

1 Thursday, 11th May 2006

2 (9.30 am)

3 Opening Remarks

4 THE CHAIRMAN: Ladies and gentlemen, good morning.

5 It is 9.30 am and the Inquiry into the  
6 London Development Agency (Lower Lea Valley Olympic and  
7 Legacy) Compulsory Purchase Order 2005 is now resumed.

8 Can I just ask everyone present if you have a mobile  
9 phone to make sure it is either off or on silent mode so  
10 it does not disturb us.

11 This session, which I have called at short notice,  
12 is to deal with procedural matters in relation to an  
13 appearance on behalf of Neptune Wharf Limited and  
14 Roadglen Limited.

15 (9.31 am)

16 Session to deal with procedural matters in relation to  
17 Neptune Wharf Limited and Roadglen Limited

18 THE CHAIRMAN: Can I formally record who is appearing for  
19 the London Development Agency this morning, please?

20 MR ROOTS: Sir, I appear for the London Development Agency.

21 My name is Guy Roots QC and I am with Mr Richard Glover.

22 THE CHAIRMAN: Thank you, Mr Roots.

23 And on behalf of the objector?

24 The convention is if there is an aircraft going  
25 over, I am quite happy for you to pause. In fact

1 I would prefer it rather than asking you to repeat what  
2 I believe you might have said.

3 MR VILLAGE: I am not going to compete with the 9.32 to  
4 Malaga.

5 Peter Village QC, appearing with Mr Robert White of  
6 counsel. We are instructed by DMH Stallard on behalf of  
7 Neptune Wharf and Roadglen.

8 THE CHAIRMAN: Thank you, Mr Village.

9 Mr Village, I understand that your application  
10 relates to two matters, namely document disclosure and  
11 appearance at the Inquiry. I take it I am correct?

12 MR VILLAGE: That is right, sir. I will explain a little  
13 further in due course if you would like, or explain  
14 now --

15 THE CHAIRMAN: In due course, please. I am simply seeking  
16 to establish an outline of procedure for this morning  
17 which will be helpful to us all.

18 What I would ask is will it be convenient to hear  
19 your application in the two distinct parts?

20 MR VILLAGE: Yes.

21 THE CHAIRMAN: Thank you.

22 Can we take document disclosure first and then move  
23 on to appearance at the Inquiry?

24 MR VILLAGE: Yes.

25 THE CHAIRMAN: In terms of document disclosure, if we have

1 to enter into detailed debate about specific documents  
2 it may well be easier to take one at the same time, or  
3 to take them in groups.

4 You know your case; I do not. So I think if we  
5 start on that basis then at least I can have it  
6 presented in that way, get a response and then move on  
7 to the next one.

8 MR VILLAGE: I will set out the reason why we are here and  
9 go through it in a little detail with the chronology and  
10 looking at the relevant correspondence, and I will of  
11 course identify the information that is still  
12 outstanding which we seek.

13 THE CHAIRMAN: I am happy for you to proceed on that basis  
14 and would invite you to do so now.

15 MR VILLAGE: Then I will do that now.

16 What we have done, sir, is we have produced  
17 a chronology and we have produced a bundle of relevant  
18 documentation. I will ask my learned friend Mr White to  
19 distribute those now.

20 THE CHAIRMAN: Thank you (Handed).

21 MR VILLAGE: Sir, the purpose of our appearance here today,  
22 if I may explain in a little bit more detail, is to  
23 explain to the Inquiry the very considerable  
24 difficulties which my clients have had and their  
25 consultants have had in obtaining information from the

1 London Development Agency and its witnesses.

2 Second, to identify key information which is still  
3 outstanding over five months since it was first  
4 requested.

5 Third, to identify other information which we are  
6 seeking.

7 Fourth, to identify a timetable for the provision of  
8 all the information in 2 and 3.

9 Then, as we have indicated, to deal with dates set  
10 for our appearances and deal with other issues in  
11 relation to the provision of evidence, including  
12 rebuttal evidence. We understand more rebuttal evidence  
13 is to be produced from the LDA.

14 Can I say, sir, that as to the formalities of how  
15 this information that we are going to be asking for --  
16 or we have asked for and is still outstanding -- is  
17 provided, we can either proceed on the basis of in due  
18 course Mr Roots at the end of my submission says he is  
19 going to provide it, and he gives an undertaking that  
20 the LDA will cooperate with us in the provision of  
21 information; or we can go down a more formal route and  
22 that will involve an application to you under  
23 section 250 of the Local Government Act.

24 I really do not mind which we go down. Clearly the  
25 first would be much more preferable but if we have to go

1 down the second I will. But I just put on the  
2 backburner that way of proceeding in due course. It may  
3 be that we will have to examine your powers to require  
4 information in due course.

5 So, can I turn to the chronology because I would  
6 like to start by planning the background to this. In  
7 particular we can see by reference to the chronology and  
8 the documents which are attached in the paginated  
9 bundle, the information which we are seeking.

10 I start by noting that on 28th September last year  
11 the LDA served a section 2 notice on my clients Neptune  
12 Wharf enclosing a requisition for information in respect  
13 of the Lower Lea Valley regeneration area and  
14 identifying White Road within it.

15 THE CHAIRMAN: Mr Village, excuse me, I do apologise for  
16 interrupting but just skipping ahead of you -- having  
17 had the opportunity now of just flicking over the first  
18 few pages -- I see there is a considerable chronology  
19 which may take some time to go through.

20 MR VILLAGE: Yes.

21 THE CHAIRMAN: I wonder at the direct relevance of that in  
22 relation to the disclosure of specific documents which  
23 I understand you are seeking.

24 MR VILLAGE: Yes, well --

25 THE CHAIRMAN: I wonder whether we could actually go

1           directly to what you are seeking and then to back it up  
2           as relevant with any of the background information.

3   MR VILLAGE: I am very happy to do that, sir, if that is the  
4           way you prefer, but I would like at some stage to show  
5           you the difficulties we have had in getting this  
6           information.

7   THE CHAIRMAN: Can we deal with it on the basis that we will  
8           go directly to the heart of the matter? If we manage to  
9           resolve it this morning, then the issue of the  
10          background is far less important.

11   MR VILLAGE: Yes.

12   THE CHAIRMAN: If we are not in a position where we are  
13          going to resolve it, then I would invite you to go  
14          through the background.

15   MR VILLAGE: Yes. I am very happy to do that, sir.

16            Can I just say this though, by way of perhaps  
17          a counter proposal: what I will do is take it very  
18          quickly, this -- I mean I can literally go through this  
19          in a matter of about three or four minutes -- but I will  
20          identify the information that we are requesting. I am  
21          going to do that straightaway so you know exactly what  
22          it is that we want.

23   THE CHAIRMAN: We will take a brief overview, then going to  
24          specific items and coming back as necessary.

25   MR VILLAGE: Brief overview, specific items and if necessary

1           come back. I am happy to proceed on that basis.

2           You will see that we were served with these notices.  
3           We made an application on 13th October 2005, various  
4           requests for information. We had a really terrible,  
5           miserable time trying to get anything out of the LDA: we  
6           were constantly promised that the information was in the  
7           post. It never arrived. Complaints were made to the  
8           Information Commissioner.

9           We were told that things were going to be in the  
10          post again. Chasing e-mails were made: no responses.  
11          There were further chasing phone calls, chasing letters,  
12          further e-mails seeking this information: nothing  
13          arrived at all until 6th January 2006 in respect of  
14          a request for information made on 13th October.

15          This is the briefest of overviews, sir, but it is  
16          perfectly clear from that -- if one needs to go through  
17          that -- that what was happening was that the LDA were  
18          playing a game of cat and mouse.

19   THE CHAIRMAN: What I am anxious to establish is what  
20          documents are outstanding --

21   MR VILLAGE: Yes.

22   THE CHAIRMAN: -- and what is their likely relevance to the  
23          Inquiry --

24   MR VILLAGE: Right.

25   THE CHAIRMAN: -- is there a solution?

1 MR VILLAGE: Turn, if you would, to a letter of 2nd December  
2 2005, page 14.

3 You will see that following a meeting on 29th  
4 November 2005, when my instructing solicitors were asked  
5 to set out what they wanted in writing, we wrote to the  
6 LDA and we made a request for the total of 10 items  
7 which you will see numbered there.

8 For the purposes of today, the items that I draw  
9 your attention to are items 2 and 8. Those matters,  
10 those items, are still outstanding over five months  
11 later.

12 I will just take you through the chronology to  
13 demonstrate that. First, a copy of the TFL alternative  
14 site analysis and details of all the alternative sites  
15 that they have considered for the First Bus Depot.

16 I think it is perhaps easiest, sir, to deal with  
17 that item first if I may.

18 THE CHAIRMAN: We will break it down so that we start then  
19 with that letter of 2nd December which makes the  
20 request.

21 MR VILLAGE: That makes the request. What then happened  
22 was -- just proceeding from there -- on 9th December we  
23 sent a chasing email requesting the information.

24 Sir, you will just appreciate that at this stage we  
25 were under a deadline to produce our objections to the



1 CPO, so it was important that we received this  
2 information quickly.

3 THE CHAIRMAN: Did you, or did your clients, at any time  
4 indicate why they required that information or give any  
5 more detail?

6 MR VILLAGE: They did indicate that. They indicated that at  
7 a meeting on 29th November. But, sir, I do not think it  
8 needs very much explanation to understand why they  
9 wanted to see an alternative site analysis -- in other  
10 words the search for alternative sites which had been  
11 undertaken by TFL.

12 THE CHAIRMAN: It help me for completeness because I have  
13 not been party to any of that background.

14 MR VILLAGE: Of course, sir. I appreciate that.

15 It goes without saying that this is perhaps one of  
16 the key pieces of information that we require because we  
17 wanted to assess what alternatives they had looked at,  
18 what they had considered, the reasons they considered  
19 them, the reasons they discarded them. We wanted to  
20 look at which sites were considered. I mean, it is  
21 fundamental.

22 Now, you will see how this saga pans out because  
23 what happened then, after 2nd December and our request  
24 for the information on 9th December, we made a chasing  
25 phone call on 14th December, at page 19, asking

1 Mr Gaskell at the LDA if he had received the  
2 correspondence of 2nd -- because we had not received  
3 a response; we had had no acknowledgment of it. We had  
4 sent e-mails on 19th(?) and 13th December and not had  
5 a response to those and Mr Gaskell said that he would  
6 try to get a response out "today"; that is to say on  
7 14th December 2005.

8 THE CHAIRMAN: Mr Village, again I apologise for  
9 interrupting --

10 MR VILLAGE: No, it is very helpful if I may say so. I am  
11 here to help you.

12 THE CHAIRMAN: Yes, indeed, thank you.

13 What I would like to do is fast-forward, seek the  
14 view at this stage or clarification from Mr Roots --

15 MR VILLAGE: Yes.

16 THE CHAIRMAN: -- because if there is any prospect of it  
17 being resolved, or there is good reason why you do not  
18 have it, then we can focus on that.

19 MR VILLAGE: Yes.

20 THE CHAIRMAN: I will give you the opportunity then of  
21 coming back. If there is a real issue on this, you can  
22 come back and we will go through the detail.

23 MR VILLAGE: In fairness to Mr Roots because I do not want  
24 to set a trap for him, or let you set a trap for him, so  
25 that he has the overview of the whole picture here,

1           because you see, it was said -- if I can just show you  
2           a couple more letters please --

3   THE CHAIRMAN:  Yes.

4   MR VILLAGE:  -- bear with me and you will understand why.

5   THE CHAIRMAN:  Okay.

6   MR VILLAGE:  We eventually received a letter from Mr Gaskell  
7           on the 27th March 2006, on page 42 of the bundle.

8           This is where he purported to deal with our request  
9           of 2nd December.  This is an important letter, sir.  It  
10          does merit a little Post-it note or something.

11  THE CHAIRMAN:  I am marking these as I go through, because  
12          I suspect I shall be moving between pages on more than  
13          one occasion.

14  MR VILLAGE:  Yes, you will.

15  THE CHAIRMAN:  I am with you on page 42.

16  MR VILLAGE:  You will see that secondly he says:

17            "In respect of your application for information  
18            ...(Reading to the words)... I respond as follows all  
19            numbering refers to your letter of 2nd December.

20            "2, I am aware that you have already received some  
21            of this information in your FOI request from TFL  
22            directly.  TFL are currently updating their site  
23            analysis work and as discussed I will provide this to  
24            you when it is available."

25            That is end of March 2006.  So we then wrote

1 a letter on 5th April, page 47, to Mr Gaskell:

2 "At point 2 of your letter you refer to TFL  
3 currently updating their site analysis work and say that  
4 you will provide this to me when it is available. My  
5 clients require this information urgently in order to  
6 prepare for the forthcoming compulsory purchase order.  
7 I would therefore be grateful if you can let me know  
8 when you think this information will be forthcoming. If  
9 it will not be available by the end of this week, the  
10 late submission of it is likely to delay my clients'  
11 evidence for the CPO enquiry."

12 We then have a letter which I think is towards the  
13 end, 55. This was received yesterday afternoon. It is  
14 dated 9th May 2006. It was received by email at quarter  
15 to four yesterday afternoon, along with also a rebuttal  
16 proof of evidence which was produced by Mr Murray.

17 You will see request number 1:

18 "Thank you for your request of 5th April 2006 in  
19 which you request the following items ..."

20 In fact, that is totally misleading. The request  
21 was made -- the request I have shown you -- was first  
22 made on 2nd December. It was repeated in a letter of  
23 5th April.

24 If you turn over the page, item A2:

25 "Details are contained in the proof of evidence from

1           Alan Murray of TFL."

2   THE CHAIRMAN:  Sorry, I am not with that.

3   MR VILLAGE:  Page 56.

4   THE CHAIRMAN:  D2?

5   MR VILLAGE:  A2.  Item A2.

6   THE CHAIRMAN:  Thank you.

7   MR VILLAGE:  If you look in the evidence of Mr Murray -- and

8           I would like you just to turn to that now, do you have

9           a copy of that?

10  THE CHAIRMAN:  I do, yes, thank you.

11  MR VILLAGE:  If you turn to paragraph 8.4, you will see --

12           and it is from 8.4 through to 8.10 inclusive -- that the

13           extent of the search for alternative sites is

14           identified.  The dates of them is given.

15           The last search is dated February 2006, so

16           pre-dating the letter of 27th March where we were being

17           told we could not have the survey because it was in the

18           course of being updated.

19           Well, it is perfectly apparent to us, sir, that we

20           have not been given the entirety of the survey.

21           Mr Gaskell was well aware of where the survey had

22           reached when he wrote his letter.  We can go back to

23           that letter of 27th March.  He said:

24           "We are currently up updating the site analysis work

25           and as discussed will provide it to you when it is

1 available."

2 We know therefore that further work has been  
3 undertaken and we would like to see it. It is very  
4 unfortunate if it is not available. Of course what they  
5 might say is: well, actually, we have not got any  
6 further site analysis work.

7 In that case, it rather begs the question why  
8 Mr Gaskell withheld this information for so long,  
9 because the next point is --

10 THE CHAIRMAN: Before we go on to the next point, I think it  
11 is opportune to find the exact position we are in now  
12 because I am anxious to get to this. I would prefer  
13 this to develop more as a dialogue through me so that we  
14 can seek to identify the precise issue rather than  
15 lengthy submissions and taking me through --

16 MR VILLAGE: You have our point in relation to that.

17 THE CHAIRMAN: Yes.

18 MR VILLAGE: We will come on to the next one in due course.

19 THE CHAIRMAN: Yes, please. Let us just have an up-to-date  
20 position and response in relation to the request for the  
21 TFL alternative site analysis and details of all the  
22 alternative sites that were initially requested.

23 Mr Roots, can you help me in any way?

24 MR ROOTS: Sir, our position is that by the time the Neptune  
25 Wharf team received our proofs of evidence, they had

1 received all responses to their requests of 2nd  
2 December.

3 It may well be that when they come to present their  
4 objection they will want to say as part of their case  
5 that the site analysis was in some way inadequate but  
6 that is a different matter. Our position is that we  
7 provided the information and, in respect of item 2, the  
8 site analysis, that is to be found in Mr Murray's proof.

9 THE CHAIRMAN: And they are the paragraphs that Mr Village  
10 has just referred to I take it?

11 MR ROOTS: Indeed.

12 THE CHAIRMAN: Mr Village, I would invite you to respond.

13 MR VILLAGE: The position therefore is that if, as Mr Roots  
14 appears to be suggesting, there is not any further site  
15 analysis after February 2006, then what Mr Gaskell said  
16 in his letter of 27th March was highly misleading.

17 THE CHAIRMAN: How relevant is that to the task before us?

18 MR VILLAGE: The way in which acquiring authorities behave  
19 is relevant and their behaviour is relevant as to --

20 THE CHAIRMAN: I mean in terms of resolving the issue today.

21 MR VILLAGE: If that is the answer, if they are saying there  
22 has been no further work, then obviously that is  
23 a complete answer to the point.

24 It begs a further question as to the veracity of  
25 Mr --

1 THE CHAIRMAN: That is something you might want to develop  
2 or test in evidence in due course.

3 MR VILLAGE: Yes. So that will deal with that point.

4 Mr Roots has also set out his position very clearly  
5 if I may say so, typically, in relation to the 2nd  
6 December letter. He says we received all the  
7 information.

8 THE CHAIRMAN: So we can cross-refer that to item 8.

9 MR VILLAGE: Yes. Let us just turn to that then.

10 Item 8: again, on 27th March, Mr Gaskell dealt with  
11 that. He said, in response to our request of  
12 2nd December:

13 "The explanation for why the site identified for the  
14 Stagecoach bus depot cannot accommodate both depots ..."

15 I think it is fair to say that at that stage we were  
16 not at all clear as to where Stagecoach were going to be  
17 relocating to when we wrote that letter of 2nd December.  
18 There is other correspondence in here which I can take  
19 you to if necessary where we put it to Mr Gaskell in  
20 a telephone conversation, "Well, where precisely is  
21 Stagecoach going? You refuse to confirm or deny that it  
22 is the Parcelforce site."

23 Leaving that aside, go to the letter of 27th March:

24 " This will be dealt with in our proofs of evidence  
25 when they are released on 7th April."



1           That is his response.

2           Quite simply they have not been dealt with. The  
3           proofs of evidence of 7th April do not deal with that  
4           point. I would like to know -- contrary to what  
5           Mr Roots said -- what the answer to that is and where we  
6           will see it and when we will see it.

7           It is a perfectly reasonable request for  
8           information. We have been asking for it now for over  
9           five months.

10          THE CHAIRMAN: We will skip how long and so on. I am  
11           anxious to establish is that on the basis that  
12           Mr Gaskell's letter says, "This will be dealt with in  
13           our proofs of evidence when they are released on 7th  
14           April", it is appropriate I think to look or at least to  
15           have the proofs to hand.

16          MR VILLAGE: Certainly, sir.

17          THE CHAIRMAN: And invite Mr Roots to clarify that position  
18           in relation to what we heard a few moments ago --

19          MR VILLAGE: Yes --

20          THE CHAIRMAN: I will hear from Mr Roots now. Sorry, I was  
21           aware he was discussing before he rose.

22          MR VILLAGE: Before he does, you will see obviously that  
23           Stagecoach is dealt with from paragraphs 8.16 to 8.19,  
24           but there is no explanation adds to why the Parcelforce  
25           site cannot accommodate both.

1 THE CHAIRMAN: Mr Roots, please.

2 MR ROOTS: Sir, I think the first point to make is that we  
3 made it clear in our statement of case in mid-February  
4 that at that time a site had not been identified for  
5 Stagecoach. So until a site had been identified for  
6 Stagecoach at all this question simply did not arise.

7 Secondly, this question does not arise because it is  
8 not a question of not accommodating both depots: it is  
9 a question of suitability and that is addressed in the  
10 evidence of Mr Murray. There will be further evidence  
11 on that aspect in the rebuttal proof which is due very  
12 shortly.

