

A55 Chester to Bangor J14&J15 and J16&J16A

PUBLIC LOCAL INQUIRY

www.A55J14J15-publicinquiry.co.uk

www.A55J16J16A-publicinquiry.co.uk

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THE CHESTER TO BANGOR TRUNK ROAD (A55) (JUNCTIONS 14 AND 15 IMPROVEMENT REALIGNMENT AND SLIP ROADS) ORDER 202-

THE CHESTER TO BANGOR TRUNK ROAD (A55) (JUNCTIONS 14 AND 15 IMPROVEMENT REALIGNMENT AND SLIP ROADS) (SIDE ROADS) ORDER 202-

THE WELSH MINISTERS (THE CHESTER TO BANGOR TRUNK ROAD (A55) (JUNCTIONS 14 AND 15 IMPROVEMENT REALIGNMENT AND SLIP ROADS)) COMPULSORY PURCHASE ORDER 202-

THE CHESTER TO BANGOR TRUNK ROAD (A55) (JUNCTIONS 16 AND 16A IMPROVEMENT REALIGNMENT AND SLIP ROADS) ORDER 202-

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PRE-INQUIRY MEETING NOTE

Held Virtually using MS Teams Software on 27th July 2021

1. Introduction

- 1.1 The Inspector, Mr Hywel Wyn Jones, opened the Pre-Inquiry Meeting (PIM) at 10.00am and introduced himself and Mrs Tracey Smith, the Programme Officer.
- 1.2 The purpose of the PIM and this Note is to assist parties in preparing for the Public Local Inquiry (PLI) into objections to the above Orders and thereby to assist its efficient running. This Note is being issued to the Welsh Government and to those parties who have made representations about the Orders that are to be the subject of the Inquiry. The Inquiry is scheduled to open at 10.00am on Tuesday, 21 September 2021 at the Conwy Business Centre, Junction Way, Llandudno Junction, LL31 9XX. The format will be a hybrid of some in person attendance with others participating virtually. This arrangement may need to be re-visited if social distancing restrictions tighten.

2. Programme Officer

- 2.1 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, and as the manager of the Inquiry Library, which will be held in digital format and available on the websites. She would be independent of the Welsh Government and would only work to the Inspector. Her contact details are provided in the header to this note.

- 2.2 It is likely that Mrs Smith will be unavailable for several weeks commencing in early August but work on alternative arrangements is in hand to ensure that the work is undertaken effectively. Any temporary change in contact details that may be necessary will be made available on the websites. A representative of the Welsh Government Team will assist with this work in liaison with administrative staff in the Planning Inspectorate under my direction.
- 2.3 Documents relating to the Inquiry, including the draft programme, will be available on the website set up for each of the schemes, see above header. Participants are advised to consult the website regularly to keep abreast of new and changing information including, in due course, the Inquiry programme.

3. Press and Media

- 3.1 Press facilities will be available at the Inquiry. Filming and recording could feature but only with everybody accepting such a proposal and in a way that avoids intrusion or intimidation.

4. Reason for the PIM and PLI

- 4.1 The Inspector explained the purpose of the PIM, and why, under the Highways Act 1980, the Acquisition of Land Act 1981 and the relevant Regulations, it was necessary to hold an Inquiry.
- 4.2 The purpose of the Public Inquiry is to enable the Inspector to gather evidence before making his report to the Welsh Ministers. In his report he will set out the gist of the evidence given to the Inquiry and recommend that the Improvement Realignment and Slip Roads Orders, the Side Roads Orders and the Compulsory Purchase Orders should be confirmed; or that they should be modified and confirmed; or that they should not be confirmed. The Welsh Ministers will consider the Inspector's report before making their decisions. The scope of the Inquiry was explained. It would:
- Consider the case for constructing the proposed improvement realignments and associated works.
 - Consider the objections (either written or those delivered orally at the PLI) to the proposals and any adverse impact that it would have.
 - Consider the Alternatives that had been proposed, or which would be generated by objectors by the deadline.
 - Consider any counter arguments against the identified alternatives.
 - Interrogate the Draft Orders.
 - Consider the written material which had been submitted following the publication of the draft Scheme and draft Orders.
- 4.3 Planning permission is not needed for the Welsh Ministers to carry out the schemes; nonetheless, due regard is required to national and local policy considerations. Development of the Schemes has included consultation with local planning authorities, statutory bodies, other relevant stakeholders and affected individuals. The proposed schemes have been subject to Environmental Impact Assessments and

Environmental Statements has been produced in respect of the schemes. Statements to Inform an Appropriate Assessment of possible impacts on the nearby designated National Sites Network have also been prepared.

