hall put forward. Such alternative locations would be closer to the Order site and would facilitate attendance by the Marker traders. The Council explained that alternatives had been investigated. At the Inspector's suggestion, the Council would discuss the basis of the location decision with objectors. The Inspector was content with the suitability of the Civic Centre and the facilities it provided. Ms Feria-Tinta confirmed that she too was content with the Civic Centre.

Sitting times had been referred to in the Pre-Meeting note. The Inspector would be open to sit later and for a limited number of evening sessions to facilitate the market traders attending. The Council agreed with this possibility providing, of course, the Council Chamber was available.

The possibility of leaving paperwork in situ whenever the Council Chamber was not in use for other meeting was confirmed. Secure facilities for papers would be available. So too would be printing/photocopying.

Access for those with mobility problems is available via a lift.

## **13. Core Documents**

The Council reported that the listing of Core Documents is in progress. A draft list will be circulated by 12 May and other parties may suggest further documents.

The Inspector explained that he would be looking for relevant Planning Policy documents; National Policy documents; legislation; Planning Permission documents for the re-development, with plans; Section 106 documents; background reports, including the equality impact assessment; the alternative scheme promoted by objectors; Council and Committee Reports relating to the Order (also in relation to the Planning Applications ); and the Court of Appeal judgement.

The Inspector asked that the Core Documents numbered by groups as far as possible and to allow some space for extra similar documents to be added to the group. To discuss with the Programme Officer.

Mr Leary is in contact with the Council requesting certain documents, which should be added to the Core Document list.

#### **14. Translation**

Ms Feria-Tinta explained that some witnesses will have to give their evidence in Spanish. Details of a suggested translator would be passed to the Council, who would check its procurement list. Some sessions would require an interpreter to be available throughout. The relevant evidence sessions would need to be assessed but it was generally agreed that not all evidence would need, translation. Once the proofs of evidence were available agreement could be reached as to which specific documents should be translated. Ms Feria-Tinta suggested that she and Mr Byass should interview the interpreter. The Inspector would leave both Counsels to agree, or disagree, the principles of documents to be translated and sessions for an interpreter to be available and notify him, via the Programme Officer, of their views.

#### **15. Any Other Matters**

Ms Amsden raised the possibility of her being able to use existing film footage as evidence. The Inspector asked if she would prepare a summary note of what is wished to be presented, outlining the advantages of such a presentation, and the time required and pass this to him, via the Programme Officer.

The Inspector requested 4 copies of the CPO drawing to use as working copies.

The Inspector advised that he would be sending out a Note of the Meeting.

The Meeting closed at 12.10pm.