13 But again, our position is this is a matter to be  
14 tested on the hearing of the objection rather than  
15 a matter on which we can be required to provide further  
16 information.

17 THE CHAIRMAN: Mr Roots, I was not aware that you were in  
18 discussion --

19 MR ROOTS: That is all right.

20 THE CHAIRMAN: -- so far as the indication is that it will  
21 be dealt with in a rebuttal proof, can I just check:  
22 I have a response proof of Alan Murray to evidence  
23 submitted by Neptune Wharf.

24 MR ROOTS: Yes.

25 THE CHAIRMAN: Which I think was handed to me probably this

1 morning by the programme officer so I have not had time  
2 to go through it in detail.

3 MR ROOTS: No.

4 THE CHAIRMAN: Is this the one or is there to be another?

5 MR ROOTS: No, that is the one.

6 The point simply is this -- I am sure I am not doing  
7 justice to the argument because my learned friend  
8 Mr Glover is the one who has really been preparing this  
9 aspect of the case -- but the argument about the  
10 suitability of that location is one of dead mileage  
11 rather than the physical ability to accommodate.

12 There is also an issue about appropriateness in  
13 planning terms which will be dealt with in a rebuttal  
14 proof that will be ready today.

15 THE CHAIRMAN: So I am clear, is that a second rebuttal  
16 proof?

17 MR ROOTS: That is a rebuttal proof from a separate witness,  
18 not Mr Murray.

19 THE CHAIRMAN: I understand.

20 MR ROOTS: From Mr Jones.

21 So, in short, the way the question was originally  
22 framed back in 2nd December does not arise. We answer  
23 it in a different way by explaining suitability in terms  
24 of dead mileage and planning considerations.

25 THE CHAIRMAN: Thank you. Mr Village?

1 MR VILLAGE: Sir, I am afraid Mr Roots' response is wholly  
2 unsatisfactory for at least the following reasons.

3 Firstly, we note that contrary to what he said in  
4 his first submission to you, it is now accepted that  
5 that letter of 2nd December has not been answered. He  
6 told you that in fact we had received all responses to  
7 the request of 2nd December. That is clearly incorrect.

8 Secondly, the letter of the 27th March which  
9 purported to respond to the 2nd December request did not  
10 say "Look, this is all a matter of evidence. You will  
11 just have to wait in due course until we produce our  
12 rebuttals."

13 It says:

14 "We will deal with it in our proofs of evidence on  
15 7th April."

16 We were entitled to expect that they would deal with  
17 it in their proofs of evidence.

18 Mr Roots is now saying: well, in fact, there are  
19 some difficulties about the Stagecoach site at  
20 Parcelforce, it is a question of suitability. He  
21 rattles off a number of points.

22 That is all very interesting. We would like to know  
23 what those points are and have had them in the proofs of  
24 evidence, but we are not apparently going to get them  
25 now until a further rebuttal is produced.

1           We have not had them from Mr Murray -- Mr Murray of  
2           course dealing with the traffic matters and transport  
3           matters; this question of dead mileage is his domain --  
4           not dealt with at all by Mr Murray in his rebuttal.

5           So it has not been dealt with in his main proof, it  
6           has not been dealt with in his rebuttal, but there is  
7           going to be a planning witness, Mr Jones, who is  
8           apparently going to deal with some question of  
9           suitability. Presumably Mr Jones is going to deal with  
10          highway matters as well, is he?

11          The fact of the matter is that in inquiries like  
12          this, we are all very busy. We have problems about  
13          timetable anyway. We are not going to have time to muck  
14          around asking lots of questions to which we do not know  
15          the answer. It is not a game: we are not playing cat  
16          and mouse; we are not trying to ambush each other; we  
17          want to have a full disclosure to assist to you report  
18          to the Secretary of State.

19    THE CHAIRMAN: If we look at where we are today in the light  
20          of Mr Roots' response then there is to be further  
21          evidence today in the form of a rebuttal.

22    MR VILLAGE: But not in relation to dead mileage, I will bet  
23          you £1 to a penny.

24    MR ROOTS: Forgive me interrupting but just on the factual  
25          matter: I have Mr Murray's rebuttal in front of me here

1 and on page 4 there is a heading which says "Location  
2 dead mileage", and quite a number of paragraphs follow.

3 They may be inadequate -- that is a matter that can  
4 be canvassed in due course -- but it is dealt with.

5 THE CHAIRMAN: I am not inclined to anticipate something  
6 that might be in a document that has not been released  
7 yet, but I am grateful for Mr Roots' reassurance that  
8 there is a topic on that within it. Whatever its  
9 merits, that is a matter for subsequent evidence and  
10 appearance at the Inquiry.

11 It appears from what I have heard so far that, in  
12 the light that there will be further information, it  
13 seems entirely premature to continue with this aspect of  
14 the claim for disclosure of information.

15 On the basis that, as I understand it from what  
16 I have heard from Mr Roots this morning, that that will  
17 be the sum total of their case, if there is then any  
18 deficiency so far as you see it, then that would be  
19 a matter to be dealt with when the appearance by the  
20 objectors is made.

21 MR VILLAGE: Then, sir, the position is Mr Roots says there  
22 is going to be further evidence about it; it is going to  
23 be apparently from -- some planning evidence -- sir, we  
24 need to deal with when that is going to be produced.  
25 I would like to know when that is going to be produced.

1           Given that in this effectively goes to an issue  
2           raised by us as long ago as 2nd December that has not  
3           been dealt with in the main proofs of evidence, will it  
4           be dealt with in the main proofs of evidence today?

5   THE CHAIRMAN: Mr Roots, can you help at all?

6   MR ROOTS: Sir, the proof of evidence of the planner,  
7           Mr Jones, will be produced today.

8   THE CHAIRMAN: Thank you.

9   MR ROOTS: But I would go back to the point that the  
10           original request, 2nd December, although it was framed  
11           in that particular way, our statement of case in  
12           February made quite clear that a site for Stagecoach had  
13           not even by then been identified.

14   MR VILLAGE: Sir, leaving aside the 2nd December, by 27th  
15           March they knew what the position was.

16           In that letter they were not saying "Not entitled to  
17           this evidence" or "We do not have it" --

18   THE CHAIRMAN: Mr Village, will this assist me further in  
19           the light of the views I expressed to you a moment ago?

20   MR VILLAGE: No. What I would simply note, sir, is that  
21           Mr Roots I think has just confirmed -- I will be told if  
22           I am wrong -- that all matters in relation to the  
23           suitability of the Stagecoach site are dealt with either  
24           in the existing rebuttal evidence of Mr Murray, or in  
25           the planning proof that is to be produced this

1           afternoon.

2           He is nodding his head so that is confirmation for  
3           me.

4   THE CHAIRMAN: Thank you.

5           Mr Village, are there other documents you want to  
6           turn to?

7   MR VILLAGE: Sir, there are other items of information that  
8           we require. These were set out in a letter dated 5th  
9           May to Mr Murray, page 52, and at 54 a letter to  
10          Mr Gaskell.

11          Sir, if you just turn over to 54, there should be  
12          a further letter from Eversheds which I have to say was  
13          a very unfortunate or unhelpful letter written by  
14          Mr John Grimble(?) who complains -- it is a letter  
15          from --

16   THE CHAIRMAN: Mine goes 54, unnumbered, 55. Is it the  
17          unnumbered which is an email?

18   MR VILLAGE: It is a letter just being sent round. (Handed).

19   THE CHAIRMAN: Thank you.

20   MR VILLAGE: You will see that we made this request for  
21          information on 5th May. Just turn back if you would to  
22          page 54. You will see that this letter was sent to  
23          Mr Murray. We have been corresponding with Mr Murray  
24          and Mr Gaskell throughout without any complaint at  
25          all --



1 THE CHAIRMAN: 54 or 53? 53 is page 2.

2 MR VILLAGE: Yes, 53 right at the bottom you will see --

3 THE CHAIRMAN: Page 2 of 5th May --

4 MR VILLAGE: You will see that it was copied to Richard  
5 Lloyd at Eversheds and yet there was a complaint that we  
6 had written directly to Mr Murray and also to  
7 Mr Gaskell.

8 THE CHAIRMAN: It was addressed to Mr Murray.

9 MR VILLAGE: It was addressed to Mr Murray and it was copied  
10 to Mr Lloyd and there was a complaint that my solicitors  
11 had written direct to Mr Murray rather than to the  
12 solicitors.

13 I should just tell you, sir, that I would just like  
14 to address that point because after the pre-Inquiry  
15 meeting there was -- I think after discussions with  
16 you -- my learned friend Mr White spoke to Mr Roots. We  
17 explained the difficulties that we were having in  
18 relation to obtaining information and it was suggested  
19 that we write direct with our complaint and the  
20 information that we requested to Eversheds which we did.

21 So that letter, if I may draw your attention to  
22 it --

23 THE CHAIRMAN: Again, I wonder how relevant that is in  
24 relation to the subject matter, because it is about  
25 documents as opposed to who wrote to whom and the

1 protocol of that.

2 MR VILLAGE: I will just explain why we wrote, explain the  
3 problems that we were having.

4 It is important that the decision-maker or the  
5 Inspector knows about the difficulties that parties are  
6 having in terms of getting information. The reason it  
7 is, is because it affects the preparation of our case.

8 If you look at 27th February on the chronology, the  
9 pre-Inquiry meeting was held and we complained to you  
10 there about the non-disclosure of information. Mr White  
11 and Heidi Copland of DMH spoke to Richard Lloyd at  
12 Eversheds and Mr Roots about the lack of disclosure and  
13 how it is prejudicing the preparation of the case, and a  
14 letter was sent on 2nd March to Richard Lloyds at  
15 Eversheds with a whole load of requests for information.  
16 That is at pages 38 and 39.

17 Sir, the fact is that that letter to Eversheds has  
18 itself gone completely unanswered, unacknowledged, no  
19 response at all. So far as we know it went straight  
20 into the wastepaper bin. I therefore on behalf of my  
21 client --

22 THE CHAIRMAN: Mr Village, I do not think that sort of  
23 comment is particularly helpful to me resolving the  
24 issue as to whether we need certain documents before the  
25 Inquiry.

1           Can I invite you to move directly on to the letter  
2           of 5th May and documents you are seeking to obtain. We  
3           will do the same process in terms of turning to Mr Roots  
4           to establish their position and then, if we are in  
5           a position where we cannot resolve it, I will come back  
6           to you and then you can tell me the difficulties behind  
7           it. Because that is only relevant if we have not  
8           managed to resolve it.

9   MR VILLAGE: Sir, that is entirely fair enough. Just in  
10          relation to the letter of 5th May -- can I say at this  
11          stage I am not making any complaint that as yet we have  
12          not received a response to all the requests for  
13          information in relation to the 5th May because of course  
14          the requests have only just been made.

15          What I would say is I would like confirmation that  
16          we will have answers to all these questions timeously  
17          and certainly within a very short space of time. It is  
18          now 11th May and we would like these answers by the end  
19          of this week if possible.

20          So that is the requests made on 5th May to  
21          Mr Gaskell and Mr Murray. In the letter from Eversheds  
22          they did not give any indication, unhelpfully, as to  
23          when if at all they will be answering these letters.

24   THE CHAIRMAN: Now I know exactly what you are seeking,  
25          I think in fairness I will ask Mr Roots to comment and

1           we will see what the position is.

2           Mr Roots, please.

3 MR ROOTS: Sir, in the letter of 5th May, Neptune Wharf set  
4 out a number of items of information they were seeking  
5 which you will note arose out of their reading of the  
6 proofs of evidence which we had served and which we have  
7 seen from earlier correspondence they received a month  
8 previously on 11th April.

9           In the week since we received that letter those  
10 instructing me have been assembling the information.  
11 Much of it will be in the rebuttal proofs that have  
12 already been mentioned to you; insofar as it is not, we  
13 are endeavouring to provide it this week.

14 THE CHAIRMAN: Thank you, Mr Roots.

15           Mr Village, is that response sufficient reassurance?

16 MR VILLAGE: Yes, thank you.

17 THE CHAIRMAN: Does that dispose of all the matters relating  
18 to disclosure of correspondence?

19 MR VILLAGE: It does, indeed.

20 THE CHAIRMAN: Thank you. That has disposed of the first  
21 item that I had indicated.

22           Do you want to proceed to item 2 or do you want  
23 a very short adjournment before you move on to item 2?

24 MR VILLAGE: Could I have a short adjournment? A very brief  
25 one.

1 THE CHAIRMAN: We will take ten minutes.

2 The Inquiry is adjourned for ten minutes.

3 (10.15 am)

4 (A short break)

5 (10.25 am)

6 Application regarding appearance at the Inquiry.

7 THE CHAIRMAN: The Inquiry is now resumed.

8 Mr Village, I would invite you to continue and set  
9 out your position in relation to appearance on behalf of  
10 your client.

11 MR VILLAGE: Yes, sir. First of all I would like to note  
12 that it has been agreed that the objection on behalf of  
13 my clients, Roadglen and Neptune Wharf, can be dealt  
14 with in a discrete way. I think it is important to note  
15 that because it is not as though it is going to lead to  
16 any ability to disturb the rest of the Inquiry  
17 timetable.

18 We have also indicated that we would like to  
19 cross-examine witnesses who are being heard at the  
20 moment during our session. I think that has been  
21 agreed.

22 So the question really is when. The difficulty is  
23 that first of all in the timetable that we now have --  
24 and it has been constantly changing; obviously that is  
25 the nature of these inquiries -- we are down for 6th

1           June, Day 13.

2   THE CHAIRMAN: Let me just check the programme. Yes, 6th  
3           June.

4   MR VILLAGE: Along with another objector, First Capital East  
5           Limited.

6   THE CHAIRMAN: Yes. That is correct.

7   MR VILLAGE: Now, the difficulty we have is that our  
8           planning witness, Mr Mackie, is -- it is not  
9           a difficulty, it is a matter of great joy really in  
10          a sense -- he is getting married and he is away from  
11          10th June to 27th June.

12   THE CHAIRMAN: So what is the issue with the week of 6th to  
13          9th June?

14   MR VILLAGE: The issue is my availability and that of my  
15          learned friends. We are simply not available during  
16          that week and we never have been available.

17                 In all the time that we have been asked for dates,  
18          which we have given, we have not been able to be  
19          available for those days.

20   THE CHAIRMAN: In terms of organising the programme, as  
21          I understand it, instructing solicitors on 15th March  
22          contacted the programme officer and offered availability  
23          for 6th to 9th June. It is in the terms that it "may  
24          be" available:

25                 "In this respect, I should also inform you that our

1           counsel and witness's availability is very limited  
2           during the Inquiry timetable and the only four day slot  
3           that all may be available within the current Inquiry  
4           programme is 6th to 9th June."

5           I understand that that was then put into the draft  
6           programme and it was not until the first programme had  
7           been published and was available on the web and had been  
8           sent -- or presumably sent -- to objectors that on 18th  
9           April the programme officer was advised that that  
10          appearance was not possible.

11          But it has been helpful so far. I think we have  
12          narrowed it down to availability of counsel to  
13          represent --

14 MR VILLAGE: Sir, that is simply not my instructions.

15          I have a chronology here and I am told that we sent an  
16          email on 15th March advising we would need three to four  
17          days Inquiry time and that we had very limited  
18          availability.

19 THE CHAIRMAN: That is the sentence I have read.

20 MR VILLAGE: And the only four day slot:

21                 "may be 6th to 9th June. I advised however that  
22                 I did do not have definitive availability on those dates  
23                 yet for counsel but would confirm it for next week. The  
24                 only other slot we have available is 25th to 28th July."

25                 I do not have the email in front of me I am afraid

1 but I have this chronology --

2 THE CHAIRMAN: We are agreed on the starting point being  
3 15th March. I have the advantage of the email.

4 MR VILLAGE: Then 24th March:

5 "Telephone conversation with Graham Groom. He  
6 advised I should write to him setting out the dates that  
7 we could do. He said he was hoping to issue a draft  
8 programme at the beginning of April and he had been  
9 receiving requests from various people about later  
10 appearances, one of those being ours. I advised him  
11 that we could no longer do the dates that we had  
12 previously offered of 6th to 9th June."

13 That was in accordance with what was said on 15th  
14 March that we would revert shortly to confirm the  
15 position as to the 6th to 9th June. That was on 24th  
16 March, sir, and that has been the position since then.

17 So it is not right to say that we have effectively  
18 had that in the diary since then. It was changed on  
19 24th March -- well, not changed; it was clarified that  
20 having checked with counsel, because it was put on the  
21 basis that we were checking with counsel, having checked  
22 it they were not available. Neither myself or Mr White  
23 are available and I should simply say that my clients --  
24 you may wonder why and I hope you this does not cause  
25 you to think any less of them -- they have indicated



1           that they regard it as imperative that I and no one else  
2           do appear on their behalf in this case. So they have  
3           made that abundantly clear.

4   THE CHAIRMAN: Can you tell me how their case might be  
5           prejudiced if you were not to appear on their behalf?

6   MR VILLAGE: I have been working on the case obviously, sir,  
7           for a wrong time. There are a lot of issues in the  
8           case. First of all there would be the costs wasted in  
9           respect of that, but secondly obviously the overall  
10          knowledge that I have of the case is very considerable.

11           I should add that of course at this stage it would  
12          be very difficult to find any counsel of quality  
13          available to step in.

14           Sir, the fact is that this question of availability  
15          has been left. This is not intended as a criticism --  
16          it is very easy with the benefit of hindsight -- but if  
17          this was going to be an issue it really should have been  
18          raised a long, long time ago, with you either requesting  
19          our attendance here or us being asked to turn up or  
20          explain through me what our position is.

21           But we just simply have made it perfectly clear  
22          since 24th March that we are not available on 6th to 9th  
23          June. In a letter to Mr Groom we reiterated that our  
24          only dates that we are clear for are the four days of  
25          25th and 28th July.

1 THE CHAIRMAN: Before we go on to that, I still want to  
2 probe 6th to 9th June.

3 MR VILLAGE: Yes.

4 THE CHAIRMAN: In terms of your other commitments, are they  
5 not transferable?

6 MR VILLAGE: I will tell you what they are, sir.  
7 No, they are not. I am doing a case which is again  
8 a very longstanding case which I have been doing for  
9 a very long time in relation to a proposal for Bartley  
10 Homes at Vauxhall.

11 Much as I would like to be able to say I can move  
12 that case for this, I cannot. That is an inquiry which  
13 is a six-day inquiry. It may be that it goes less than  
14 six days and it is dealt with in that week --

15 THE CHAIRMAN: But this sort of issue that we are dealing  
16 with is not uncommon in respect of the unpredictability  
17 of public inquiries in terms of overrunning and clashing  
18 with diaries.

19 MR VILLAGE: It is in this sense, sir: It is because what  
20 has happened is that the dates in this case have come  
21 very, very, very recently. It is very unusual.

22 If you looked at my diary and Mr Roots' diary, you  
23 would see that our diaries are booked up to the end of  
24 the year --

25 THE CHAIRMAN: I am well aware of that and indeed I hear

1           those sorts of arguments when we have problems of  
2           timetabling.

3   MR VILLAGE:  Sir, if I can just finish?  They are booked up  
4           for a long time in advance and the difficulty is that  
5           we -- because the Inspectorate are bringing forward  
6           dates even faster, but even now we get about a six-month  
7           notice period.

8           In this case, effectively we were being told on 15th  
9           March or thereabouts that we were going to be programmed  
10          for an inquiry in June.  That is very, very short.  You  
11          would not even get that sort of very short timetabling  
12          in the High Court in cases.  It is a very short period  
13          of time indeed.

14  THE CHAIRMAN:  Be that as it may, when did you know that the  
15          Inquiry was due to start this week?

16  MR VILLAGE:  When did I know or my client?  I simply do not  
17          know the answer to that.

18  THE CHAIRMAN:  In terms of instructing solicitors or  
19          clients.  Because quite clearly, 15th March is not the  
20          first notification of the Inquiry.