- 4.4 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 (however, the application of Government Policy to the scheme promoted by Welsh Government would be a relevant consideration);
 - Matters of Law. If any arise they must be submitted in writing, appended with copies of any judgements relied upon. They would be appended to the Inspector's Report;
 - Matters of compensation are not for local inquiries but for agreement between those representing the parties or for referral to the Lands Tribunal in default of agreement.
- 4.5 The statutory tests that must be satisfied before the Side Roads Order can be confirmed are that:
- a) no highway shall be stopped up unless another reasonably convenient route is available or will be provided before the highway is stopped up.
 - b) the stopping up of a private means of access shall only be authorised if no access to the premises is reasonably required; or if another reasonably convenient means of access to the premises is available or will be provided.
- 4.6 There will be justification for making or confirming a Compulsory Purchase Order if each of the following tests are satisfied:
- a) there should be a compelling case in the public interest, and the purpose of acquisition should sufficiently justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.
 - b) the acquiring authority should have a clear idea of how it intends to use the land it is proposing to acquire.
 - c) the acquiring authority should show that all the necessary resources are likely to be available to achieve the scheme purpose within a reasonable time-scale.
 - d) the acquiring authority should be able to show that there is a reasonable prospect of the scheme going ahead, and that it is unlikely to be blocked by any impediments to implementation.

5. Conduct of the PLI

- 5.1 The conduct of the Inquiry and the events leading up to it are set out in Statutory Rules: Highways (Inquiries Procedure) Rules 1994 and the Compulsory Purchase (Inquiries Procedure) (Wales) Rules 2010.

- 5.2 Statutory objectors and the promoter have a right to appear at the Inquiry. The Inspector may allow others to appear at the Inquiry, in accordance with the Rules, to support or object to the scheme. Those who appear may question others who take a different stance, and be questioned by them. This allows the evidence to be tested. The promoter may prepare “rebuttal” evidence in response to evidence given by objectors, and objectors may respond to that when giving their evidence at the Inquiry. All evidence should be relevant and not repetitious.
- 5.3 It was 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 on the basis of specific topics:
- Scheme overview, including Active Travel, the Wellbeing of Future Generations and Climate Change;
 - Detailed environmental matters, including traffic, ecology, flooding, noise and visual impact;
 - Detailed design matters, including access and safety/accidents;
 - Detailed impacts on property including land-take acquisition;
 - Construction work, including re-routing during construction period.
- 5.4 Dr McNall for Welsh Government indicated that it would call 12 expert witnesses at the start of the Inquiry which would take about 1-2 days 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.
- 5.5 By way of an update, it was explained that pending a Ministerial decision on the scope of the forthcoming roads review panel the promoter currently intends to proceed with the statutory process of the Inquiry. More information will be made available on the websites as soon as it is known.
- 5.6 Witnesses giving evidence in a location remote from the Inquiry venue should be in a room on their own to avoid the potential for others to prompt or assist the witness.
- 5.7 All present accepted the general procedure to be followed at the PLI. In summary it would generally be based on the following 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 present their evidence, in sequence, as determined by the Programme Officer and at that stage may cross-examine Welsh Government witnesses.

- Welsh Government witnesses are re-examined and thereafter the objector presents his/her case. Those cases are subject to cross-examination by Welsh Government, or supporters and, if represented, re-examined. The objector winds up his/her case.
- 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 Welsh Government is then delivered and is subject to cross-examination and re-examination (if agreed, the examination of the Welsh Government 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 (ie objectors to alternatives) are then asked to deliver their evidence and they may cross examine the promoter of the alternative, etc.
- Outstanding written correspondence and rebuttals are dealt with.
- At the end of their appearance, or towards the end of the Inquiry, each party may make a closing submission.
- Roundtable discussion on the draft Orders and any proposed modifications, alternatives and register of commitments.
- 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.

5.8 Closing submissions must not contain new evidence. The purpose of a closing submission might be broadly to briefly summarise your case as it rests at the time of making the submission, to highlight any point on which you have been satisfied by those whose case you oppose and to identify in the cases of those you oppose, those aspects of their cases which you claim not to have been made out, and to make any legal submission associated with your case.

5.9 If any already decided legal case is referred to in your closing submission, full copies of the judgment must be provided with the closing submission. Closing submissions may be made in writing or orally. An electronic submission of a written closing assists the efficient running of the inquiry but the same weight is given to an oral closing.

6. Statements of Case and Proofs of Evidence

6.1 Welsh Government confirmed that its Outline Statements of Case had recently been published on its websites, and that its full Statements of Case and Proofs of Evidence would be presented by 24 August.

6.2 Evidence is commonly presented at inquiries in the form of a written statement (known as a proof of evidence) to be read aloud by the witness. This is usually a text document of one or more pages as the witness chooses. It may be supported by volumes of Appendices and/or Figures. Relevant extracts from authoritative documents may also be submitted, and those often help the Inspector and the Welsh Ministers in attributing weight to evidence.

