

The United Utilities Water Limited (Eccles Wastewater Treatment Works) Compulsory Purchase Order 2016 ('the Order')

Minutes of the pre-inquiry meeting ('PIM') held on Friday, 20 April 2018 at the Museum of Science and Industry, Liverpool Road, Manchester, M3 4FP

1. Clive Sproule BSc MSc MSc MRTPI MIEEnvSc CEnv ('the Inspector') opened the meeting at 13:00hrs and introduced himself. The Inspector explained that he had been appointed to conduct the inquiry and prepare a report with recommendations in relation to the Order. He confirmed that the purpose of the meeting was to discuss the procedural and administrative arrangements for the inquiry. An agenda for the meeting was circulated.
2. A Programme Officer, Helen Wilson, is in place and she will be working to the inquiry. However due to other commitments, Yvonne Parker is expected to be the Programme Officer in attendance during the first weeks of the inquiry.

Parties attending the meeting

3. The following parties in attendance were represented by:
 - James Strachan QC and Jon Darby, of Counsel, represented United Utilities Water Limited ('the Acquiring Authority') and were instructed by Nick McDonald of Pinsent Masons
 - Hereward Phillpot QC and Rebecca Clutten, of Counsel, represented Manchester Ship Canal Company Limited ('MSCCL') and Peel Investments (North) Limited ('PIL') and were instructed by Nicholas Brown and Laura Thornton of Bircham Dyson Bell
 - Giles Cannock, of Counsel, represented Port Salford Land Limited ('PSL') and City of Salford Community Stadium Limited ('CoSCS') and was instructed by Richard Sagar of Walker Morris
4. A number of interested persons/parties also attended the meeting.
5. Parties confirmed that they have been in contact with the Programme Officer and have Ms Wilson's details.

Date for the inquiry

6. The Inspector confirmed that **the inquiry would open at 10:00hrs on Tuesday, 12 June 2018 at the Museum of Science and Industry, Liverpool Road, Manchester, M3 4FP.**

Venue for the inquiry

7. The inquiry is to be held at the Museum of Science and Industry, Liverpool Road, Manchester, M3 4FP. It is anticipated that the Museum of Science and Industry will be the venue used throughout the inquiry.

Inquiry programme

8. Prior to the PIM, parties were provided with a draft inquiry programme that has the inquiry sitting for 5 weeks, with a 1 week adjournment during the week commencing 2 July 2018.
9. The Inspector confirmed that the inquiry would normally sit from 10:00hrs to about 17:00hrs Tuesday to Thursday and 09:30hrs to early afternoon on Friday, but if necessary, these times could be varied. A lunch break of an hour would be taken each day at about 13:00hrs, with mid-morning and mid-afternoon breaks. Refreshments, including tea and coffee, would be available at the venue.
10. The purpose of the inquiry is for the Acquiring Authority to explain to the Inspector why it thinks the Order should be confirmed and for the objectors to explain why that should not take place. The aim will be to present a fair and balanced report to the Secretary of State, who will make the final decision.
11. Mr Strachan QC raised concerns regarding the number of witnesses the programme seeks to address within the 5 sitting weeks, especially as UU may need to call two additional witnesses to address ground settlement and process engineering. It was agreed that parties would discuss their availability for an additional 2 sitting weeks, and if it were to be necessary, which two weeks in September or October would be suitable. The Programme Officer is to receive suggested dates for this 2 week sitting contingency **by 04-May-18**.
12. In addition, it was noted that negotiations would be continuing between the Acquiring Authority and PSL/CoSCS to investigate the potential for resolution of matters in regard to the case for PSL/CoSCS.
13. UU and MSCCL/PIL confirmed that they would be seeking to agree as many technical matters as possible prior to the inquiry.

Order of appearance

14. The draft inquiry programme starts with the Acquiring Authority's case, followed by PSL/CoSCS and then MSCCL/PIL. MSCCL/PIL noted that PoS/CoSCS would like to go last, but suggested altering the draft order of appearance to adopt a hybrid approach that would place MSCCL/PIL witnesses either side of those for PSL/CoSCS.
15. The two remaining objectors appearing at the inquiry have their own priorities. Even so, there are detailed matters to be heard during the inquiry and there is the potential for a degree of synergy between the PoS/CoSCS and MSCCL/PIL cases.
16. The Acquiring Authority noted: there had been one remaining objector appearing, but that case had split into the PoS/CoSCS and MSCCL/PIL cases, and these cases are very different; a hybrid approach would be confusing, contrary to the rules and not as clear; there would be no

advantage to it, especially as negotiations are continuing with PoS/CoSCS; and therefore, the Acquiring Authority saw no need to alter the draft programme.