21  MR VILLAGE:  No, but I have no idea.  I have no idea as to  
22          when we knew that the Inquiry --

23  THE CHAIRMAN:  Some weeks before no doubt.

24  MR VILLAGE:  Presumably, but --

25  THE CHAIRMAN:  But if we are looking at a chronology what

1 I do not want to do is inappropriately focus on 15th  
2 March, because quite clearly with the publicity to this  
3 Inquiry and the acknowledgment of objection letters, the  
4 date of the Inquiry was well-known for some considerable  
5 time.

6 MR VILLAGE: Yes and no.

7 The fact of the matter is that the CPO itself, the  
8 date of the Order -- the CPO was only served on 16th  
9 November. The time for lodging objections was 14th  
10 December. So even then there could not have been any  
11 expectation that the Inquiry would be starting so early.

12 Clearly, there are very good reasons as to why it  
13 has started early but, sir, you can press me further if  
14 you like about the 6th and 9th June but we are just  
15 simply not available those days. We have made it  
16 perfectly clear since March that we cannot be.

17 If you had thought it appropriate that we be bounced  
18 into those dates then I think we should have been told  
19 many weeks ago, so that we would not be in this position  
20 now. Because on 24th March we made it clear that we  
21 were not going available in June so what would have been  
22 appropriate would have been to say "Sorry, we need  
23 a pre-inquiry meeting to deal with programming but you  
24 know we are going to have you --"

25 THE CHAIRMAN: With respect, there was a pre-inquiry meeting

1 on 27th February.

2 MR VILLAGE: Indeed, sir. I think people were suggesting at  
3 that pre-inquiry meeting that the question of dates be  
4 dealt with and I think you -- I do not criticise you for  
5 this -- you suggested at that stage that it would be  
6 best to put that question off.

7 THE CHAIRMAN: It was a question for detailed programming by  
8 the programme officer, but it was established at the  
9 pre-inquiry meeting that the Inquiry would open this  
10 week and it was anticipated to run for eight weeks with  
11 two separate one-week breaks giving a total duration of  
12 ten weeks.

13 What has effectively happened, as I understand it,  
14 is that any date within that timeframe -- apart from  
15 dates in July relating to two Mondays and a Wednesday --  
16 were not within the timescale that the Inquiry was due  
17 to sit.

18 So it is most unusual that I should be being  
19 addressed by a party who says "We find it impossible to  
20 attend any of the dates within an eight week programme  
21 set for a Public Inquiry".

22 MR VILLAGE: I do not think it is unusual, sir.

23 THE CHAIRMAN: I think it is highly unusual.

24 MR VILLAGE: Sir, I am not going to have an argument with  
25 you about it.

1 THE CHAIRMAN: I am simply expressing my position and my  
2 experience at inquiries.

3 To be addressed that a party with notice of an  
4 inquiry cannot make appropriate arrangements to be  
5 represented in an inquiry spanning some eight weeks is  
6 unusual.

7 MR VILLAGE: Well, sir, in answer to your earlier question  
8 as to when we became aware of the date of the start of  
9 the Inquiry, I expect it was around about 27th February  
10 if not on that date.

11 If it was the end of February, again, I suggest to  
12 you that it was a very short time span which was  
13 provided for assembling quite a large professional team  
14 to deal with a very important objection.

15 THE CHAIRMAN: I do not want to get too absorbed in dates  
16 but I will refer to one more and then no others.

17 As I understand it, the Government office -- and  
18 I do not have a copy of the letter to your clients but  
19 I understand that all letters to objectors were issued  
20 by the Government office on 9th February which set out  
21 the date of the pre-inquiry meeting and the start date  
22 of the Public Inquiry.

23 MR VILLAGE: Yes. Sir, then that will be the date that we  
24 would have known about it, if that was sent to us --

25 THE CHAIRMAN: Mr Village, I do apologise but whilst we are

1 on this point I want to establish, in terms of something  
2 that you raised, because you say that at this stage it  
3 is very difficult to find any counsel of quality to step  
4 in at such short notice. What endeavours have you  
5 undertaken to achieve that?

6 MR VILLAGE: Sir, we have not made any endeavours at this  
7 stage because clearly the position is that no date has  
8 been set for our appearance. Our appearance seems to be  
9 changing fairly constantly anyway as to the date on  
10 which we are going to be here --

11 THE CHAIRMAN: I am not sure whether it has changed. As  
12 I understand it, it is in the programme as was  
13 originally offered but there have been ongoing  
14 discussions with instructing solicitors relating to the  
15 availability of witnesses and advocates.

16 The programme officer has been endeavouring to fit  
17 your clients into the programme that we had, i.e. the  
18 original eight week programme, but that has not proved  
19 to be possible.

20 Indeed, I have spoken with the programme officer  
21 indicating that we should give maximum flexibility to  
22 accommodating your clients and indeed all objectors  
23 within the duration set for the Public Inquiry.

24 MR VILLAGE: Sir, can I just address you on that please?

25 The question arises as to: if not during the

1 duration of the Public Inquiry, when? Dates have been  
2 identified which we know through behind the scenes  
3 discussions are acceptable in terms of availability to  
4 the LDA and its team, and that is the last week of July.  
5 It is therefore, in other words, one or two weeks after  
6 what is scheduled to be the close of the Inquiry.

7 The question then arises as to whether or not there  
8 will be some prejudice by allowing the objection to be  
9 heard during that time.

10 Sir, in my submission there will not be any  
11 prejudice at all. The reason there will not be any  
12 privilege is because this is a discrete objection that,  
13 sir, if you were wanting to get on with writing your  
14 report -- as no doubt you will be -- you will have ample  
15 opportunity to do that during that one or two week  
16 period where you will not be sitting and then it would  
17 be possible simply to return and deal with this  
18 outstanding objection during that week.

19 No one is suggesting that the objection would take  
20 longer than four days to deal with. Everyone available  
21 to deal with it then.

22 THE CHAIRMAN: This is the week of 25th to 28th July?

23 MR VILLAGE: Yes.

24 THE CHAIRMAN: Let me just tell test that proposition.

25 Mr Roots, do you have a view on that?



1 MR ROOTS: Sir, could I make two points.

2 First of all, I do agree that we need more than one  
3 day which has been allowed for at the moment. Exactly  
4 how long is difficult to judge, but I would guess two to  
5 three.

6 Sir, secondly, as I indicated in opening this case,  
7 my clients have been very successful in pursuing  
8 negotiations and 90 per cent of the land in the Order is  
9 already under their control and in consequence of that,  
10 one of the difficulties the programme officer has faced  
11 is that people keep withdrawing because they have come  
12 to appropriate arrangements. So the programme is  
13 contracting constantly and the present situation is that  
14 the Inquiry is due to end round about the end of June,  
15 early July, and the prospect is that that will shorten  
16 rather than lengthen. So what my friend is asking is  
17 for a month between your completing most of the other  
18 business of the Inquiry and then dealing with their  
19 objection for, he says, four days.

20 Our concern is not to prolong the conclusion of the  
21 Inquiry longer than necessary, not to delay the  
22 Secretary of State's decision longer than necessary, and  
23 you have had evidence that acquisition of the land  
24 within a certain timescale is extremely important. So  
25 we would be concerned about delay even for that

1 additional month, although obviously at the end of the  
2 day the programme is a matter, sir, for you.

3 I would like to make clear that it is not correct  
4 that we have indicated that dates at the end of July  
5 would be acceptable to us. It may have been indicated  
6 that if you directed that those dates were to be the  
7 ones for Neptune Wharf we could be in attendance with  
8 our team -- that is certainly so because we want to get  
9 this matter dealt with. So we will make ourselves  
10 available for the dates that you direct.

11 I do appreciate and sympathise with the difficulty  
12 Mr Village finds himself in, but I have to say it is not  
13 unknown for parties to have to change counsel. It  
14 happens to me not infrequently: One has nursed a case  
15 for some time and suddenly you cannot do the date the  
16 court has appointed. If the case has been properly  
17 prepared, it is within our training and expertise to  
18 pick up a case at short notice.

19 I quite accept that is not ideal and it is not  
20 always what clients want, but as I said, it is within  
21 our training and expertise.

22 THE CHAIRMAN: Thank you, Mr Roots.

23 MR VILLAGE: Sir, in the Inquiry Timetable I was given by  
24 the programme officer very kindly this morning the  
25 Inquiry is identified as closing on 7th July. That is

1           why I said that it would be one or two weeks -- it is  
2           two weeks -- delay.

3           Sir, in the circumstances where my clients are not  
4           in the driving-seat at all in terms of deciding when the  
5           Order should be served and when the Inquiry should start  
6           and so on and so forth, they have absolutely no control  
7           over those matters at all and yet it is their land that  
8           is being acquired, it is certainly not unreasonable for  
9           them to ask that they have a small accommodation to  
10          accommodate a difficulty -- which is availability of its  
11          chosen counsel -- but also it is a further factor which  
12          I think is actually quite a real problem in this case  
13          which is unfortunately Mr Mackie's availability which  
14          rules out quite a lot of June, certainly two or three  
15          weeks in June.

16          So we have made it clear from a very long time now  
17          that we are not available for that three or four day  
18          slot in the beginning of June. We were not told, "Look,  
19          you are going to be given that anyway". If we were told  
20          that, at least my clients would have been able at a much  
21          earlier stage to have instructed counsel. But it has  
22          come to a head at a rather late stage in the process,  
23          which is unfortunate. It is not anyone's fault, it is  
24          just the way it has happened.

25          Now sir, what we do know is that the LDA is

1 available in that last week of July. No one has at any  
2 stage -- and Mr Roots has had obviously every ample  
3 opportunity -- identified what privilege could be caused  
4 through a delay in the closure of the Inquiry by two  
5 weeks to deal with a discrete topic. It is not as  
6 though there will be lots of open-ended threads: this is  
7 one topic in relation to one matter, one part of the  
8 Inquiry.

9 Everyone else would have been dealt with. No one  
10 else will have a right to come back. It is one  
11 appearance only. It would be manifestly unfair and  
12 oppressive if at this late stage my clients were told  
13 that they had to change wholesale their professional  
14 team.

15 THE CHAIRMAN: Mr Village, can I return to a question  
16 I asked of you earlier so that I understand fully the  
17 position: What prejudice would be caused if I were to  
18 decide that it should be the week of 6th June?

19 MR VILLAGE: Sir, the prejudice is as follows: first of all,  
20 insofar as we have to change horses it is very late to  
21 do so. If we have to change horses we should have been  
22 told that by you at a much earlier stage and there  
23 should have been a ruling about it at a much earlier  
24 stage.

25 THE CHAIRMAN: I had not been invited to make a ruling at an

1 earlier stage.

2 MR VILLAGE: No, sir, but we made it clear that we were not  
3 available in that week at a very early stage when we  
4 were asked.

5 It is true that it was left open for a week or so  
6 but we made it clear that it was open -- I do not  
7 understand really, sir, why you are focussing on those  
8 three or four days in June because those three or four  
9 days in June really have never been available to all  
10 intents and purposes. They have never really been  
11 offered unequivocally. It was a suggestion which was  
12 withdrawn after a week and so it is unfair, I think, to  
13 focus on those days.

14 The prejudice, sir, arises in this way: it is very  
15 late in the day to find someone who will not already be  
16 professionally committed.

17 Now, Mr Roots recognises and has sympathy for the  
18 position, but sympathy really is not enough unless one  
19 can show that there is some prejudice by putting the  
20 Inquiry back by two weeks and no one has suggested that  
21 there is.

22 THE CHAIRMAN: That is correct. What I am anxious to  
23 establish is your position in relation to prejudice to  
24 your client.

25 MR VILLAGE: The prejudice to our client, sir, is they do

1 not have their chosen counsel to represent them: the  
2 fact that I have been instructed on their behalf now for  
3 eight months or so and that I have an intimate knowledge  
4 of the case, which is a very substantial case; that they  
5 have spent a very substantial amount of money in terms  
6 of instructions and so on, all of which will be wasted  
7 and have to have double expenditure which will not be  
8 recoverable.

9 Sir, those prejudices of themselves are very  
10 considerable indeed. They are substantial prejudices  
11 and they have to be balanced against what no one --  
12 no one, sir -- has yet raised any indication of what  
13 prejudice will be balanced by a delay of two weeks. But  
14 particularly given, sir, that you will be able to use  
15 that two weeks productively in dealing with other  
16 objections and writing them up. You will not be  
17 hampered from considering that.

18 Sir, if one tests it this way: will your report to  
19 the Secretary of State be any later? The answer is no,  
20 it will not. It is just a question of managing the  
21 time.

22 THE CHAIRMAN: I think we can set all sorts of tests. The  
23 test that I am particularly concerned with is that  
24 within the timescale of the Inquiry programme, would  
25 your clients be materially prejudiced if we were to

1 force a date within the timeframe of the Inquiry?

2 MR VILLAGE: Sir, yes, they would.

3 The question then would arise as to, given that we  
4 cannot do those dates in June, my clients will obviously  
5 want to consider -- if there had to be someone who does  
6 not appear at this Inquiry, if they have to effectively  
7 jettison one member of their team and get someone else  
8 on board, then they would have to consider who that  
9 should be.

10 Sir, if it was Mr Mackie we had to replace that  
11 itself would be prejudicial. Mr Mackie has again been  
12 heavily involved in this case -- longer than I have --  
13 and has obviously produced his proof of evidence.  
14 Getting another witness in at this stage would again  
15 cause all sorts of difficulties.

16 So, sir, clearly there is indubitable prejudice.  
17 One has to balance it, as I say, against the prejudice  
18 of the alternative and the alternative is very clear.  
19 As I say, no one has yet identified any prejudice to me  
20 by that delay of two weeks, so I am not able to answer  
21 as to what that prejudice might be.

22 THE CHAIRMAN: In terms of delaying it by two weeks, you  
23 indicate that there will not be any prejudice.

24 I suppose there might be a matter of inconvenience to  
25 some, but quite clearly of great convenience to your

1 clients.

2 What I am looking at is, in terms of if a date were  
3 to be forced, that is a matter of inconvenience to your  
4 clients, greater convenience to others, with the crucial  
5 test of: is there substantial prejudice to the  
6 presentation of your client's case.

7 MR VILLAGE: Sir, I do not want to repeat what I have  
8 already said about the substantial prejudice: You have  
9 costs, you have preparation, all wasted; you have my  
10 knowledge of the case -- substantial -- difficulties  
11 about finding another barrister, difficulties about  
12 getting that barrister up to speed.

13 I mean, those are all substantial difficulties each  
14 one. Collectively it is a very substantial prejudice.

15 That is on one side. On the other side you have  
16 alleged inconvenience. It has certainly not been  
17 suggested by Mr Roots. He says they are available for  
18 those days subject to your ruling as to when it should  
19 be.

20 Well, sir, we cannot speculate. Clearly, as  
21 professional people, this is an objection that is going  
22 to be heard on one day. It does not appear that it is  
23 going to inconvenience Mr Roots and his team as to  
24 whether it is end of July or end of June or precisely  
25 when. It has to be dealt with at some stage so the fact



1           that they have to deal with it itself cannot be said to  
2           be an inconvenience.

3           No doubt my clients may be regarded as an  
4           inconvenience, but that is a different matter --

5   THE CHAIRMAN: That was not what I was seeking to suggest.

6   MR VILLAGE: No, no. But that is a different matter. In  
7           terms of appearing, no inconvenience or prejudice has  
8           been suggested.

9           So, sir, I have to say it would be -- if I may  
10          respectfully suggest -- it would be outstandingly  
11          unreasonable, in the light of the fact that there are  
12          dates available, for a date to be imposed in the  
13          circumstances in which I have outlined, particularly  
14          given that this is a point that has been raised and  
15          effectively has come to a head so recently and that we  
16          have made it clear from a very early stage, from 24th  
17          March, as to when we were available. That was made  
18          perfectly clear at a very, very early stage.

19   THE CHAIRMAN: Thank you, Mr Village.

20          Mr Roots, is there anything you want to respond to?

21   MR ROOTS: Please.

22          Sir, the first point is that I do not accept that  
23          the delay is just two weeks as has been suggested. The  
24          point I made to you earlier is that there is every  
25          indication that the programme will shrink. There are

1 active negotiations with many parties who are currently  
2 programmed to appear.

3 I did not put the LDA's position in terms of  
4 prejudice to them as a party. The point that I made was  
5 that at the end of the day facilities for the Olympic  
6 Games have to be delivered. The date is unmovable.

7 We have made it clear as part of our evidence that  
8 this stage -- in other words acquisition of the land --  
9 must be achieved by a date that is given in the  
10 evidence. We do not know how long it will take you and  
11 your colleagues to write your report; we do not know how  
12 long it will then take the Secretary of State to  
13 consider the matter; we do not know whether any party  
14 will feel it necessary then to apply to the court under  
15 section 23. We have to allow, in our thinking about  
16 time, for those uncertainties.

17 So, when faced with the prospect of the Inquiry  
18 conclusion being delayed, that is the context in which  
19 we express considerable concerns.

20 Sir, as to prejudice to Mr Village's client, he puts  
21 his position very high indeed. I have accepted that it  
22 would be unfortunate -- I have sympathy, it is not ideal  
23 to have to change horses at a later stage -- but I also  
24 indicated earlier that it does happen and I certainly  
25 would not accept that all the work that has been done

1 and the costs incurred by his clients to date would be  
2 wasted.

3 No doubt the case for Neptune Wharf has been  
4 prepared very skilfully by Mr Village and Mr White. It  
5 would be just taken on from the position it has been  
6 brought to and presented in the normal way.

7 THE CHAIRMAN: Thank you, Mr Roots.

8 Mr Village, any final comments please?

9 MR VILLAGE: Yes. I think we could probably go on all  
10 afternoon, or all day, if we go back and forth.

11 Sir, what Mr Roots is effectively saying is that he  
12 sees this as a windfall benefit. It is not a prejudice.

13 What he is not going to have is a windfall benefit:  
14 the windfall benefit being that they have apparently  
15 taken account of the existing objections, they have  
16 taken account of the possibility of a section 23  
17 challenge and, having taken all those points into  
18 account, they are still satisfied that the date which is  
19 unmovable is still deliverable. The project is  
20 deliverable within the date which is identified. Sir,  
21 that is fine, so no problem there.

22 What he is effectively saying is: well because some  
23 people are dropping out, we can have an even greater  
24 benefit by taking advantage of the fact that people are  
25 falling out and either we are deciding not to acquire

1           their land at the last minute -- which is the position  
2           with National Amusements -- or we are doing deals with  
3           them.

4           That may be the case, there may be some windfall  
5           benefits there. But the question is not benefit, it is  
6           prejudice.

7           What Mr Roots has not suggested is that there would  
8           be any prejudice to the delivery of the Olympic Games by  
9           a two week delay, during which time you will be able to  
10          use that time productively for site inspections and  
11          writing your report.

12          It would be utterly perverse, sir, if there was --  
13          and there is not any suggestion in fairness to,  
14          Mr Roots -- but it would be perverse if there was any  
15          suggestion that effectively your hands are tied until  
16          the close of the Inquiry. That would be barmy.

17          So, sir, I do maintain that no prejudice has been  
18          suggested by Mr Roots. As to the question of prejudice  
19          to my clients: again, he says he is sympathetic. But  
20          sir, the fact of the matter is that this is a moving  
21          timetable. It is a dynamic timetable. But it is very  
22          difficult, with a large professional team, to ensure  
23          that proper representation can take place. If I may say  
24          so, it is going to be extremely difficult for us to find  
25          someone able to take this case on at this late stage.

1           Also, sir, Mr Roots says there is no cost incurred.  
2           But of course costs are incurred very substantially --  
3           they have already been incurred by my clients; the  
4           Inquiry has started -- and there would be effectively  
5           a very large amount of duplication in the work that is  
6           now going to be required because we have worked this  
7           case up. We know it intimately, we have a very clear  
8           idea as to where it is going.