- 6.3 If the proof of evidence is longer than 1500 words, a separate written summary must also be provided and it is that summary which is read out by the witness at the Inquiry. Alternatively, such evidence may be taken “as read”. The Inspector will take into account the whole of that person’s evidence, and the witness may be questioned on it all. Proofs of evidence should be sufficient to convey the whole of the witness’s evidence (apart from rebuttal evidence) and there should be no need for any oral exposition of such evidence when the witness first appears.
- 6.4 Units of measurement in proofs and documents should be metric (with imperial equivalents in brackets if considered necessary). All documents submitted to the Inquiry will be placed in the Inquiry Library which will be available on the websites. The Library will also contain a number of Core Documents and will be updated regularly. Assistance can be obtained from the Programme Officer, including by any persons facing difficulties in accessing digital information.
- 6.5 There is no need for the same document to be submitted several times over by different objectors. Objectors should therefore check if the document they wish to refer to is already on the Core Document list. Anything not on the list will need to be separately provided by the parties.
- 6.6 Proofs and appendices should be paginated throughout and contain a list of the documents included, with page references, at the beginning of the bundle. An appendix need contain only those extracts that are relevant, not the whole document, but should always include the title page. The full document should, however, be available at the Inquiry.
- 6.7 Those who wish to rely on material from the internet must provide copies of the material in question - as the content of websites can change it is important that the Inspector and the Welsh Ministers see the information the witness intends them to see.
- 6.8 All written material put to the Inquiry by parties who choose not to appear at the Inquiry will be considered by the Inspector when writing his report. In principle, greater weight is likely to be given to evidence which withstands testing under questioning at the Inquiry.
- 6.9 The promoter indicated its intention to prepare written rebuttal evidence, in which it responds to points detailed in objectors’ proofs of evidence or Inquiry statements. The “rebutted party” will have the opportunity to consider that evidence before they appear at the Inquiry. The Inspector welcomed the confirmation by Welsh Government of its intention to do so by 14 September.
- 6.10 All proofs of evidence must be submitted a minimum of **3 weeks** before the start of the PLI (**31 August**).

- 6.11 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 (**7 September**). Earlier submission would be an advantage to those charged with advertising such alternatives.
- 6.12 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.
- 6.13 Where possible documents should be sent electronically with the name of the sender and respondent ID number clearly displayed in any covering email. Any hard copies received will be scanned for electronic distribution.
- 6.14 Evidence may be given in Welsh and, to encourage that, Welsh to English simultaneous translation will be provided. Photocopying facilities would be made available. The venue is accessible to persons with disability.
- 6.15 Site visits were discussed - anyone who wishes the Inspector to visit a particular part of the proposed site should contact the Programme Officer during, or prior to, the Inquiry period.

7. Participants at the Inquiry and the Programme

- 7.1 The Inquiry will sit on Tuesdays, Wednesdays and Thursdays from 10am each day until around 5pm, with a break of about an hour for lunch between 1pm and 2pm, and short breaks when convenient at mid-morning and afternoon. The Inquiry may also sit on Friday mornings depending on detailed programming considerations and on Inquiry progress. However, changes to the programme, including at short notice are likely and so the website should be consulted for the latest position.
- 7.2 A significant number of participants identified themselves and provided a time estimate for presenting their evidence. This was useful information that would inform work on the production of a first draft Inquiry programme for discussion at the start of the Inquiry.
- 7.3 The Programme Officer will co-ordinate the Inquiry programme. To this end a letter accompanying this Note asks all respondents to the Notice of the Orders whether they wish to appear and other relevant details, including an indication of which Welsh Government witnesses are likely to be cross-examined by the objector or their advocate. Anyone who wishes to participate may speak at the Inquiry, subject to compliance with the Inquiry Rules and the procedures set out in this note.
- 7.4 This information will assist in the efficient scheduling of the Inquiry timetable and should be completed and returned to the Programme Officer by **17 August 2021**. Time has been scheduled for 3 weeks inquiry time, although much work is ongoing and discussions between the parties may resolve some issues in the normal way.

- 7.5 If they so wished, objectors can 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.
- 7.6 Welsh Government confirmed that they were intending to respond to all outstanding objections by 11 August. The Inspector emphasised the importance of all parties engaging in dialogue to seek to limit areas of disagreement that would need to be considered at the Inquiry. This would make more efficient use of inquiry time and enable it to focus on the matters that are important to participants. The use of Statements of Common Ground was also encouraged for these reasons.
- 7.7 The meeting concluded at 12.15 noon with the Inspector thanking everyone for their attention and courtesy and the positive exchange of views that were most helpful in shaping the way forward.

Hywel Wyn Jones

INSPECTOR

28.7.21