



# Department for Transport

Ms Jane Wakeham  
Winckworth Sherwood  
Solicitors and Parliamentary Agents  
Minerva House  
5 Montague Close  
London  
SE1 9BB

Angela Foster  
TWA ORDERS UNIT  
DEPARTMENT FOR TRANSPORT  
ZONE 1/14 -18  
GREAT MINSTER HOUSE  
33 HORSEFERRY ROAD  
LONDON  
SW1P 4DR  
DIRECT LINE: 020 7944 2474  
FAX: 020 7944 9637  
transportandworksact@dft.gsi.gov.uk

Web Site: [www.dft.gov.uk](http://www.dft.gov.uk)

Our Ref: TWA/17/APP/08  
Your Ref: PFI/11152/25/DNW

30 October 2018

Dear Jane,

## **TRANSPORT AND WORKS ACT 1992: APPLICATION FOR THE PROPOSED MIDLAND METRO (WEDNESBURY TO BRIERLEY HILL LAND ACQUISITION) ORDER**

1. Further to the application for the above Order made on 12 December 2017, this is to inform you that the Secretary of State for Transport has decided to hold an inquiry into this application. Although he has decided not to require the holding of a pre-inquiry meeting under rule 6 of the Transport and Works (Inquiries Procedure) Rules 2004, SI. No. 2018 ("the Inquiries Rules"), the inspector, when appointed, may decide to do so under Inquiries Rule 8.

2. This letter should be taken as the relevant notice of the intention to hold an inquiry, as required by rule 4 of the Inquiries Rules, and the date of this letter is the "starting date" for the purposes of the timetabling arrangements in those Rules. It explains the first stage of the pre-inquiry procedures as they will apply to your clients and your clients' obligations in relation to the holding of an inquiry.

### **Inquiry arrangements**

3. I would be grateful if you could let the Planning Inspectorate, at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN know, as soon as possible your clients' proposals for the start date and venue of the inquiry and for a pre-inquiry meeting (if required) so that they can make the necessary arrangements for the appointment of an Inspector. With regard to the start date, Inquiries Rules 13(1) specifies that the inquiry should open no later than 22 weeks from the starting date (that is, from today), unless it is impracticable to do so.

### **Statement of case**

4. Your clients will be allowed until **Tuesday 11 December 2018** to serve their statement of case under Inquiries Rule 7(1) on the Secretary of State, on each statutory objector within section 11(4) of the Transport and Works Act 1992 and on each person who is required to serve a statement of case under Inquiries Rule 7(3). Other parties who have expressed a

wish to appear at the inquiry will be given until the same date to serve a statement of case on the Secretary of State and your clients.

5. You and your clients are reminded of their obligations under the Data Protection Act 1988 as data controllers, in regard to any personal information contained within the representations. This includes ensuring that this data is only used for the purposes of handling this application and is kept for no longer than is necessary. Please note also that if you arrange for publication of inquiry documents such as statements of case on a website, all signatures, private individuals' telephone numbers and e-mail addresses should be redacted. It would also be desirable to redact such personal information from documents placed in an inquiry library.

6. Please note the requirements of Inquiries Rule 7(2) and (9) about the provision of supporting documentation. We would advise that your clients aim to provide at this stage as much as possible of the documentation that they intend to submit to the inquiry since that will reduce the amount of copying that is required when they circulate their proofs of evidence before the inquiry (see Inquiries Rule 16(6)). You may also wish to note two other provisions of the Inquiries Rules which can help reduce the requirement for copying. Firstly, under Inquiries Rules 16(7) your clients are not required to send someone a copy of a proof, summary or document if that person confirms in writing that he or she does not wish to receive it. Secondly, under Inquiries Rule 24 your clients may serve notices of documents electronically with the consent of the recipient.

### **Statement of matters**

7. A statement of matters, prepared in accordance with Inquiries Rule 7(6), will be issued later.

### **Costs of inquiry and appointment of a programme officer**

8. It is the responsibility of applicants for Orders to select and pay for the venue for an inquiry (subject to the Planning Inspectorate's satisfaction as to its suitability) and to provide a programme officer for the inquiry. Inquiry venues should, as far as is practicable, be in the area in which the proposals in a draft order are to have effect, they should be of sufficient size to house the numbers expected to attend, and should include access to photocopying and telephone facilities. The Planning Inspectorate has prepared fuller guidance about the accommodation requirements for inquiries in a document entitled "The Venue and Facilities for Public Inquiries and Hearings" which can be found on the Inspectorate's web-site ([www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk), on the "Public Inquiries" page). It would be helpful if, in proposing a venue, your clients could complete and return the enclosed Inquiry Accommodation Questionnaire to us at the address above so that we can forward to the Planning Inspectorate to enable them to confirm its suitability promptly.