9           The time, sir, for it -- I agree with Mr Roots -- is  
10          likely to be somewhere in the region of three days.  
11          Sir, I have to say that at no stage have we ever been  
12          timetabled for three days. We have only ever been  
13          timetabled for one day -- mostly half a day in fact --  
14          notwithstanding that as long ago as 24th March we made  
15          it clear that the timescale would be three to four days.

16          So on any basis, sir, the fact that it is agreed  
17          that this is an objection that will take three to four  
18          days means that we need a reasonable period to present  
19          it. That period has never been offered to us before at  
20          any stage.

21          We come back to the balancing exercise which I have  
22          indicated must be undertaken by you, and that is the  
23          very clear and substantial prejudice to my clients  
24          through having to change its team on the one hand, and  
25          on the other hand an extension of the Inquiry which at

1 the moment -- and based on the timetable for today -- is  
2 due to close on 7th July.

3 Mr Roots confidently expects that others will fall  
4 by the wayside, but the fact of the matter is that it is  
5 built into the timetable -- I think it was built in the  
6 timetable a further week further after that and it has  
7 already contracted. But of course remember what  
8 Mr Roots said: we have already allowed for these  
9 eventualities. That is to say section 23 challenges and  
10 hearing all the objections.

11 If that is right, then effectively it is one week  
12 extension over the period which they have already  
13 allowed for and he fails to explain how it could  
14 possibly prejudice his clients or the fulfilment of the  
15 rest of the orders.

16 THE CHAIRMAN: Thank you, Mr Village.

17 Mr Village, thank you for your cooperation in  
18 responding to perhaps my slightly robust questioning at  
19 times but, as you will appreciate, I was anxious to  
20 establish the facts and test them and really seeking to  
21 enter into a dialogue in these rather formal  
22 proceedings.

23 That has been helpful in terms of my understanding  
24 of your position and your client's position.

25 MR VILLAGE: Sir, I hope I gave as good as I got.

1 I apologise if I did.

2 THE CHAIRMAN: I am very happy with the way that you have  
3 responded and approached this. I am very grateful for  
4 that.

5 We have had some 45 minutes of exchange on this and  
6 quite clearly it is a very important matter because I am  
7 charged with ensuring that there is natural justice  
8 within the process. So what I am going to do is adjourn  
9 and give the matter further consideration. I shall come  
10 back at 12 o'clock. So if you would return at  
11 12 o'clock, please. Thank you.

12 (11.08 am)

13 (A short break)

14 (12.00 pm)

15 RULING

16 THE CHAIRMAN: Ladies and gentlemen, the Inquiry is now  
17 resumed.

18 I have considered with considerable care  
19 Mr Village's application for an appearance at the  
20 Inquiry outside of scope of the original timetable.

21 First of all, it is apparent that no prejudice would  
22 arise to the London Development Agency by a late  
23 appearance. Indeed, Mr Roots has confirmed that he  
24 could make his witnesses available.

25 I should also add that I do not accept Mr Roots'

1 concerns about delaying the close of the Inquiry in the  
2 context of the overall timetable of delivering the  
3 Olympic Games.

4 Similarly, there is no issue so far as the  
5 availability of the Inspectors is concerned and I have  
6 no preconceived date by which the Inquiry should close.

7 My role is to be able to hear the case for the  
8 London Development Agency and to hear the cases for  
9 individual objectors. I have firmly in mind that the  
10 position objectors find themselves is not of their  
11 choosing.

12 My prime concern, as I indicated earlier, is one of  
13 natural justice and to ensure that everyone has the  
14 opportunity of a fair hearing. Understandably objectors  
15 wish to present their cases to the best of their ability  
16 and to be able to rely on a team of their choosing.

17 But the question I return to is: would the  
18 objectors' interests be prejudiced if they had to make  
19 a late substitution to the team? In this regard  
20 I appreciate that much work has already been done in  
21 preparation and I understand the key role of Mr Village  
22 in this. Indeed, in closing he confirmed that the case  
23 is worked up and we have a clear idea where it is going.

24 Despite his involvement and leadership, I ask myself  
25 whether his lack of availability and that of Mr White in



1 a particular week should cause clear and substantial  
2 prejudice to the objectors.

3 To my mind it is very telling that in response to  
4 one of my questions, Mr Village indicated that no  
5 endeavours have been made at this stage to find  
6 alternative counsel. I also think that his doubts about  
7 being able to find any counsel of sufficient quality to  
8 step in does his colleagues great discredit.

9 In the final balance, I accept that we have an  
10 ever-changing and fast-moving programme and an enormous  
11 task in establishing a workable programme. We have  
12 relied extensively on others, particularly objectors, in  
13 making themselves available and we have been sympathetic  
14 to their needs and choices as far as possible.

15 With all this in mind, I am well aware of the  
16 difficulties faced by Roadglen and Neptune Wharf but in  
17 the final analysis I am not satisfied that their  
18 appearance in the week commencing 6th June would be  
19 manifestly unfair or oppressive as claimed by  
20 Mr Village.

21 I know that further work will have to be done on the  
22 programme, and from knowledge of other appearances  
23 Mr Groom is confident that an appearance of up to three  
24 days could be accommodated. I will leave that to him.

25 In conclusion, having become fully aware of the

1 difficulty being faced over your clients' appearance,  
2 I put in place prompt measures to hear your application  
3 this morning. Although you have sought to argue  
4 convincingly on behalf of your clients, I conclude that  
5 no material prejudice would arise by ruling you should  
6 make the necessary arrangements to appear within the  
7 timeframe of the current programme.

8 Post-ruling discussion

9 MR VILLAGE: Your Honour, clearly we reserve our position  
10 entirely in relation to your ruling, but given that  
11 there is a transcript, I do not think we need to trouble  
12 you to have it in writing.

13 Thank you very much.

14 Sir, we have been -- during the hour or so that we  
15 have had to wait for your ruling, one matter has  
16 occurred to me which it seems to me might assist.  
17 I just want to raise that with you.

18 Of course part of the problem, we did not discuss  
19 this during the course of submissions, was that there  
20 are a number of non-sitting weeks which again, of  
21 course, my clients have no say over. I mean, they  
22 certainly did not appreciate that there were going to be  
23 weeks that were going to be ruled out until, I think,  
24 this was raised at the pre-inquiry meeting.

25 But be that as it may, what I have noticed is that

1 of course Mr Mackie's availability is limited and I am  
2 wondering whether or not it might be acceptable for us  
3 to sit on 1st and 2nd June, which are non-sitting days,  
4 to deal with Mr Mackie's evidence and planning issues.  
5 Because we could be available for that. And for the  
6 remaining issues to be dealt with -- I mean, not  
7 inclusively planning but for the remainder of the case,  
8 which would not involve Mr Mackie's attendance  
9 necessarily, on 15th and 16th June, which I know is  
10 a sitting week but where again we have availability of  
11 all our team.

12 Obviously, it is very unsatisfactory to have the  
13 appearances split in the way that I am suggesting but  
14 certainly it is a -- it is put forward by us in the  
15 spirit of compromise and co-operation and at least it  
16 would mean that we would not be faced with effectively  
17 a wholesale reorganisation of our team which was the  
18 result of your ruling.

19 THE CHAIRMAN: Thank you, Mr Village.

20 Rather than deal with that in open session and  
21 trying to resolve various diaries and the like, what  
22 I would invite you to do is liaise directly with the  
23 programme officer and the LDA's team, either directly or  
24 through Mr Groom, and then he will put the situation to  
25 me and the working on of the programme will be dealt

1 with in the normal way.

2 MR VILLAGE: Sir, may I say by way of counter proposal that  
3 it really -- that really we do have to get some dates  
4 organised and agreed --

5 THE CHAIRMAN: Mr Village, with respect, this is the first  
6 time -- with respect, this is the first time that you  
7 have put those dates to me. I have not had the  
8 opportunity of considering them, I was not invited to  
9 consider them as part of the ruling. The ruling is that  
10 you will appear within the timeframe. It is a matter to  
11 be agreed with the programme officer.

12 I am grateful for your indication that there might  
13 be other dates, but those do need to be given  
14 consideration by everyone concerned.

15 MR VILLAGE: Yes.

16 THE CHAIRMAN: That will be through the programme officer.

17 I am sorry, I am not going to be in a position at this  
18 very moment to rule that we can sit on those particular  
19 dates.

20 MR VILLAGE: Sir, what I was trying to say was that it would  
21 be very helpful if there could be an indication at least  
22 as to whether or not it would be possible to sit in that  
23 non-sitting week as a matter of principle, because  
24 clearly if that is possible it deals with one of the  
25 major problems that we have, which is the availability

1 of Mr Mackie.

2 Clearly, it is not going to be in my gift or that of  
3 my learned friend's to say whether or not you can -- you  
4 are prepared to sit and consider sitting in that  
5 non-sitting week.

6 You know what you have in your diary in relation to  
7 that week, we do not. All I really wanted was an  
8 indication as a matter of principle as to whether or not  
9 it would be possible to sit during those two days.

10 THE CHAIRMAN: The principle that I have applied throughout  
11 has been one of maximum flexibility. I have no  
12 objections in principle, but I cannot go beyond that at  
13 this stage because it is likely that I would be assisted  
14 by another inspector. Until I have the opportunity of  
15 checking with that inspector who is not at the Inquiry  
16 now, I cannot give any sort of formal indication.

17 That is something that we can certainly look at if  
18 it is acceptable to both of the parties. It has been  
19 the practice at this Inquiry, as you probably know, that  
20 there is more than one inspector. I am assisted by two  
21 colleagues. I am usually sat with another inspector and  
22 indeed one of those two inspectors leads some of the  
23 sessions. So it is quite unusual seeing me in isolation  
24 this morning but as it was a matter in terms of  
25 procedure, it did not need two inspectors. So, subject

1 to that proviso, I am prepared to listen to any  
2 reasonable suggestions.

3 MR VILLAGE: Right. Thank you very much, sir.

4 Clearly as to the other two dates that I mentioned,  
5 those would involve a reorganisation within the existing  
6 timescale and that is not something that we are  
7 suggesting that we can deal with in open inquiry, and  
8 obviously will raise with the programme officer.

9 THE CHAIRMAN: Yes. So the way forward there is to raise  
10 that through the programme officer.

11 Mr Roots, did you want to comment in any way?

12 MR ROOTS: Sir, two points. Could I ask through you whether  
13 Mr Village is suggesting that he himself would be  
14 available on the date he has just mentioned to you,  
15 because that was one of problems being put forward for  
16 the date that you have ruled upon?

17 The second, is this: Mr Village has suggested two  
18 possible dates for their evidence, but did not mention  
19 when he would envisage cross-examining, as I am sure he  
20 or any replacement of him would wish to do, our  
21 witnesses on the Neptune Wharf topic.

22 THE CHAIRMAN: Mr Village, please.

23 MR VILLAGE: The answer to the questions is firstly I am  
24 available on both of those two sets of dates, as indeed  
25 I think Mr White is as well. Mr Mackie -- as I have

1 indicated throughout, the difficulty is finding a slot  
2 for the entirety of our team. I am trying to do my best  
3 to suggest a way forward which is not by any means what  
4 we would say is an acceptable way forward, it is going  
5 to still involve a prejudice by one of our key members  
6 not being here during part of the case but that is  
7 something we would have to live with, and we would have  
8 to balance against the undesirability of starting again  
9 with a different team.

10 So, the answer is that I am available on those  
11 dates.

12 In answer to Mr Roots' question as to whether we  
13 would be cross-examining and which days: well, yes.  
14 I am saying that those will be the days that the  
15 objection is heard. I am not suggesting that it is just  
16 the presentation of our case on those dates, it is  
17 obviously the totality of the evidence. What I was  
18 suggesting is that the planning evidence would be dealt  
19 with in the first of those two sessions, the first of  
20 those two sets of dates, in order to effectively release  
21 Mr Mackie and also to get out of the way the planning  
22 evidence dealt with by the -- presented by the LDA.

23 Now, sir, one question I have is that I am unclear  
24 as to what procedure you have decided to adopt in terms  
25 of who goes first. It does not particularly matter to

1 me, I am not -- I do not have a very strong feeling in  
2 relation to it, but it may be helpful to know what you  
3 have in mind as to which order you expect us to go in,  
4 in terms of the presentation of evidence.

5 THE CHAIRMAN: Again I am flexible on that and was prepared  
6 to adapt it depending upon what appearances were  
7 involved and the nature of evidence, but it would be  
8 usual to hear the case for the Order making authority  
9 first.

10 MR VILLAGE: Yes.

11 THE CHAIRMAN: And then the objector.

12 MR VILLAGE: That is what I --

13 THE CHAIRMAN: I have to say that is what I assumed. Yes.

14 MR VILLAGE: What I would suggest, therefore, is that in the  
15 way I have just suggested it we would get out the  
16 planning side of -- it would involve a degree of  
17 flexibility in as much as the planning evidence would be  
18 heard from the LDA first.

19 Mr Mackie would then effectively be called and it  
20 would enable him to go off and get married and go on  
21 honeymoon. Then we would be able to deal with the rest  
22 of the evidence, perhaps in the correct order. That is  
23 what I have in mind.

24 THE CHAIRMAN: Mr Roots.

25 MR ROOTS: Sir, I now understand what is proposed. I would



1           need to take instructions as to whether that is  
2           a satisfactory position. We will try to co-operate, but  
3           I cannot give any assurance one way or the other at the  
4           moment. It comes to us as fresh as it comes to you.

5   THE CHAIRMAN: I really think that this needs further  
6           consideration and working up to. There is a clear  
7           proposal -- it is relatively clear, but I think in terms  
8           of making a clear proposal we need to have some  
9           understanding in terms of likely time estimates of  
10          evidence-in-chief, cross-examination, and the like.

11           I think that is a matter for the parties to discuss  
12          outside the inquiry in conjunction with the programme  
13          officer. If we then have a potentially workable  
14          solution, that is something that I can give  
15          consideration to.

16           That concludes the business for this morning. Thank  
17          you all for your attendance. The inquiry is now  
18          adjourned until 2 o'clock this afternoon.

19   (12.15 pm)

20   (The short adjournment)

21   (2.00 pm)

22   THE CHAIRMAN: Ladies and gentlemen, good afternoon. It is  
23          2 o'clock and this inquiry is now resumed.

24           My name is David Rose. I am a chartered town  
25          planner and I have been appointed as one of the

1 inspectors to conduct this inquiry into the  
2 London Development Agency (Lower Lea Valley, Olympic and  
3 Legacy) Compulsory Purchase Order 2005.

4 I am joined on my right by Laura Graham, a planning  
5 Inspector, and Alan Nettey on my left, a planning  
6 officer from the Planning Inspectorate.

7 Before I go any further, please will any of you with  
8 mobile phones make sure that they are either switched  
9 off or on silent mode.

10 So far as the inquiry is concerned, I have already  
11 heard the evidence of six witnesses on behalf of the  
12 London Development Agency. This afternoon we move on to  
13 hear the evidence of Lord Coe.

14 Could I first of all have confirmation of who is  
15 appearing this afternoon for the  
16 London Development Agency?

17 MR ROOTS: Sir, I appear for the London Development Agency.  
18 My name is Guy Roots QC, and in this session Mr Richard  
19 Glover will also be with me.

20 THE CHAIRMAN: Thank you, Mr Roots.

21 I have been told that three objectors have indicated  
22 a wish to question Lord Coe about his evidence, or on  
23 the case that they are intending to present to the  
24 inquiry.

25 First of all, is Mr Lawrence present.

1 MR LAWRENCE: Yes.

2 THE CHAIRMAN: Thank you.

3 I understand Mr Humphreys is intending to be here on  
4 behalf of the Eastway Users Group.

5 Is Mr Humphreys here? Not as yet but if he does  
6 arrive then no doubt I shall be advised.

7 Also, Mrs Saunders and Mr Finlay in relation to  
8 premises in the vicinity of Marshgate Lane. Good  
9 afternoon.

10 MR CHEYNE: My name is Mr Cheyne. I did email Mr Groom to  
11 say that I wished to ask questions of Lord Coe as well.

12 THE CHAIRMAN: I am aware that we do have an objection from  
13 you and also a likely appearance at the inquiry.

14 Can I also check: is there anyone else who has  
15 submitted an objection to the compulsory purchase order  
16 and is scheduled to appear at the inquiry who wishes to  
17 put questions to Lord Coe? Thank you.

18 There is a preliminary matter which I wish to raise  
19 with Mr Lawrence in respect of his appearance at the  
20 inquiry and the nature of his objection.

21 I should say first of all that I have been provided  
22 with a copy of a letter of yesterday's date sent to you  
23 by Eversheds seeking to ascertain how you consider your  
24 arguments to be relevant to the subject matter of the  
25 inquiry.

1           Have you received that letter? I simply need to  
2           know whether you are aware of its contents, but I am not  
3           seeking any response or comment on it at this stage.

4   MR LAWRENCE: I received it by email yesterday evening.

5   THE CHAIRMAN: Thank you.

6           Mr Lawrence, I wish to make it clear that what  
7           I have to say is not prompted by that letter. My  
8           raising the matter is entirely independent and arises  
9           from reading your objection and recently submitted proof  
10          of evidence.

11          First of all, the Government Office for London,  
12          having received your original letter of objection,  
13          confirmed your status as a non-statutory objector. Put  
14          simply, a non-statutory objector is a person who does  
15          not have any interest in any property in the Order  
16          Lands.

17          I am right that you do not own, lease or occupy any  
18          properties within the Order Lands, am I?

19   MR LAWRENCE: That is correct.

20   THE CHAIRMAN: Thank you.

21          Mr Lawrence, I am not sure whether you are aware  
22          that a non-statutory objector does not have the same  
23          right to appear at a public inquiry as is enjoyed by  
24          a statutory objector. In short, your appearance and the  
25          opportunity to ask questions of any of the

1 London Development Agency's witnesses is entirely at my  
2 discretion.

3 The relevant inquiry procedure rules enable me to  
4 exercise my discretion where I am satisfied that the  
5 evidence that you wish to present, or the questions that  
6 you wish to ask, are relevant to the subject matter of  
7 the inquiry, which here relates solely to the merits of  
8 the compulsory purchase order to acquire ownership of  
9 various lands.

10 Having read your objection in its entirety, I can  
11 tell you that the matters alleged do not relate to the  
12 purpose of the Order and are not matters in which either  
13 I or the Secretary of State has any jurisdiction. There  
14 might be other procedures available to you, but there is  
15 no prospect of any remedy through this inquiry.

16 I am not seeking to exert any pressure or influence  
17 on you with regard to your objection, merely to advise  
18 you of the situation.

19 On this basis I will give you the opportunity to ask  
20 questions this afternoon if you wish, so far as they are  
21 directly relevant to the subject matter of this inquiry.

22 Do you understand that situation, Mr Lawrence?

23 MR LAWRENCE: I do understand that situation.

24 THE CHAIRMAN: Thank you. That is the basis on which I will  
25 proceed.

1           Mr Roots, could I invite you to call your witness  
2           for this afternoon, please?

3 MR ROOTS: Sir, I will call Lord Coe.

4 THE CHAIRMAN: Once he is seated you can go through the  
5           formal introduction.

6 MR ROOTS: Yes. While he is just going to the table,  
7           can I ask you for your guidance: as with all the other  
8           witnesses there is a proof and a summary. Lord Coe's  
9           proof is quite short. Do you have any preference as to  
10          whether the summary or the full proof are read out?

11 THE CHAIRMAN: In the circumstances, it might make sense to  
12          take the full proof. It is relatively short and  
13          I expect it is probably easier to manage than juggling  
14          between the summary and the main proof.

15 MR ROOTS: Certainly.

16 (2.07 pm)

17   LORD SEBASTIAN COE

18   Examination in chief by MR ROOTS

19 MR ROOTS: Are you Sebastian Coe?

20 A. I am.

21 Q. Are you Chairman of the London Organising Committee for  
22          the Olympic Games?

23 A. I am.

24 Q. In paragraph 1.2 of your proof you explained that prior  
25          to your present appointment you were Chairman of "London

1           2012", a company which, with the British Olympic  
2           Association, the Mayor of London, the  
3           London Development Agency and others prepared London's  
4           bid?