17. MSCCL/PIL highlighted that within the context of Rule 16, no Rules would be breached by its proposed order of appearance.¹ While there may be some merit in first setting out 'big picture' issues through MSCCL/PIL witnesses, MSCCL/PIL considered there nonetheless to be a compelling case for their final witness to be heard last.
18. PoS/CoSCS noted that any order of appearance can be adopted, but as MSCCL/PIL's case goes to the key matters of the Order, MSCCL/PIL should be first remaining objector to appear.
19. The Inspector concluded that: a hybrid/topic based approach could be used for the evidence of the remaining objectors; but there are two distinct cases (with negotiations continuing in relation to one of them); there are no matters in this case that indicate a re-ordering of the draft programme would be necessary; and therefore, the parties shall remain in the current order of appearance.
20. Other parties and members of the public (if there are any) will be heard at a suitable and appropriate time within the proceedings. The opposing advocate(s) may ask questions.

Site visits

21. The Inspector shall carry out unaccompanied site visits to view and familiarise himself with the area from publicly accessible locations. An accompanied site visit would often occur in the latter stages of the inquiry or after its closure. However, it can be brought forward if this is advantageous to the efficient and effective running of the inquiry, and parties requested that it be done in this case.
22. An accompanied site visit prior to the inquiry would enable evidence to be placed within context of the sites and processes previously observed. Parties are to consider an accompanied site visit on one of the following days 9th, 10th, 11th, 21st, 24th or 25th May 2018. Parties are to confirm their preferred date as soon as possible, and **by 4th May 2018 at the latest.**

Closing submissions

23. Each remaining objector can make a closing statement and these shall be at the end of the inquiry, with the Acquiring Authority's closing following those of the remaining objectors. The Inspector will require a written copy of all closing submissions and an electronic copy that is compatible with MS Word. The inquiry will be closed after the closing submissions of the Acquiring Authority.

Modifications and corrections to the Order

¹ Rule 16(2) states that "...Unless in any particular case the inspector, with the consent of the acquiring authority, otherwise determines, the acquiring authority shall begin and shall have the right of final reply; and the other persons entitled or permitted to appear shall be heard in such order as the inspector may determine..."

24. Prior to the end of the inquiry, parties will need to be clear regarding any modifications that, if the Order were to be confirmed, are considered necessary to correct errors or omissions in the Order.

Inquiry procedure

25. The Inspector briefly set out the procedure to be adopted during the inquiry. It is apparent that all parties to the inquiry are represented by legal professionals who are familiar with the Rules, the procedures described, the forms of evidence sought and what it should seek to do.

The Timetable

26. To assist the production of the proofs of evidence, parties are to exchange lists of Core Documents **by 30 April 2018**.

27. Paper copies of Core Documents are to be provided **by 22 May 2018**, with: 1 set for the inquiry; 1 set for the Secretary of State; 1 set for the Acquiring Authority; 1 set for PoS/CoSCS and 1 set for MSCCL/PIL.

28. **A central electronic library** will be kept by the Programme Officer (and the Inspector), and therefore, she will need to be sent **an electronic copy of all documents** provided to the inquiry.

29. Statements of Case are to be confirmed **by 01 May 2018**.

30. Points of law should (for the most part) be known in advance. It would be useful to collect/exchange the relevant cases and provide them in a folder **by 15 May 2018**. Any additional authorities referred to during the inquiry can be submitted as inquiry documents.

31. Following discussions at the PIM, and to ensure that all of the parties have sufficient time to read and understand the evidence, all statements/proofs of evidence are to be sent electronically to the other parties, and the Programme Officer, by **22 May 2018**, with paper copies to follow.

32. Any rebuttal proofs of evidence (which should be focussed, concise and limited in scope to the proof of evidence it seeks to address) are to be provided **by 04 June 2018**.

Other matters

33. Given the ongoing negotiations between the Acquiring Authority and PoS/CoSCS, a position statement (/Statement of Common Ground) is to be provided **by 04 June 2018** to confirm the progress in the negotiations.

Clive Sproule

INSPECTOR

27 April 2018