9. Guidance about the role and responsibilities of programme officers may also be found on the Planning Inspectorate's web-site (search for "Programme Officer Guidance Notes"). The Planning Inspectorate holds details of a few professional programme officers, should your clients have difficulty in this regard. They will need to appoint a programme officer at the very latest four weeks before the date agreed for any pre-inquiry meeting held by the Inspector to allow time for the circulation of the meeting agenda. Please could you confirm

as soon as possible that they are prepared to provide a programme officer and, in due course, let the Planning Inspectorate have details of the person they are minded to appoint.

10. Programme officers are normally required for all but the shortest of inquiries to help the inspector organise the inquiry programme, distribute documents and maintain an inquiry library. These duties must be performed impartially to avoid the risk of judicial challenge on the grounds of prejudice. The person appointed should, ideally, have had no direct or significant involvement in your clients' project, and should not otherwise be involved in the inquiry proceedings. Your clients should make a point of not discussing the merits of the case with the programme officer before or during the inquiry.

11. Applicants for Orders are also required to meet the costs of the pre-inquiry meeting and of the inquiry itself. Apart from the hire of accommodation these costs include the Inspector (daily charge currently £630) and his actual travelling and subsistence expenses. The daily charge will apply to every day spent on work associated with the inquiry, including preparation, the pre-inquiry meeting, site visit and writing the report. Your clients will be invoiced as soon as practicable after the submission of the Inspector's report to the Secretary of State. Payment should be made within 30 days of receipt of the invoice.

#### **Award of costs**

12. I should take this opportunity to advise you about the Department's policy on the award of costs. This is set out in a Department of Transport Circular 3/94 which is available from the Stationery Office (ISBN 0 11 551289 6) and explained in a guide which is available from the TWA Orders Unit. In general, all parties are expected to meet their own expenses in preparing for and presenting evidence to an inquiry. However, applicants or objectors may apply to the inspector for an award of costs if they consider that a party to the inquiry has behaved unreasonably thereby causing expenses to be incurred unnecessarily. Also, those whose land, or rights in land, would be affected by proposed compulsory acquisition powers would be eligible for an award of costs if that application is unsuccessful, whether wholly or partially.

13. The purpose of this policy is to encourage co-operation between all parties to an inquiry in the interests of efficiency and fairness. It is not intended to deter persons from exercising their legitimate rights to give evidence to an inquiry. That said, please bear in mind the following important points. Applicants (or objectors) may be at risk of an award of costs being made against them if, after the Secretary of State has formally given notice of the inquiry arrangements, an application (or objection) is withdrawn without any material change in circumstances and as a result of that withdrawal the inquiry has to be cancelled. Applicants (or objectors) will also run the risk of having an award of costs made against them if an application (or objection) is withdrawn less than three working days before an inquiry is due to start, when it would be too late to cancel the inquiry (assuming this would otherwise have been the consequence of the withdrawal).

Yours sincerely,



**Angela Foster**



# TRANSPORT AND WORKS ACT 1992: APPLICATION FOR THE PROPOSED LONDON OVERGROUND (BARKING RIVERSIDE EXTENSION) ORDER

## INQUIRY ACCOMMODATION QUESTIONNAIRE

1. Proposed (and alternative) dates for inquiry and (if required) pre-inquiry meeting:
  
2. Estimated length of inquiry:
  
3. Proposed venue(s) for inquiry and (if required) pre-inquiry meeting:
  
4. Maximum capacity of accommodation (allowing space for inspector's dais, witness stand, and tables for applicants and principal objectors):
  
5. Is the venue served by public transport? *(Please provide brief details)*
  
6. What car parking facilities are available near to the proposed venue? *(Please provide brief details)*

7. Does the accommodation include the following facilities for use during the inquiry, or will applicants be able to provide them?

Telephones YES/NO

Photocopier YES/NO

Fax Machine YES/NO

Separate rooms for inspector and programme officer YES/NO

Separate room for each of the main parties (major inquiries only) YES/NO

PA equipment and projector facilities YES/NO

Furniture for programme officer's room YES/NO

Secure storage of documents (if the inquiry room cannot be secured overnight)

YES/NO

Cloakrooms and toilets YES/NO

Refreshment facilities YES/NO

8. Is the accommodation accessible to persons who have impaired mobility? *(Please provide brief details)*

9. Does the accommodation include good ventilation and lighting?

10. Is the accommodation liable to be affected by noise or other disturbance from activities in other parts of the building or the surrounding area? *(If so, please provide brief details)*