5    A.   (Witness nods).

6    Q.   You led the team, as we all know, which presented the  
7           bid to the International Olympic Committee in Singapore  
8           and the committee now called LOCOG was formed  
9           immediately following the decision of the International  
10          Olympic Committee on 6th July which selected London as  
11          the Host City.

12                You set out in section 2 of your proof of evidence  
13                the scope of your evidence. I am not going to ask you  
14                to read that out. Everybody will have read it. Could  
15                I ask you to start reading at section 3, "The Olympic  
16                Movement"?

17   A.   "The Olympic movement has much wider purposes than  
18           simply staging the world's largest sporting event every  
19           four years. These include motivating athletes to excel  
20           and inspiring other people -- particularly young  
21           people -- to take up sport and lead healthy and  
22           purposeful live. The Olympic and Paralympic Games  
23           should be a celebration of humanity and friendship.

24                "3.2. The IOC is a non-profit organisation with  
25                supreme authority over the Olympic movement. It

1 comprises individual members nominated by a member of  
2 the Olympic movement and elected by an IOC Session.

3 The International Paralympic Committee governs the  
4 Paralympic Games. The Paralympic Games are now staged  
5 in the same city as the summer Games, around two weeks  
6 afterwards. They are legally and commercially fully  
7 integrated with the Olympic Games.

8 "3.3. The Olympic movement comprises various bodies  
9 including the IOC, the national Olympic committees,  
10 organising committees of the Olympic Games, the  
11 international federations, national associations, clubs  
12 and athletes.

13 "3.4. Our national Olympic committee is the  
14 [British Olympic Association] and it comprises one  
15 member for each of the Olympic sports.

16 "3.5 The IOC has a number of roles, as enshrined in  
17 the Olympic Charter. One of these is "to promote  
18 a positive legacy from the Olympic Games to the Host  
19 Cities and host countries". The influential Olympic  
20 Games Study Commission Report, CD26, chaired by Richard  
21 Pound and presented to the IOC in 2003, also stressed  
22 the huge importance of sustainable development."

23 MR ROOTS: Thank you. That completes section 3. You now  
24 turn to section 4 where you describe the background to  
25 the bid.



1 A. "4.1. The bid to host the 2012 Games was the fourth in  
2 20 years in which the BOA had been involved. The  
3 earlier bids have been by the cities of Birmingham (for  
4 the 1992 Games) and Manchester (for the 1996 and 2000  
5 Games).

6 "4.2 The BOA gave serious consideration to the  
7 feasibility of a London bid for the 2012 Games in 2000.  
8 While a bid to host the Olympic Games requires the  
9 active support of the relevant National Olympic  
10 Committee and other national and local sports bodies, it  
11 also needs the wholehearted involvement of the local  
12 government agencies responsible for the bidding city.  
13 Furthermore -- not least in the light of the IOC's  
14 requirement for Government guarantees -- it requires the  
15 full support of central Government and opposition.

16 "4.3 The BOA approached both the Greater London  
17 Authority and central Government with a proposal that  
18 consideration be given to formulating a bid for London  
19 to host the Olympic Games in either 2012 or 2016. In  
20 June 2001, the [British Olympic Association], the GLA,  
21 and the Government formed a key stakeholder group to  
22 consider whether the proposal was practicable or  
23 desirable.

24 "4.4 It was inevitable that hosting the Olympic  
25 Games would involve a significant amount of new

1 development and the expenditure of a large amount of  
2 money in the area chosen for the main facilities. It  
3 therefore made complete sense, both for the purposes of  
4 promoting the Olympic movement and for achieving the  
5 aims of local and national government, that such  
6 development and expenditure be directed to an area which  
7 could best take advantage of them.

8 "4.5 It was against this background that the Lower  
9 Lea Valley emerged as the favoured location for the main  
10 facilities. The Stratford and Channel Tunnel link,  
11 existing investment in the area, potential for capital  
12 budgets and sheer physical space made the Lea Valley the  
13 only viable choice for the Games.

14 "4.6 In May 2003, the Cabinet decided to support  
15 London's bid. Consequently, London 2012 was formed to  
16 oversee and co-ordinate the bid.

17 "4.7 On 6th July 2005, London was awarded the 2012  
18 Olympic and Paralympic Games."

19 MR ROOTS: Thank you. You now turn to section 5,

20 "Formulation of the bid proposals".

21 A. "5.1 Following the Applicant City phase, the IOC  
22 requires each city to produce a candidate file which  
23 must comprise details of all the multitudinous  
24 requirements of the IOC for staging a successful Games  
25 and take into account the Olympic Games Study Commission

1 Report (CD26) and the requirements of the international  
2 federations.

3 "5.2 The needs of competitors must be given great  
4 consideration. If athletes are not adequately provided  
5 for in terms of transport, accommodation, security and  
6 other matters then the Games cannot be a success, as  
7 competitors will underperform. Athletes must be  
8 competitors not commuters. Other people, such as  
9 officials and members of the huge press and broadcast  
10 operations, are also reliant on transport, accommodation  
11 and security, and if they are inadequate the intense  
12 media coverage will not be focused on the Olympic  
13 spirit.

14 "5.3 An important reason for seeking to stage the  
15 London 2012 Games was to use the opportunity of the  
16 Games' need for first class transport and accommodation  
17 as a catalyst for regenerating the area surrounding the  
18 Olympic Park. None of us wants to build facilities that  
19 local people can only press their noses up against.  
20 Everyone involved has always wanted to leave a lasting  
21 legacy. I was aware that the IOC insists on that as  
22 well. It cannot be stressed highly enough that this is  
23 not a mere afterthought.

24 "5.4 Although this is explained in more detail in  
25 other evidence, all key stakeholders in the 2012 Games

1           were united from the outset that encouraging ongoing  
2           investment in the Lower Lea Valley, which on recognised  
3           national indices is one of the most hard pressed areas  
4           in the country, is vital. On the ODPM's Index of  
5           Multiple Deprivation (2004), wards within and adjoining  
6           the Lower Lea Valley are usually among the 10 per cent  
7           most deprived in England, and some in the five per cent  
8           most deprived. I want to see people in this part of  
9           London, a very high proportion of whom are young, given  
10          a sporting and economic chance.

11                 "5.5 It was apparent that the ambitions of the BOA,  
12           the GLA and central Government coincided. The BOA  
13           wanted to promote the Olympic ideals by means of an  
14           inspiring London bid which would produce tangible  
15           sporting improvements as a legacy. The GLA and central  
16           Government wanted to achieve the regeneration of the  
17           Lower Lea Valley and they recognised that hosting the  
18           Games would be a powerful contribution towards such  
19           regeneration. They were not alone in this, regeneration  
20           being a central tenet of 'Olympism'.

21                 "5.6 The Olympic Park will assist in improving the  
22           health of local people and provide opportunities in  
23           education, skills and training. It is anticipated that  
24           thousands of jobs will be created from the construction  
25           of the Olympic Park and from the legacy development of

1 the area. It is further planned that the Olympic  
2 Village will provide a considerable amount of housing,  
3 much of it targeted at key workers. The community will  
4 be brought together by the new facilities in east  
5 London, and skills, training and education will all  
6 receive a boost.

7 "5.7 The IOC is very clear that the Games should  
8 leave a legacy that goes beyond sport. Its  
9 questionnaire for bid cities requires them to:

10 "'Explain how your vision of the Olympic Games fits  
11 into your city/region's long term planning strategy',

12 "Asks [and I continue]

13 "'What would be the impact and legacy for your  
14 city/region of hosting the Olympic Games?'.  
15

"And says

16 "'Describe your plans for the sustainable  
17 development of any new permanent infrastructure included  
18 in your project'.  
19

"It is also absolutely insistent on environmentally  
20 sound policies.

21 "5.8 It is not possible to estimate precisely the  
22 economics of 2012 and beyond. No one can say exactly  
23 how much will be invested in the Lower Lea Valley and  
24 the wider national economy as a result of staging the  
25 Olympic and Paralympic Games. However, we can consider

1 past experience. Barcelona hosted the Games in 1992.  
2 It has been calculated by the Royal Institution of  
3 Chartered Surveyors that £4 billion was invested, and  
4 that the infrastructure put in place in eight years  
5 would otherwise have taken 50 to complete.

6 "In 2000 Sydney staged the Games, and a new  
7 suburb -- Newington -- was created. Sydney is also said  
8 to have enjoyed over £2 billion extra in tourist revenue  
9 between 1997 and 2001. It is hoped that the Lower Lea  
10 Valley, London as a whole, and the wider UK will  
11 flourish as a result of the 2012 Games. Athens staged  
12 the Games once again in 2004 and their Olympic Village  
13 is to become home to thousands of previous disadvantaged  
14 people, with a medical centre and schools.

15 "5.9 The task of London 2012, its partners and  
16 consultants was to turn those aspirations into a bid  
17 that would inspire the IOC while containing proposals  
18 which were capable of achievement.

19 "5.10 The fundamental requirement for any bid is to  
20 meet the specifications of the IOC and relevant sporting  
21 bodies. The IOC is responsible for identifying the  
22 sports which would be included in the Games. The IOC  
23 and the bodies concerned with each sport are responsible  
24 for identifying the nature of the facility which has to  
25 be made available for that sport. The IOC also provided

1 guidelines for a huge range of matters including the  
2 number of spectators to be accommodated, security and  
3 the facilities for the media and other ancillary needs.

4 "5.11 To be successful, our bid needed to promote  
5 the aims of the Olympic Movement and regenerate  
6 a depressed area. It was necessary to persuade the IOC  
7 that holding the Games in London would better promote  
8 the ideals of the Olympic Movement than would holding  
9 the Games in any other of the candidate cities. Other  
10 evidence will explain the detail of the proposals from  
11 a regeneration point of view; my evidence concentrates  
12 on the sports.

13 "5.12 On the sporting side, London 2012 identified  
14 three principles to guide the bid:

15 (1) to create a magical atmosphere, excellent  
16 infrastructure and an electrifying experience for  
17 competitors and spectators;

18 (2) to be excellent partners to the [International  
19 Olympic Committee] and;

20 (3) to deliver a lasting sporting legacy.

21 "5.13 For the purposes of this inquiry, it is not  
22 necessary for me to expand on the second of those.  
23 I explain the sporting legacy in section 7 below. In  
24 the rest of this section of my evidence, I will explain  
25 about the first of the principles listed above which has

1 played an important role in the development of the  
2 masterplan for the main Olympic site in the Lower Lea  
3 Valley.

4 "5.14 The London 2012 Athletes Advisory Group  
5 stressed the primary importance of security, and of  
6 competitors not having to struggle with lengthy commutes  
7 to competition venues and training sites during the  
8 Games. And as already outlined, the athletes are not  
9 alone in these concerns. Officials, spectators and the  
10 massive media presence will all be dependent on swift  
11 and efficient transport and security.

12 "5.15 An integral component of our bid was an  
13 Athletes' Village (the focal point for the international  
14 camaraderie that the Games should inspire) within  
15 a secure Olympic Park comprising many competition  
16 venues. Venues outside the Park were located as close  
17 as possible to capitalise on these safety and security  
18 advantages. I believe that this was a major reason that  
19 our bid was successful. There are many ancillary things  
20 that also need to be nearby. Athletes cannot reasonably  
21 be expected to warm up a long way from the venue, and  
22 there is not always room for them to do so at the venue  
23 itself. Close proximity is vital.

24 "5.16 These findings were critical to the  
25 formulation of the proposals. The masterplan for the



1 Olympic and legacy development in the Lower Lea Valley  
2 prepared by EDAW showed that it would be possible to  
3 include within the Olympic Park the Athletes' Village,  
4 the main Olympic Stadium, the Aquatic Centre and  
5 a number of core sports venues as well as all the  
6 necessary ancillary areas such as training facilities.  
7 There are three essential elements to the concept  
8 underlying the masterplan:

9       "(a) The first is the Olympic Park itself. It needs  
10 to have secure boundaries, to be essentially limited to  
11 Games traffic, to be attractively landscaped and to be  
12 large enough to contain the Village, the main stadium  
13 and as many other arenas as possible.

14       "(b) The second is the Athletes' Village. It needs  
15 to provide attractive accommodation for the athletes,  
16 officials and support staff, to be fully equipped with  
17 ancillary accommodation (from medical centres, shops and  
18 cafes to 'back of house' facilities) and to be located  
19 close to the sporting arenas.

20       "(c) The third is the sporting arenas. They need to  
21 be located around the park sufficiently far apart to  
22 enable crowds to be managed but sufficiently close to  
23 one another to create a special Olympic atmosphere.  
24 They also need to be of a standard to meet the  
25 requirements of the IOC and the relevant international

1 federations.

2 "5.17 The masterplan which accompanied the planning  
3 applications was based on the IOC's Bidding Guidance to  
4 Candidate Cities for the 2008 Games. The Guidance for  
5 the 2012 Games was not published until after the  
6 planning permissions had been granted for the Olympic  
7 and legacy development proposed for the Lower Lea  
8 Valley. Although the Guidance for 2012 is, in the main,  
9 similar to that issued for the 2008 Games, [there] are  
10 some differences, and so the proposals had to be revised  
11 slightly before the bid was submitted. The main change  
12 in the guidance was to place a much greater stress on  
13 the legacy effects of hosting the Games.

14 "5.18 In January of this year, further revisions to  
15 the proposals were announced, having been approved by  
16 the [International Olympic Committee]. These involved  
17 the relocation of car and coach parking arrangements and  
18 of the facilities for the press and media. In the  
19 masterplan associated with the planning permissions and  
20 the masterplan submitted to the IOC for the bid, the  
21 main press centre and the international broadcast centre  
22 were located on the other side of the railway from the  
23 main Olympic Park. It has now proved possible to bring  
24 them across the railway into the Olympic Park, closer to  
25 the main arenas and closer to the Olympic Village. This

1 will help to reinforce the sense of the Olympic Park as  
2 the core of activity thereby heightening the atmosphere.  
3 It will also facilitate the broadcast and press coverage  
4 of the Games. The changes do not involve any departure  
5 from, and, indeed, are entirely consistent with, the  
6 fundamental concept which still involves the provision  
7 of the Olympic Village, the Olympic Stadium, the Aquatic  
8 Centre and a number of core venues in the Olympic Park.  
9 Other evidence will explain how it became possible to  
10 make these revisions.

11 "5.19 As a result, over 80 per cent of competitors  
12 will be within 20 minutes of their venues and over  
13 50 per cent will never have to leave the security of the  
14 Olympic Park to compete. I believe that this aspect of  
15 the bid was critical to its success.

16 "5.20 Some events will be accommodated elsewhere.  
17 For example, sailing events are planned at Weymouth and  
18 Portland; tennis at Wimbledon, archery at Lord's Cricket  
19 Ground; rowing at Eton-Dorney; triathlon in Hyde Park;  
20 equestrian and modern pentathlon in Greenwich Park and  
21 the Beach Volleyball in Horse Guards' Parade. Football  
22 matches are planned for Old Trafford (Manchester),  
23 Villa Park (Birmingham), Hampden Park (Glasgow), St  
24 James' Park (Newcastle), Millennium Stadium (Cardiff)  
25 and Wembley Stadium (London)."

1 MR ROOTS: : That completes section 5. You now turn to the  
2 role of LOCOG, section 6.

3 A. Thank you:

4 "6.1 The LDA has the task of assembling the land in  
5 the Lower Lea Valley that will be used for the Olympic  
6 Games and securing its necessary remediation. The  
7 Olympic Delivery Authority (the LDA) will be responsible  
8 for constructing the Olympic venues and related  
9 facilities (notably, for the purposes of this inquiry),  
10 the Olympic Park, the facilities within it and the  
11 associated facilities for transport and security  
12 purposes on its edges.

13 "[The London organising committee of the Olympic  
14 Games] LOCOG will be responsible for coordinating  
15 between all the bodies involved (LDA, ODA, local and  
16 central Government, the [British Olympic Association]  
17 and the IOC) and for organising the Games themselves.

18 "6.2 The Olympic Games Study Commission not only  
19 comprehensively dismissed the notion of the Games being  
20 staged in several neighbouring Host Cities at the same  
21 time, but also sent a clear message that:

22 "'Travel times and distances between venues' should  
23 be minimised.

24 "The Commission called for venues to be developed in  
25 'clusters', and I believe that the design of 2012 London

1 Games which comprised three clusters, the primary one  
2 being the Olympic Park, played a large part in securing  
3 the Games for London. White elephants are to be avoided  
4 and any permanent structures should have obvious legacy  
5 benefits."

6 Q. Thank you. We then come to section 7, "The Sporting  
7 Legacy".

8 A. "7.1 The IOC wants the Games to leave the host nation  
9 well endowed with world class sporting facilities. The  
10 London Candidate File emphasised the fact that:

11 "'Great Games leave welcome legacies'.

12 "7.2 After the Games are over, London will possess,  
13 for the first time, some of the finest sports facilities  
14 that will be able to host both national and  
15 international events for many sports and be available  
16 for community use. Sports administration, training and  
17 science will also be greatly enhanced."

18 Q. Finally, section 8, your conclusion.

19 A. Thank you:

20 "8.1 In conclusion, staging the London 2012 Olympic  
21 and Paralympic Games should not only be about creating  
22 a wonderful sports festival. We want to regenerate and  
23 revitalise a deprived part of London. In order for  
24 there to be sufficient transport and security, so  
25 athletes can be competitors not commuters, for world

1 class facilities and accommodation, and so that  
2 a lasting sporting and economic legacy be left, I hope  
3 very much that we are granted access to all the land in  
4 the Lower Lea Valley that our plans require."

5 Q. Thank you very much. I have just one supplementary  
6 question, if I could trouble you.

7 Please return to page 8, paragraph 5.12 which you  
8 read out a moment ago. In sub-paragraph (1) you  
9 emphasise the importance of creating a magical  
10 atmosphere, excellent infrastructure and an electrifying  
11 experience for competitors and spectators.

12 Then if you would go on over the page to  
13 paragraph 5.16 where it goes over page to page 10, in  
14 (c), you refer once again to creating this "special  
15 Olympic atmosphere".

16 In that paragraph you have been referring to the  
17 ability of the designers to accommodate the facilities  
18 in the Lower Lea Valley. You obviously are very  
19 familiar with the masterplan that has been emerging from  
20 the designers: could you just comment on whether you  
21 feel that the masterplan as you see it at the moment  
22 will enable the magical atmosphere -- your  
23 terminology -- to be created?

24 A. The brief answer to that is yes. I am familiar with the  
25 masterplan and those objectives are being realised. But

1           it is also born of another experience and that is,  
2           having competed in two and visited the last seven -- six  
3           Olympic Games, the differences between the good Games  
4           and the great Games hinge on the location of venues and  
5           clusters and the ability to provide an atmosphere that  
6           really does stand out.

7   MR ROOTS: Thank you very much. Please wait there, there  
8           may be some questions for you.

9   THE CHAIRMAN: Thank you, Mr Roots. I am going to take  
10           questions from statutory objectors first, so that will  
11           bring forward Mrs Saunders and Mr Finlay. Can I just  
12           confirm as to who is asking questions: is it one or both  
13           of you.

14   MR FINLAY: Both.

15   THE CHAIRMAN: What I would like to do, with minimum  
16           inconvenience if you will bear with me, is those that  
17           are questioning to be seated at this end of the table.

18           I am aware I have the logistics of Mr Cheyne to move  
19           as well. Mr Lawrence, would you mind moving over to the  
20           front row and then we will call you back in due course.

21           Thank you. Mrs Saunders, Mr Finlay, who is starting  
22           or is it a complete double act?

23   MR FINLAY: No, not at all.

24   THE CHAIRMAN: Before you start with your questions, could  
25           I ask you to formally introduce yourself so that

1 Lord Coe and members of the public know precisely the  
2 premises and your position, please.

3 (2.31 pm)

4 Cross-examination by MR FINLAY

5 MR FINLAY: Of course, sir.

6 My name is Michael Finlay. I am the managing  
7 director of PA Finlay & Co and we occupy  
8 a headquarters building in 13 Marshgate Lane.

9 THE CHAIRMAN: Before you go any further -- I do this quite  
10 frequently -- we will do a sound check to make sure that  
11 everybody in the room can hear you because sometimes we  
12 need to do subtle amendments to the microphones.

13 Can everybody hear Mr Finlay? I think we are all  
14 right, thank you.

15 You now have the opportunity of asking any questions  
16 relating to your case or the evidence that Lord Coe has  
17 given.

18 MR FINLAY: Do you want me first? I have some documents  
19 that I refer to, do you want me to pass Lord Coe --

20 THE CHAIRMAN: It would be helpful.

21 MRS SAUNDERS: I have some for you as well.

22 THE CHAIRMAN: Yes, please.

23 MR FINLAY: The pages are numbered so as I refer to them  
24 I can --

25 THE CHAIRMAN: We may need a little bit of time on the basis



1           that they are new documents to the inquiry, but we will  
2           do our best. (Handed).

3           With a document of this nature, with it not having  
4           been seen by anybody, there may be an issue that we  
5           would want some time to look at this, bearing in mind  
6           that this is something that is completely new to the  
7           inquiry.

8   MR FINLAY: I understand.

9   THE CHAIRMAN: We will see how far we can assist you.

10           Please continue.

11   MR ROOTS: I think, sir, we need to be told what the  
12           documents are because they are obviously extracts.

13   THE CHAIRMAN: I was hoping we will get that clarification.

14   MR ROOTS: There does not seem to be a title or anything.

15   MR FINLAY: I am going to clarify them as we go through the  
16           questions.

17           Firstly, Lord Coe, can I congratulate you on your  
18           honour that was bestowed you yesterday before we start.

19   A. Thank you. That is very kind of you.

20   Q. A job well done I am sure.

21           My first question is in reference to paragraph 3.5,  
22           the legacy. Lord Coe, you have started that:

23           "The IOC has a number of roles as enshrined in the  
24           Olympic Charter ..."

25           Promoting a positive legacy from the Games. Much

1 has been spoken about the legacy and indeed the general  
2 view when reading the witness statements is that CPO is  
3 more about regeneration than about the world's sporting  
4 event.

5 Please can you explain how important the legacy is  
6 to the IOC?

7 A. Well, first of all, thank you for your kind remarks.

8 Secondly, I think I probably, on two or three  
9 occasions in the submission made this specific point  
10 about the work of Richard Pound, the IOC member for  
11 Canada, but also a vice president of the IOC who  
12 undertook back in 2000 a complete revision, really,  
13 about the nature of priority within bidding cities and  
14 host cities.

15 The one issue that came probably as high up that  
16 list of reordered priorities was the need to leave  
17 a lasting legacy. You are quite right in your  
18 observations it is not simply a sporting legacy: there  
19 is a much wider regeneration issue and sustainable  
20 strategies that allow communities to use sport in many  
21 of these instances to fashion their futures.

22 So that work has been -- that work has been at the  
23 centre of International Olympic Committee thinking for  
24 the last four and a half, five years, and of course we  
25 were the first city in that round of bidding that really

1 had to take that on board in a very, very meaningful  
2 way.

3 Athens only came to that probably halfway through  
4 the process because the report became public when they  
5 were three and a half years into their implementation.  
6 We are the first city that has actually had to deal with  
7 that from the very outset. It was reflected in our  
8 applicant file, it was certainly reflected in our  
9 candidate file and was just the other day complimented  
10 very strongly by the Chairman of the Coordination  
11 Commission, the team that works with us over the next  
12 seven years to deliver all the things I have talked  
13 about, but with particular reference to the legacy and  
14 our plans.

15 So this is something that we have taken very, very  
16 seriously from the moment that we set foot down this  
17 road.

18 Q. I have read the Olympic charter and it lists 16 aims in  
19 the section head missions and role of the IOC which I am  
20 sure you are very familiar with.

21 A. I am very impressed you have read through the report.  
22 I do not think I have.

23 Q. Have you not? Given that you said the legacy of is  
24 great importance, please can you tell me how high up the  
25 list of aims the legacy consideration is?

1 A. From the Olympic study group it is now absolutely  
2 fundamental to thinking. Any city that is currently in  
3 that bidding process would be paying very, very close  
4 attention to it and it remains at the heart of the  
5 constitution.

6 Q. Okay. But obviously in the list of aims it is actually  
7 14 out of 16 --

8 A. I do not think you will find that those aims are  
9 necessarily prioritised.

10 Q. Okay. I mean, obviously London -- well done -- beat  
11 Paris by one vote and there was no real legacy to come  
12 out of the Paris bid. So it begs the question how much  
13 legacy is a total consideration of the IOC in such  
14 circumstances?

15 A. Well, I would suggest one of the reasons we triumphed  
16 was in large part due to the thinking that we attached  
17 to legacy; probably more so than any of the other  
18 cities.

19 Q. Okay, I move on now to paragraphs 4.3 and 4.4 and 4.5,  
20 which is regarding location --

21 A. Sorry, 4.4 --

22 Q. 4.3, 4.4 and 4.5, where you refer to location.

23 A. Yes.

24 Q. In paragraph 4.5 you have written:

25 "... the Lower Lea Valley emerged as the favoured

1 location for the main facilities ..."

2 Which I assume were, following the Arup report in  
3 2000, the establishment of a stakeholder group referred  
4 to paragraph 4.3. I assume you mean the steering group  
5 chaired by Richard Sumray?

6 A. Yes, but not entirely. This has all been part of the  
7 genesis but I could actually make a fairly strong case  
8 for saying that the initial thinking in this area was,  
9 under a London Administration 1978/9, was looking  
10 seriously at staging the 1988 Olympic Games and  
11 identifying that a large part of the area that we are  
12 currently working with and part of the docklands was the  
13 only serious opportunity for London to stage the Games.

14 So there has probably been in fairness to your  
15 question -- you are right, Richard Sumray did do a lot  
16 of the work in the early stages along with other groups,  
17 but actually I could make a strong case for saying that  
18 the thinking about East London and this particular  
19 location is now approaching its 30-something year.

20 Q. I can understand that, but you specifically referred to  
21 groups which makes up a steering group chaired by  
22 Richard Sumray, if I understand you correctly?

23 A. That is correct, yes.

24 Q. Please can you advise me how many other sites were  
25 considered and how many sites within the Lower Lea

1 Valley were considered?

2 Can you also inform me as how to a decision was made  
3 to arrive at the site which has indeed been chosen: was  
4 the site for example chosen because it was considered to  
5 be the most regenerative?

6 THE CHAIRMAN: Mr Finlay, there are a number of questions  
7 there.

8 MR FINLAY: Sorry.

9 THE CHAIRMAN: It is quite all right.

10 Having given the overall tenor of the questions you  
11 want to ask, would you mind putting each of those  
12 individually so that Lord Coe can answer and then move  
13 on to the next one.

14 MR FINLAY: No problem. You can probably assume I am  
15 slightly nervous.

16 THE CHAIRMAN: That is quite all right.

17 MR FINLAY: How many sites were considered?

18 A. Let me pick up on your first point. Unless I am  
19 mistaken, I think first of all east London over west  
20 London, north London and south London, that was the  
21 first area of consideration because we did have to think  
22 about what was the best -- what was our best chance of  
23 delivering this.

24 You will get more specific answers to this out of  
25 some of the evidence that is certainly due to be heard

1 here, but over the perimeter and some of the particular  
2 issues relating to east London, and particularly the  
3 Upper and Lower Lea Valley, we were very clear that  
4 those venues had to be in line with the grouping of  
5 those facilities which I talked about in terms of the  
6 traffic management, flow of people in and out, the speed  
7 of access for competitors and also the security  
8 implications.

9 So within that framework, we looked very, very  
10 closely at that and of course there will have been --  
11 and I am sure you will get a more detailed answer out of  
12 some of those guys that were specifically dealing with  
13 that at the time -- but we looked very carefully at how  
14 we could best put these venues together and in which  
15 position which served the purposes I have just  
16 identified.

17 Q. Okay. So how many sites were considered within the  
18 Lower Lea Valley?

19 A. I cannot give you a specific answer.

20 Q. Thank you.

21 You state in your proof of evidence that the Lower  
22 Lea Valley was the unanimous -- I cannot quote the exact  
23 words but I am sure --

24 A. Emerged as the favourite location.

25 Q. Yes. 5.4 was:

1            "... all key stakeholders in the 2012 Games were  
2            united from the outset in encouraging ... investment in  
3            the Lower Lea Valley, which ... recognised national  
4            indices ..."

5            So the Lower Lea Valley was the selected choice from  
6            the outset --

7            A. Yes, and proximity to the railway development and  
8            Stratford regional railway station too for the movement  
9            of people safely and swiftly around London.

10          Q. If you will allow me to quote from a GLA meeting to  
11          discuss the Arup report in December 2000 from a GLA  
12          meeting at which in Richard Sumray was responding to  
13          questions from the GLA about the Olympics, which is  
14          pages --

15          A. In your document?

16          Q. Yes, page 2, right at the bottom. Can I read that?

17          A. You can, yes.

18          THE CHAIRMAN: It would help if you read it and then  
19          everybody knows what it is.

20          MR FINLAY: Right. The Chair asked Mr Sumray:

21                "In the Arup report it talks about two possible  
22                locations for an Olympic Village. Are you able to  
23                reveal what those two possible locations might be?"

24                To which Richard Sumray responded:

25                "One is near Stratford itself and I think that is



1 the less interesting one because it's less regenerative  
2 and housing will be built on there in any event.

3 I don't think that that's the one we would want to  
4 consider now; that's one of the ones we originally did.

5 The more interesting one is further south near Mill  
6 Meads, Bromley-by-bow, it is that between Tower Hamlets  
7 and Newham, straddling both boroughs, in fact."

8 THE CHAIRMAN: Lord Coe, did you manage to find that  
9 quotation? It was said to be on page 2, but it is on  
10 page 3 of mine.

11 A. I have it on page 2 and 3. Could I just ask  
12 a supplementary question to that: what year and what was  
13 the date of this?

14 Q. December 2000.

15 A. December 2000, right. Okay.

16 Q. Shall I carry on?

17 A. Of course.

18 Q. Clearly on the back of the comment that Richard Sumray  
19 has made there, there were two sites in the Lower Lea  
20 Valley of which there was one very much south of the  
21 site that has been selected now which is the one that  
22 was preferred.

23 I mean, is the site we have now second best?

24 A. I became chairman of the bid in 2004, May, and I became  
25 vice chairman of the bid in October 2003. I cannot

1           really give you an answer to any of the deliberations  
2           that took place before my time, but what I do know is  
3           that --

4   MR LAWRENCE: I can shed some light on this.

5   THE CHAIRMAN: No, I will just briefly explained --

6   MR LAWRENCE: I know what happened, that is all.

7   THE CHAIRMAN: You may do and so may others. I appreciate  
8           the reason you interrupted but so far as this session is  
9           concerned, it is the opportunity for Mr Finlay to ask  
10          questions for Lord Coe to answer. If he cannot answer,  
11          does not have the knowledge, then the witness would  
12          normally say so.

13                 So whilst the knowledge might be in the room, it is  
14                 not appropriate for anyone else to volunteer that. But  
15                 I appreciate the context in which it was intended.

16   A. I cannot, as the Inspector has alluded, give you  
17          a detailed answer. But I can give you a more general  
18          response and that is that my experience of the  
19          compilation of any Olympic bid is one that takes many  
20          twists and turns and for very good reason.

21                 Venues or locations get agreed or discarded in the  
22                 light of consultations, submissions and certainly the  
23                 close consultation that any bid committee should have  
24                 with the people who are ultimately going to make a  
25                 judgment about that. That is an interesting matrix.

1           What I can say is that I am satisfied that the  
2           choice of the Olympic Village within our Olympic Park is  
3           the right one given all the considerations that I am now  
4           comfortable with.

5    Q.   Okay. Thank you for that.

6           The Arup report also produced the budget for the  
7           Olympics. In it is stated:

8           "The most profitable part of the entire project is  
9           from the sale of the lands after the Games for  
10          residential development. ... (Reading to the words)...  
11          Furthermore in the memorandum of understanding between  
12          the Government and the Mayor of London it states that  
13          income from the sale of land and land after the Olympics  
14          will be at the disposal of the LDA."

15          Lord Coe, I appreciate in the light of your last  
16          answer, but was one of the criteria for the site that  
17          has been selected is for its residential development  
18          that Richard Sumray has inferred in his comments?

19    A.   I think we can assume that the choice of any venue --  
20          and particularly an Olympic Village -- will again be  
21          a mix of public, commercial and also legacy use and  
22          those, you will not be surprised to say, will be  
23          absolutely a part of that thinking.

24          So I think one has to assume that we look across  
25          a series of indices about the use of the Village after

1 the Games has gone which, as I said in my submission,  
2 will be ostensibly targeted at key workers and enhancing  
3 the skills base in east London. And these are, I am  
4 satisfied from the work of the boroughs and many of the  
5 housing associations and experts in housing need that  
6 have looked forward over the seven/eight years of this  
7 project, I am satisfied that that is one of the primary  
8 reasons, (a) for the site, (b) the commercial nature of  
9 the delivery of that site, and the public interest as  
10 well.

11 Q. Thank you very much for that.

12 I turn now to paragraph 5.5, which deals with  
13 regeneration. At paragraph 5.5 you state that the  
14 Olympic Games is about regeneration. Indeed in all the  
15 witness statements the major theme running through them  
16 is that CPO is about regeneration, not about the obvious  
17 two weeks of sport, and even if London lost the bid the  
18 regeneration plans would have happened in any event.

19 Furthermore, in the LDA's statement on the opening  
20 of this inquiry in paragraph 23, they confirm that the  
21 sixth purpose of the LDA -- a recent amendment to their  
22 constitution -- is to prepare London for the Olympics,  
23 or prepare the London Olympics.

24 This sixth purpose did not even exist at the time  
25 the CPO was made and indeed the LDA go further to say

1           they do not rely upon this sixth purpose power under  
2           which to make the compulsory purchase order --  
3    A.   Sorry, can you --  
4    THE CHAIRMAN:   You have the advantage perhaps of having  
5           heard or seen the opening statement.  
6    A.   It would be helpful to know what page you are referring  
7           to, thank you.  
8    MR FINLAY:   I beg your pardon.   It is actually page 8,  
9           paragraph number 23.  
10   THE CHAIRMAN:   Does Lord Coe have that document?   I am not  
11           certain he is going to be able to assist.  
12   MR ROOTS:   I was not expecting him to be cross-examined on  
13           my opening.  
14   THE CHAIRMAN:   I was not expecting him to assist --  
15   MR ROOTS:   We can pass a copy to Lord Coe.  
16   MR FINLAY:   There is a copy in the bundle.  
17   A.   I have it now.   This is page 8.  
18   Q.   Paragraph 23?  
19   A.   Yes.  
20   THE CHAIRMAN:   Thank you.  
21   A.   Thank you, I have read it.  
22   MR FINLAY:   Therefore my understanding, which I would like  
23           you to confirm, is that it is very clear from the CPO  
24           that has been made that it is for the purposes of  
25           regeneration and not specifically for the purposes of

1 the Olympics; is that right?

2 A. The purpose of securing the bid for London to host the  
3 Olympic Games in your question to me is that that is  
4 primarily about regeneration not bringing a sporting  
5 event to London?

6 THE CHAIRMAN: I think the question is --

7 A. Yes, please --

8 THE CHAIRMAN: If I can help, please correct me if I am  
9 wrong, is that you were seeking clarification as to  
10 whether the compulsory purchase order was made for  
11 purposes of regeneration.

12 MR FINLAY: Correct.

13 MR ROOTS: Sir, forgive me interrupting but that passage in  
14 the opening was intended to assist you as to how we put  
15 the totality of the case. Those remarks which have been  
16 extracted are in the context of a number of pages where  
17 I address the statutory powers and I explained that the  
18 London Development Agency, the promoting authority,  
19 intention was not simply the Games but they saw the  
20 Games as a means to an end. I think that is a phrase  
21 I used.

22 I am not sure that it is quite appropriate to put  
23 questions about this part of my opening statement to  
24 Lord Coe who was not here when it was given and is  
25 addressing a different topic, with respect.

1 THE CHAIRMAN: I was exercising some tolerance, bearing in  
2 mind that you are not used to public inquiries and not  
3 an experienced advocate. But on the basis that this is  
4 something that was said in formal submissions at the  
5 opening of the inquiry by Mr Roots, it is not  
6 appropriate to put that sort of matter to the witness  
7 because it is not within the witness's evidence.

8 Now, if you have a more general question relating to  
9 that particular issue, then that might be put. But it  
10 is unfair to the witness to put a document, or part of  
11 a document, in front of him which he has no prior  
12 knowledge of and which was delivered in a different  
13 context.

14 A. Mr Finlay, would it be helpful for me to say to you that  
15 I see the purpose of the London Olympic Games not only  
16 as the opportunity to bring a sporting festival to this  
17 city but also an important way of helping supplement  
18 regeneration programmes that are going to take place as  
19 well? I see these as inextricably linked.

20 Other than that, that would be my --

21 Q. So you see the Olympics as a sort of catalyst for  
22 regeneration?

23 A. Absolutely, no question.

24 Q. Okay. As you say, I have obviously misunderstood the  
25 position with regards to cross-examination. It was

1           because of the regeneration issue being brought up in  
2           the evidence and -- obviously reading all the other  
3           evidence I have, it is the fact that it appeared to me  
4           that the CPO had been made for the purposes of  
5           regeneration and not necessarily for the Olympics, which  
6           is quite an important point --

7   THE CHAIRMAN: No doubt Mr Roots will correct me as  
8           necessary, but in terms of what I have heard, the prime  
9           driver for this particular area and the CPO is  
10          regeneration.

11                 I have heard evidence during the inquiry that  
12          regeneration within the Lower Lea Valley has been on the  
13          agenda for some considerable years and yesterday I heard  
14          detailed evidence in terms of the policy background  
15          which started in the early 1990s and brought us up to  
16          date.

17                 I was told in evidence that the current policies  
18          were a culmination of those earlier policies that were  
19          building upon them and now seeking to deliver. So the  
20          message that I have been given so far is that the prime  
21          driver is the regeneration of the Lower Lea Valley.

22                 Mr Roots, are you happy with that summary of my  
23          understanding?

24   MR ROOTS: Absolutely. If Mr Finlay would be assisted, he  
25          should read on in my submissions -- he has only



1           extracted one page -- but paragraph 25 might be of  
2           considerable assistance to him to put it all together.

3   THE CHAIRMAN: That is not a criticism, Mr Finlay, I think  
4           it is merely in the matter of assistance.

5           That is what we seek to do this afternoon. We  
6           appreciate that you are not an expert in  
7           cross-examination, but you have a number of questions  
8           that you want to ask and we would like you to go away --

9   A. He is doing quite well.

10   THE CHAIRMAN: -- with answers to those. In terms of the  
11           rules of cross-examination and the like I will give you  
12           every assistance.

13   MR FINLAY: Thank you sir.

14   THE CHAIRMAN: I do bear in mind that we have a non-planning  
15           witness as well sat at the witness table.

16   MR FINLAY: You have a couple of novices.

17           I mean, the importance for me with regards to  
18           whether the CPO has been issued with regard to  
19           generation is because if it is a regeneration issue I am  
20           somewhat confused as to why the CPO has been issued on  
21           my land, having been promised that my property was not  
22           required for CPO -- for regeneration purposes.

23           If it is not appropriate to go down that --

24   THE CHAIRMAN: I am not certain that that is something  
25           Lord Coe is going to be able to assist on. But, bearing

1 in mind that you are likely to be appearing at the  
2 inquiry, that sort of question would be more appropriate  
3 to one of the London Development Agency's witnesses and  
4 no doubt they are already on notice of that question.

5 MR FINLAY: Okay.

6 THE CHAIRMAN: So I am sure they can help you in due course.

7 MR FINLAY: I will leave that there then, as we are both  
8 struggling, or I am anyway.

9 A. Thank you very much.

10 Q. Paragraph 5.6: jobs. In paragraph 5.6 you say that  
11 thousands of jobs will be created from the Olympic Park  
12 and legacy.

13 I assume you are not talking Stratford City which  
14 was going to be creating jobs in its own right anyway.  
15 How many jobs are you talking about?

16 A. I think for the purpose of that question we have always  
17 referred to about 11,000 jobs, associated with the  
18 Olympic project and Olympic Park environment.

19 Q. May I ask --

20 A. This is not an exact science and I would not pretend to  
21 tell you it is.

22 Q. Are they permanent jobs?

23 A. Yes.

24 Q. Following the legacy?

25 A. Yes.

1 Q. Okay. In Jason Prior of EDAW s witness statement, he  
2 refers to 14,000 jobs in the Olympic area and that is  
3 now.

4 I know, for example, that my business has grown from  
5 around 75 employees to around about 150 in the last four  
6 years. Many of my neighbours have, you know,  
7 experienced similar employment growth. This area was  
8 thriving in recent years and I dare say by 2012 there  
9 may well have been 25,000 jobs at the current rate of  
10 growth.

11 According to the London plan, Marshgate Lane is  
12 a strategic employment location and protected for  
13 employment. Would you not agree that the Games, given  
14 the number of jobs that will be created, will not be  
15 able to replace the employment currently in the area and  
16 that in terms of jobs created this is bad news?

17 A. No, I do not accept that. I think that if you look at  
18 the period over the next six and a half, seven years and  
19 then if we -- as I hope I made clear -- get the legacy  
20 aspect of this right, which we have every intention of  
21 doing, then I think we have probably the best  
22 opportunity of regenerating that area for many, many  
23 years to come.

24 I do not for one moment minimise the inconvenience  
25 that some businesses have had but over the length of

1           this project and beyond -- which is absolutely an  
2           essential way of thinking -- I have to say from previous  
3           experience of the way other Games have been used to  
4           regenerate areas and particularly the way that this  
5           project will be constructed I am optimistic that this is  
6           a net gain system.

7    Q.    I cannot sort of regularise that comment obviously with  
8           regards to the -- not an exact figure -- but 11,000 jobs  
9           going to be created after the Games, the legacy, and all  
10          the things you have said, when we have 14,000 jobs on  
11          the ground now and that is, you know, only going to grow  
12          between now and 2,012, whereas without the business park  
13          there, those jobs are not going to grow in that area.

14   A.    Well, I think it is our view that the regeneration of  
15          that part of London is not strictly audited at 2012,  
16          2013 or 2014.

17                 By creating the right type of infrastructure, the  
18                 right type of transport support, by providing much  
19                 needed local accommodation and being generally able to  
20                 assist -- particularly through some of the Olympic  
21                 projects, about something like the Olympic Institute  
22                 which we want to use for educational purposes and  
23                 attracting more sport into that area, even the  
24                 headquarters of some of our national federations --  
25                 I think we have a very strong opportunity and that is

1 just in one very narrow area.

2 I also see a properly regenerated area attracting  
3 even more business in there of possibly even a higher  
4 profile and higher -- at a higher profile and certainly  
5 at a higher employment rate.

6 Q. But none of these can be guaranteed at the 14,000 jobs  
7 that are there now?

8 A. No, and I said to you I was not going to sit here and  
9 tell you that this is an exact science but I think the  
10 work we have done in that area, the work that is ongoing  
11 in that area at the moment and particularly in our  
12 understanding and using as past models I think that  
13 these are pretty realistic observations.

14 Q. Okay. But you do concede that as you perceive it with  
15 the figures that you have been pretend with so far, that  
16 as we sit here now in 2006, to what possibly will be the  
17 jobs at 11,000 as you said in 2012, even without growth  
18 in between that time you have a deficit of 3000 jobs at  
19 the end of the scheme --

20 THE CHAIRMAN: I think that is probably as far as Lord Coe  
21 can go.

22 If you want to explore the more detailed issues  
23 about employment and employment figures then there would  
24 be a more appropriate witness within the LDA's team, so  
25 that when you come to appear to give evidence you will

1           be able to reinforce your evidence with your assessment  
2           of the situation and figures and then those can be dealt  
3           with by the LDA.

4           I think that is perhaps going to be the most useful  
5           for you.

6   MR FINDLAY:   Okay.

7   MR ROOTS:   Sir, may I say that some of these matters would  
8           be well answered by Mr Prior and Mr Blacker when it  
9           becomes Mr Finlay's turn to ask them questions.

10   THE CHAIRMAN:   Indeed.  They are the more appropriate  
11           witnesses who have that specialist background in looking  
12           at those particular elements.

13   MR ROOTS:   And they should have the answers readily to hand.

14   THE CHAIRMAN:   It is always difficult with an unrepresented  
15           person in terms of identifying who is the right person  
16           to ask a particular question.  But hopefully we have  
17           been able to direct you that there will be somebody who  
18           can deal with that.

19           At least you will be able to go away reassured that  
20           you will have the opportunity of obtaining that  
21           information and being able to ask that question at the  
22           end of the day.

23   MR FINDLAY:   As my father always said to me: go to the top.

24           I will refer you to paragraph 5.7 on the long term  
25           planning strategy --

1 A. Sorry, this is my submission?

2 Q. Yes, sorry.

3 Paragraph 5.7: you say that the IOC has asked how  
4 the vision of the Olympic Games fits into the city's  
5 long term planning strategy.

6 I note that many references in the witness  
7 statements refer in regard to the London plan. Can you  
8 tell me -- well, I do not suppose you will be able to  
9 tell me, but can I read you an extract which is on  
10 page 14 of the bundle that I gave you, which was --  
11 bearing in mind we are looking at the whole idea of the  
12 Olympic Games fitting into the city's long term plans --  
13 a response.

14 Page 14?

15 A. I have page 14, but under what body of evidence is this?

16 Is this the same evidence you were citing from before?

17 THE CHAIRMAN: Can you explain the background?

18 MR FINDLAY: I have put a number on every page. It is  
19 page 14, at the back.

20 THE CHAIRMAN: We just need to know what the context of this  
21 is; where this extract has come from.

22 MR FINDLAY: Sorry. This is the response of the London  
23 Borough of Newham's planners to the draft London plan in  
24 respect of the Olympics.

25 THE CHAIRMAN: What date would that be, do you know?

1 MR FINLAY: This was in June 2002.

2 THE CHAIRMAN: I am suspecting it is more likely to be  
3 a question to be put to somebody from the LDA dealing  
4 with policy matters, but let us try it.

5 Again, Lord Coe, if it is something that completely  
6 bemuses you, as planning policy does for a lot of  
7 people, then please say so.

8 A. It is not my bedtime reading.

9 MR FINLAY: If I read 6.5 to you, the planners stated:

10 "Newham would strongly resist the identification of  
11 Stratford, for example, as the site of an Olympic  
12 stadium. The Borough considers that the long term  
13 permanent redevelopment of Stratford and its environs  
14 would not be served by an Olympic bid or event. An  
15 Olympic bid based on this area would seriously undermine  
16 the well developed plans to permanently regenerate this  
17 area. Indeed these plans are well supported in the  
18 Draft London Plan. Sacrificing the long term  
19 redevelopment for a short term gain is contrary to good  
20 planning."

21 THE CHAIRMAN: Before there is any attempt -- or no  
22 attempt -- to answer that, whichever it may be, in terms  
23 of dealing with planning policy, planning policies go  
24 through a series of processes to get to a final plan.  
25 It is not uncommon that many things are written and many



1 things are said about the emergence of those policies.

2 In planning terms, the most important part of the  
3 policy is the adopted policy, the adopted plan. So  
4 anything that is said in relation to a draft as leading  
5 to part of the process of developing the plan tends not,  
6 in the fullness of time, to have any great relevance  
7 because it may well have been overtaken by what is in  
8 the adopted plan.

9 I am not certain whether that helps or whether it is  
10 completely baffling. But the purpose in saying that is  
11 I am a little hesitant to invite Lord Coe to respond to  
12 something written in response to something in 2002 as  
13 part of the evolution of planning policy which is now at  
14 a completely different stage. In fairness if you wanted  
15 to pursue that then it would be when you come back.

16 MR FINDLAY: Okay, sir.

17 From that, I have finished.

18 THE CHAIRMAN: Thank you.

19 MR FINDLAY: Should we swap seats?

20 THE CHAIRMAN: If you would not mind because I think it  
21 would make it easier so far as the sound is concerned.

22 Again, Mrs Saunders, if I can ask you to introduce  
23 yourself so that the inquiry knows who you are.

24 (3.07 pm)

25

1 Cross-examination by MRS SAUNDERS

2 MRS SAUNDERS: I am Linda Saunders. I am head of planning  
3 at Finer Stephens Innocent solicitors. I have come  
4 along today because Mr Finlay asked if I could ask any  
5 questions which were directly within his experience.

6 I was going to ask two questions. I have deleted  
7 one of them, which was really about employment, based on  
8 your earlier directions to Mr Finlay; but I will ask the  
9 second question because, Lord Coe, I think it is quite  
10 important that this question should be asked of you, not  
11 that I am expecting an answer from the point of view of  
12 an expert, but because of your position and your  
13 involvement with the Olympics and any influence that you  
14 may bring to bear.

15 The firm has represented a number of businesses who  
16 are subject to intense disruption as a result of the CPO  
17 and therefore we feel that this question should be put  
18 of Lord Coe if that is okay with you, Inspector?

19 THE CHAIRMAN: Please put the question. If there is any  
20 difficulty with it, I will advise accordingly.

21 MRS SAUNDERS: Lord Coe, I was recently employed at Tower  
22 Hamlets Council for a couple of years as the principal  
23 planning solicitor and Tower Hamlets, as you know, is in  
24 the Lower Lea Valley.

25 I recall massive development activity in the borough

1 and it did not all take place in Canary Wharf, it was in  
2 areas which are included in the Lower Lea Valley and  
3 which are said to be subject to regeneration.

4 I would ask you to have a look at paragraph 5.8,  
5 again, of your statement, which is on page 7. It  
6 concerns me that you say that it is not possible to  
7 estimate the future investment in the Lower Lea Valley.

8 As you know, I have mentioned that we are  
9 representing a number of businesses who are subject to  
10 massive disruption and are being taken out of this area.  
11 Our question to you, Lord Coe, is: if the plans for  
12 future investment are not clear, what guarantees have  
13 local people got that the legacy will replace what is  
14 being lost?

15 A. I think that probably in part relates to, I hope, the  
16 way I answered a similar question from Mr Finlay.

17 That is that enshrined at the centre of our thinking  
18 in this whole project is the proper use of legacy as  
19 attached to the Olympic project.

20 Also, in paragraph 5.8, I used Barcelona and Sydney  
21 as part of the evidence. Sydney turned -- narrowly  
22 focussed on the regeneration of an area, Newington, to  
23 the north of Sydney and I also draw out one of the  
24 tourist issues and with Barcelona some of the  
25 infrastructural changes and regeneration of that area.

1           I think we now recognise from actually those  
2           experiences and our recognition and the work that we  
3           have already done to properly drill into the issue of  
4           legacy, whether it be sporting or more broadly. I think  
5           we are very comfortable in being able to say that there  
6           will be very, very strong legacy/economic/regenerative  
7           advances from the back of an Olympic Games.  
8           Particularly given the nature of some of the indices and  
9           statistical evidence that you know more familiarly than  
10          I do about the nature of area we are talking about.  
11        MRS SAUNDERS: Sir, I have no further questions.  
12        THE CHAIRMAN: Thank you.  
13           Mr Roots, I am going to invite re-examination now  
14           because that will deal with this cross-examination as  
15           a discrete element and then we will move on to the next  
16           statutory objector. Is that convenient to you?  
17        MR ROOTS: In fact I have none.  
18        THE CHAIRMAN: That resolves that.  
19        MR ROOTS: If Mrs Saunders would like to return to put her  
20           questions to Mr Prior, she will get a full and well  
21           considered answer.  
22        THE CHAIRMAN: Indeed.  
23        MRS SAUNDERS: Thank you.  
24        THE CHAIRMAN: That takes us to 3.15. I think it would be  
25           sensible to take the mid-afternoon adjournment now.

1 That will give Mrs Saunders and Mr Finlay the  
2 opportunity to collect their papers and for Mr Cheyne to  
3 set up in that position because I will take your  
4 cross-examination next.

5 Mr Roots, I think we are now in the position where  
6 your witness -- having finished a discrete element of  
7 cross-examination -- is actually in the same position he  
8 would have been in had cross-examination not started,  
9 which sounds mumbo jumbo to many people but it does mean  
10 that he is able to have a couple of tea with you.

11 MR ROOTS: Sir, I am asked to mention that Mr Humphreys of  
12 Eastway Cycle Users Group has now arrived and just  
13 wanted to make himself known to you.

14 THE CHAIRMAN: Thank you very much. We will come to you in  
15 due course. Thank you for at least notifying me of your  
16 arrival, I am grateful for that.

17 What we will be doing when we come back is I will  
18 hear from Mr Cheyne and then I will move on to  
19 Mr Humphreys and then Mr Lawrence.

20 It is almost 3.15. I will adjourn until 3.30  
21 precisely.

22 (3.14 pm)

23 (A short break)

24 (3.32 pm)

25 THE CHAIRMAN: Welcome back everyone. The inquiry is now

1 resumed.

2 I turn to Mr Cheyne. Mr Cheyne, if you will  
3 introduce yourself to the inquiry, please.

4 Cross-examination by MR CHEYNE

5 MR CHEYNE: My name is Julian Cheyne. I am a resident of  
6 Clays Lane which is -- or was -- for the most part the  
7 site of the Olympic Village but it has actually been  
8 moved.

9 THE CHAIRMAN: Do you have any questions to put to Lord Coe?

10 MR CHEYNE: Absolutely.

11 I do not have legal representation and, as you are  
12 aware, we have solicitors at the moment are seeking  
13 funds. So I have come along simply on the basis that  
14 this is the only day that Lord Coe is available so, in  
15 the case of other witnesses, it may well be that  
16 a representative will be asking questions on my behalf.  
17 We have to wait to see though that resolves itself.

18 THE CHAIRMAN: I am grateful for that clarification.

19 MR CHEYNE: Thank you.

20 Thank you, Lord Coe, for answering questions.

21 A. Thank you.

22 Q. First of all, have you actually ever visited Clays Lane?

23 A. Yes, I know Clays Lane. On a number of occasions, but  
24 obviously in the vicinity with everything from valuation  
25 teams and commission -- coordination commission teams

1 and on a number of site visits with my technical team --

2 Q. Right.

3 A. -- in the process of putting the bid together.

4 Q. So you have an appreciation of the facilities we enjoy  
5 and the situation we are in. Because in much of the  
6 evidence we receive we are told that our site is  
7 actually rather isolated and poor quality and all of the  
8 rest of it. But actually for many people living there  
9 we enjoy living there precisely because it is a bit  
10 isolated and we have a lot of open space near us.

11 We find the attitude, the tone, of the evidence  
12 given depreciates what we have. Do you understand what  
13 I am saying --

14 THE CHAIRMAN: I am going to have to give you some advice on  
15 framing questions, Mr Cheyne.

16 It is important that rather than making a statement  
17 you seek to identify a direct question. Because direct  
18 questions --

19 MR CHEYNE: Sure --

20 THE CHAIRMAN: -- because direct questions hopefully produce  
21 direct answers.

22 MR CHEYNE: You understand the point I am making that people  
23 in Clays Lane feel strongly about the fact that they  
24 live there and enjoy the facilities even though the  
25 evidence put against them suggests that maybe it is not

1 a very desirable site.

2 When you visited, can you appreciate that that would  
3 be the case for people because it does have a lot of  
4 open space, the estate is a nice open area; would you  
5 appreciate that?

6 A. I appreciate that, as in most communities, you are  
7 comfortable and proud and pleased with where you live.

8 Q. Thank you. Have you ever met any residents?

9 A. No.

10 Q. Do you think it would be appropriate for you to meet  
11 residents?

12 A. Not during the bid process. My remit was very clear and  
13 actually unambiguous. It was about the formulation of  
14 a strategy winning bid to gain us the 2012 Games and  
15 that is what I and my immediate team were locked into.

16 Q. Now the bid process is over, do you think it would be  
17 appropriate to meet residents?

18 A. Probably at some stage. Again you will forgive me but  
19 the immediate months after our Singapore win has been  
20 actually building the team and putting a number of  
21 things in place, including shepherding of an Olympic  
22 bill.

23 Q. We are now almost a year on from the time the bid was  
24 won. We are almost six months into our relocation  
25 programme and we are meant to be out by the middle of



1 2007.

2 So if it is appropriate for you to meet with us,  
3 would it be possible to that to happen fairly soon  
4 because time is pressing on?

5 A. I will look at it in the light of the immediate and  
6 pressing priorities in the Chairmanship of London 2012  
7 and the delivery of an Olympic Games.

8 Q. Thank you.

9 I mean, in the light of the fact that much of what  
10 has been said is about the legacy and the benefits that  
11 are going to come to east London as a whole, would you  
12 agree that what happens to residents at Clays Lane is  
13 important and could even be taken to be a kind of marker  
14 for the way in which the programme is being handled as  
15 a whole?

16 A. It is very important. This is a whole process of  
17 public, sporting, political, community engagement and  
18 I want to make sure that in the delivery of the Games --  
19 which is not without its challenges --

20 Q. Right.

21 A. -- that we do everything as well as we possibly can to  
22 take people with us.

23 Q. So are you kind of aware at all of what is the sort of  
24 situation facing residents? Have you been kept informed  
25 about this at all?

1 A. Yes. I understand the need for the Olympic Park. It  
2 was the case I made I think very strongly  
3 internationally over not only the period of Singapore  
4 but in the two-year run up to that: the positioning of  
5 venues and the need to deliver a Games that was very  
6 different from anything that had gone before.

7 Q. Sorry, I was really referring to the situation facing us  
8 in terms of our relocation. Are you aware of the  
9 difficulties we face?

10 A. I follow that. But again that is more appropriately the  
11 daily concern of others that will be giving evidence --

12 Q. I appreciate that --

13 A. -- over the next week or so, and those that have already  
14 given evidence was.

15 Q. I think rather along the lines of the last question that  
16 was asked to you -- the extent to which you have any  
17 influence in this matter -- whether if you do have any  
18 influence on it and you are aware of some of the  
19 problems we are facing, the extent to which you are able  
20 to assist us?

21 I mean, I could tell you some of the difficulties.  
22 Like, for example, one of the ideas at the very  
23 beginning of this programme was that a purpose built  
24 estate would be built for residents at Clays Lane but  
25 actually, due to the failure to prepare for this

1 properly, that has not happened.

2 So I mean, this is one of the sorts things -- one of  
3 the problems we are facing. We face -- every resident  
4 basically -- will face increased housing costs and  
5 rents. A variety of statements are made to us such as  
6 "there will be winners and losers in this process"; we  
7 are obviously very concerned -- I understand, I am just  
8 asking about how you might be able to influence the  
9 situation of this kind where we are face difficulties.

10 A. I am the Chairman of the London Organising Committee for  
11 the Olympic Games.

12 Q. Yes.

13 A. I work with a group of stakeholders that are very  
14 familiar to you: the Government, the British Olympic  
15 Association, the GLA, the Mayor's Office, and  
16 individually of course the London Boroughs. So these  
17 are issues with which inevitably I am familiar and do  
18 understand.

19 Q. Very well.

20 A. But I make the point that these are issues that will be  
21 specifically dealt with when Jason Prior I think gives  
22 his evidence.

23 Q. Andrew Gaskell I think will be the person dealing  
24 specifically with us.

25 For example, I mean, just coming back to the point

1           that you are one of the people in charge of this process  
2           and we do every now and then ask people if they can  
3           assist us -- I mean, I have asked Mr Hine and I have  
4           asked the Secretary of State for Culture -- and we do  
5           not frankly get a great deal of response. Therefore  
6           I am asking in respect to which --

7   A. We are very aware of that. In fact during the  
8           evaluation visit to London, a number of businesses and  
9           people who have been active in the area for making  
10          exactly the kind of case that you have made were given  
11          access to the International Olympic Committee when they  
12          came through London on a Saturday afternoon.

13                 In fact the previous witness, Mr Finlay, was  
14                 accorded that opportunity. So we are very open to that  
15                 kind of consultation.

16   Q. I was not aware of that. So far as I am aware,  
17          nobody -- no residents -- were given that opportunity?

18   A. I think they were a group that specifically asked to see  
19          the International Olympic Committee and we made that  
20          happen.

21   Q. From Clays Lane?

22   A. No, I am talking about people generally from the area,  
23          businesses --

24   Q. I am just saying I do not think any Clays Lane residents  
25          got to meet representatives of the International --

1 A. That may be because they did not particularly ask --

2 Q. Well --

3 A. -- but I think Mr Finlay actually did specifically ask.

4 THE CHAIRMAN: We have a stenographer present. Could we

5 take it slightly slower and one at a time otherwise it

6 will cause great difficulty.

7 You asked a similar question in several different

8 guises.

9 MR CHEYNE: I have, yes.

10 THE CHAIRMAN: I think perhaps Lord Coe has the point.

11 MR CHEYNE: If he has the point, that is all right.

12 THE CHAIRMAN: He understands the point you are making and

13 has responded to that. So if you would like to move on,

14 please.

15 MR CHEYNE: Yes. I just want to go through some of the

16 evidence that you presented.

17 Dealing with the section, section 4, you start off

18 describing the previous bids that have been made,

19 Birmingham, Manchester. As I understand it -- maybe

20 I am wrong -- I think the International Olympic

21 Committee kind of said that the only city it was really

22 interested in receiving a bid from was London; is that

23 correct or not?

24 A. It did not say it in so many words, but that was clearly

25 the inference after three unsuccessful bids in

1 regional -- in our large great regional cities.

2 Q. Just thinking about the way the International Committee  
3 operates, do you think it is really right for an  
4 unaccountable body like this to tell a nation of  
5 60 million people-odd that this is the only city that  
6 they are really interested in receiving a bid from?  
7 That seems rather extraordinary to me.

8 A. It has been their product for over 100 years.

9 Q. Yes. But that is part of the strangeness of the  
10 situation, is it not? That we have a body like this  
11 which has had a rather chequered record in recent years,  
12 in Salt Lake City and other places like that, and  
13 governments seem to run after it thinking that they have  
14 to confirm to its requirements. I find this quite  
15 extraordinary.

16 A. Well, it is their product. It is in their interest to  
17 make sure that that product and that ethos and that  
18 philosophy goes to a city that best understands what  
19 those products are.

20 I think that in the London bid we met that. I think  
21 we met it better clearly than any of the other cities  
22 because 104 people from 77 different countries all from  
23 very different backgrounds, cultures, decided that the  
24 presentation and the vision that we presented about  
25 legacy and regeneration and sport was one that met with

1           their approval.

2           So, no. Do I think International Olympic Committee  
3           has served sport and bolder and more optimistic aims  
4           over the last 100 years? Well, I have to say yes, it  
5           has on balance.

6   Q. I am not going to go into all the scandals that have  
7           surrounded the International Olympic Committee. They  
8           are probably very well known already.

9           The issue that kind of bothers me is the fact that  
10          they seem to be able to require governments, cities, to  
11          pay very large sums of money -- they are requiring them  
12          in section 4.2 they say they require government  
13          guarantees.

14          They are expecting a lot and we are talking about an  
15          organisation which is completely unaccountable and we  
16          are talking about an organisation which does not seem to  
17          pay very much attention to what happens once the bid is  
18          launched. For example, in terms of Beijing, The Times  
19          reported -- I think it was in 2005 -- something like  
20          300,000 people have been illegally evicted in Beijing to  
21          make way for this project.

22          I have not heard anything from the International  
23          Olympic Committee to protest about this or to say that  
24          this is completely unacceptable in term of the proposed  
25          values which the IOC is supposed to uphold.

1 THE CHAIRMAN: Can I invite you not to make such lengthy  
2 statements and attempt a more direct question?

3 MR CHEYNE: Okay. What would you say to the fact that the  
4 International Olympic Committee does not seem to object  
5 when people -- when organisations like Beijing -- the  
6 Chinese State behaves in this way?

7 A. I think you and I would take a -- this is a longer  
8 discussion and I do not suggest it is one that is  
9 appropriate here -- but you and I would take a very  
10 different view about the way the International Olympic  
11 Committee orders its affairs and ultimately promotes its  
12 business.

13 The involvement of the International Olympic  
14 Committee in the last few years, particularly off the  
15 back of one of the issues that you have referred to in  
16 your opening remarks, actually has been to place legacy  
17 and a number of the considerations that you have just  
18 talked about very much higher in its list of priorities  
19 than it previously was.

20 So I think I probably can do no better than to  
21 return to my opening answer to your question and that is  
22 that we are a city that will deliver a Games very much  
23 in line with the new thinking of the International  
24 Olympic Committee. That thinking is right and proper  
25 and I think it actually guarantees a best chance of



1 an afterlife for those venues, and for this city and  
2 more broadly the people of the United Kingdom.

3 Q. I move on to 4.5. You refer to the choice of the Lower  
4 Lea Valley and you say that there was the Stratford and  
5 Channel Tunnel link, existing investment in the area,  
6 potential for capital budget, sheer physical space made  
7 the Lea Valley the only viable choice for the Games.

8 It is recognised that there already is a massive  
9 regeneration project underway and that Stratford has all  
10 the kind of necessary elements for regeneration. So it  
11 does not sound as though the Olympics has anything  
12 particular to offer in the sense that this would have  
13 happened anyway: The regeneration which is promised was  
14 on the way regardless of whether we have an Olympic  
15 programme. I mean, this is going to happen.

16 A. Yes, regeneration is -- regeneration is a very important  
17 part of east London. I do not think anybody actually  
18 would remotely refute that. The point I would make very  
19 strongly is that some of those timelines, some of the  
20 allocation of capital budgets and political consensus,  
21 that has evolved around a bid and a successful bid.

22 And I think during that bid period we already had  
23 some quite strong cases of legacy that would not have  
24 taken place had we not actually even bid for that. But  
25 if you look further forward from that, I think the one

1 thing we recognise from previous Olympic Games -- and  
2 I do not have any reason to believe this will be  
3 different -- is that actually the Olympic Games focuses  
4 the minds: you have an Opening Ceremony, you have  
5 a specific timeline. That specific discipline will  
6 actually help some of those timelines for regeneration.

7 I think we accept that a lot of this will take place  
8 at a faster rate and in a more structured way than it  
9 would have done had we not had an Olympic Games here.  
10 But the two are inseparable.

11 Q. Effectively, Stratford has a lot to offer the Olympics.  
12 The reason that the Olympics come here to Stratford is  
13 because of what Stratford has to offer as much as the  
14 other way round?

15 A. I think -- well, referring back to my submission, I make  
16 it very clear that the size and scale of the land  
17 available, the existing budgets for regeneration, work  
18 already underway and planned in the Thames Gateway and  
19 the political recognition right across the board that  
20 this is an area that needs help and the Olympic Games is  
21 one of those ways of helping harness that, I think all  
22 those are reasons for saying that this works in both  
23 ways.

24 But yes, Stratford has the size and scope and scale  
25 of land and some of the -- some of the projected

1 infrastructure that made this a very attractive option,  
2 probably the only option in London.

3 Q. Reading 5.2, you say:

4 "Athletes must be competitors not commuters."

5 If I remember rightly, I think somewhere else you  
6 refer to 20 minutes as being the sort of period that  
7 people -- the maximum that people should be expected to  
8 travel --

9 A. No. No, in fairness, that is now what we have achieved.  
10 For 80 per cent within 20 minutes travel time --

11 Q. All right.

12 A. -- and 50 per cent within hopefully walking distance.

13 Q. But the point I want to make is that effectively this  
14 means that people like myself will have to move so that  
15 a group of athletes do not have to walk more than 20  
16 minutes and for a period of what, one month?

17 There will be two lots of athletes using the  
18 facilities. I am going to have to leave a house which  
19 I have lived in -- I have lived in the estate for  
20 15 years, lived in my house for 11 years, and I am going  
21 to have to move out of my house so that people do not  
22 have to walk too far?

23 A. I think that would be a little disingenuous.

24 The point I make about a Games and a successful bid  
25 was that a part of that mix is that you provide the best

1           circumstances for athletes to perform as well as they  
2           possibly can.

3           I have been to far too many Olympic Games or major  
4           championships where transport plans and other things  
5           have simply unravelled and done pretty much the same to  
6           the aspirations of competitors who have perhaps been at  
7           that 10 or 15 years.

8           But that is not the only consideration. The other  
9           issue of course is that this also makes sense in many  
10          other aspects, particularly regeneration. In this area  
11          generally we are talking about nine thousand new homes  
12          and within the Olympic Park -- within the site we are  
13          specifically talking about, the Olympic Village 4,500  
14          homes -- and these are desperately needed and  
15          I recognise that from the many discussions I have had  
16          with all sorts of organisations whose primary concern is  
17          the regeneration of east London and the right provision  
18          of housing --

19        Q. When you say 9,000 homes altogether does that include  
20          the 4,500 which are being built on the Stratford City  
21          site, already allocated to the Stratford City?

22        A. Yes, it is. It is 9,000 throughout --

23        Q. 4,500 in terms --

24        A. 4.5 thousand within that nine.

25        Q. In fact it may not be quite as many as that either

1           because, because the Village has now been moved on to  
2           the Stratford City site, presumably the amount of  
3           housing which is being built -- the amount of housing  
4           which is going to be provided in terms of the total will  
5           have changed?

6   A.   I am not actually sure that is the case.  But I will --  
7           I am very happy to --

8   THE CHAIRMAN:  Again that is something if you are appearing  
9           subsequently can be clarified.

10  MR CHEYNE:  Yes, because he just raised this figure  
11           I thought I would ask Lord Coe.

12  A.   I am not sure your finer point is entirely accurate.

13  Q.   You do not know whether that takes into account the  
14           thousand units which are being lost and the 1000  
15           thousand people -- Clays Lane has the potential of  
16           housing 500 people.  There are another 500 units on the  
17           (inaudible) Village site which is a student estate which  
18           has been abandoned --

19  A.   East London University.

20  Q.   That is right, which is left derelict.  And also  
21           a number of travellers' sites and some other residents  
22           in other parts.  Is this a net figure, this 9,000?  Does  
23           it take into account those losses?

24  A.   Let me just return to one point you made.  Left  
25           derelict, the student union -- the student accommodation

1           that we referred to as the round tower blocks, that is  
2           actually a part of another project anyway.

3   Q.   How do you mean it is part of another project?

4   A.   It is a part of the Olympic Park development --

5   Q.   Absolutely, yes.

6   A.   -- within one of the sites.  The 9,000 homes is the net  
7           gain that we are talking about in terms of the nine and  
8           the 4.5 and the two specific sites.

9   Q.   Yes.  So what you are saying is that the housing which  
10          has been lost is included -- that is that the 9,000 --  
11          the total figure would be 10,000 effectively?

12  A.   No, I think it is actually -- no, no.  I do not think  
13          you can look at it in that way.  It is 9,000, and that  
14          is a net --

15  Q.   Anyway, the point I am making is simply that a thousand  
16          people -- potential for 1000 people --

17  A.   I am talking about homes, not people.

18  THE CHAIRMAN:  Mr Cheyne --

19  MR CHEYNE:  I will move on.

20  THE CHAIRMAN:  What I am going to say is that if you are  
21          reappearing I would prefer that that question was put  
22          to --

23  MR CHEYNE:  It is only because he came up with specific  
24          figures --

25  THE CHAIRMAN:  Indeed, but to get the clarification you

1           require probably will be through a technical witness  
2           called by the LDA.

3   MR CHEYNE:  Sure.  If we move on to the next section, 5.3,  
4           you say:

5           "None of us wants to build facilities that local  
6           people can only press their noses up against ..."

7   A.  Sorry, just give me an opportunity to get there.  5.3?

8   Q.  Yes.

9   A.  Thank you.

10  Q.  You say:

11          "None of us wants to ..."

12  A.  Sorry.  Thank you.

13  Q.  "None of us wants to build facilities that local people  
14          can only press their noses up against."

15          One of the side effects which seems to be happening  
16          already is actually that costs are going up.  I attended  
17          a meeting in Leyton recently at which that people  
18          locally were complaining that even though some of their  
19          children wanted to start preparing for the Olympics they  
20          could not access the facilities because they were too  
21          expensive.  Are you aware of this?

22  A.  No.  I could not possibly answer a specific question  
23          about Leyton.

24  THE CHAIRMAN:  I am wondering what relevance this has to the  
25          compulsory purchase order.

1 MR CHEYNE: The issue is to do with whether or not people  
2 are going to be able to access these facilities. You  
3 say you do not want to build facilities local people  
4 cannot press their noses up against and one of the  
5 problems with the Olympics is that it often has  
6 a knock-on effect in terms of costs for local people.

7 I am just saying that that appears to be happening  
8 and that local people are already complaining about  
9 this. That is the point I was making.

10 A. I think there is a fairly clear declaration in my  
11 submissions here that that is what we are now currently  
12 working on to avoid.

13 Q. I understand you wish to avoid it --

14 A. I take that very seriously. I think it is important.

15 Much of this submission was contained in our  
16 Singapore presentation. My Singapore presentation was  
17 not warm words to get me through an election on  
18 a Wednesday or to be dusted down for their irrelevance  
19 over the next ten years. We actually believe this and  
20 we will implement it.

21 Q. I understand that is your intention. I am giving you an  
22 instance because I cannot -- I do not have the kind of  
23 access to statistics and so on that some other people  
24 do, so I am just giving you a story of a particular  
25 situation I was involved in to say that some local



1 residents were expressing concern about this.

2 I simply pass that on to you in terms of your stated  
3 concern --

4 A. No, I am glad that they recognise the need for us to  
5 provide facilities that are only going to be built if  
6 they can be used afterwards.

7 Q. In 5.6, you say:

8 "The community will be brought together by the new  
9 facilities in east London ..."

10 Obviously for me and those of us living in the  
11 community already which is going to be dispersed we may  
12 not look upon this statement with much favour.  
13 Obviously we are going to be living all over the place  
14 and our community is in the process of being demolished.  
15 So this statement does not really have much meaning to  
16 people in our situation, does it?

17 A. I think this statement does actually have a lot of  
18 meaning to the people of east London and particularly  
19 the Olympic Park area. I have spent a lot of time in  
20 various guises actually properly understanding the  
21 nature of the communities, the nature of some of the  
22 challenges that lie ahead for that community and in  
23 a way that an Olympic Games can best address those  
24 issues. So I do take that seriously.

25 Q. Obviously I am talking about Clays Lane, a specific

1 community I am living in --

2 THE CHAIRMAN: I think in terms of context that I would read  
3 the paragraph as a whole. So whilst I understand the  
4 point you seek to make --

5 MR CHEYNE: I can only deal with my evidence.

6 THE CHAIRMAN: Indeed.

7 MR CHEYNE: I am not the community; I am just a bit of the  
8 community living in a particular place which is being  
9 removed. So I cannot really make any comment a part  
10 from the fact of my own experience, but the point is  
11 made.

12 THE CHAIRMAN: I appreciate that.

13 MR CHEYNE: If we move on to 5.8, the point was raised  
14 already:

15 "It is not possible to estimate precisely the  
16 economics of 2012 and beyond. No one can say exactly  
17 how much will be invested in the Lower Lea Valley and  
18 the wider national economy as a result of staging the  
19 Olympic and Paralympic Games."

20 We do have a problem here in trying to understand  
21 really whether the legacy is going to be fulfilled.

22 I do not think this is -- this is not just sour  
23 grapes or people having unnecessary anxieties. Projects  
24 of this kind often do not deliver and one of projects  
25 you have referred to is the Channel Tunnel which is

1 smack in the middle of the Olympic Park.

2 Of course, the Channel Tunnel was recently being  
3 panned by the Public Accounts Committee, House of  
4 Commons Public Accounts Committee for just about every  
5 single error it could possibly make in terms of  
6 estimating passenger use, the projected costs and in  
7 every respect.

8 So this is one of the major facilities which the  
9 project is built around and it is a matter of concern,  
10 I think, to residents generally, people in east London  
11 and wider London community, because they will be paying  
12 for it, as to whether -- really, the legacy will be  
13 delivered. I was wondering if you could comment on  
14 that --

15 THE CHAIRMAN: In direct relationship to the legacy as  
16 opposed to Stratford --

17 MR CHEYNE: We are talking about the legacy here. What is  
18 going to happen -- not so much the Olympic project  
19 itself but what will happen afterwards.

20 A. I am very happy to deal with that. We were not  
21 actually -- although legacy is a very important part of  
22 the Olympic Games Study Commission work and it was made  
23 public in 2003, and halfway through the previous round  
24 of Olympic bids, there was no statutory requirement for  
25 us to provide anything actually other than a fairly

1 reasonable idea about how those facilities are going to  
2 be used beyond 2012.

3 We actually undertook a much tougher discipline. We  
4 have provided -- or we had to provide and we did -- to  
5 the International Olympic Committee business plans that  
6 showed how we could provide a legacy, in some cases  
7 commercial, in some cases public, in some cases a meld  
8 of the two. A lot of the work that we did specifically  
9 during the bid phase and probably I guess when -- takes  
10 up in a way more thinking time, the local organising  
11 committee which I chair and the Olympic delivering  
12 authority chaired by Jack Lenley(?) and David Higgins --  
13 I think probably legacy at the moment is as fundamental  
14 to the planning phase as has ever been evident in any  
15 previous Olympic Games.

16 So you are right, we should be and we are very, very  
17 conscious of the legacy aspect of this because no Games  
18 should ever be allowed to simply drift through a city  
19 without leaving a pretty serious footprint for all the  
20 things that I guess we feel very strongly about in this  
21 room.

22 Q. I mean, you say you can consider past experience. One  
23 of my problems is I am considering our experience, the  
24 experience of people living at Clays Lane and the  
25 problems of the lack of preparation, the fact that

1 promises have been made to us and not been kept or have  
2 actually just been simply changed or disregarded, that  
3 information we have provided is being set aside.

4 I would just have a problem with knowing whether  
5 a statement of this kind can be taken seriously, because  
6 if we have take it that we are part of the legacy, we  
7 are one of the -- we are the first community effectively  
8 to be affected by this project and our experience has  
9 not been happy.

10 Other people may think that we should have been  
11 happy, but I have to say that I am not particularly  
12 happy. I have to ask the question on what basis  
13 can I really believe that this is going to happen?  
14 Because as I said, I think that we represent the first  
15 stage of this legacy.

16 A. I return to my opening answer to you: we, in the  
17 compilation of this bid and now as we move forward,  
18 given the size and scope of the project and where we  
19 need to take this and what I firmly believe to be not  
20 only local but national interests in getting this right,  
21 these are all the issues that we will deal with. It is  
22 very important that we deal with them.

23 But I also have to say to you that the team and all  
24 the stakeholders are acutely conscious that this is  
25 a large area and we have to do what we feel is actually

1 in the best interests of that project for the majority  
2 of people and that is our watch word. That is our  
3 guiding signpost.

4 Q. Unfortunately an answer to that has resulted in  
5 statements like "There will be winners and losers", so  
6 we have to understand that may be there will be people  
7 that will lose out in the process.

8 When we look at past experience you quote evidence  
9 which you believe supports that. In the case of Sydney  
10 one of the results was that local residents suffered  
11 massive increases in residents and evictions. This was  
12 not on account of the actual Olympic programme itself  
13 but in terms the spin on off?

14 A. Which particular part of Sydney?

15 Q. The environs not in the site.

16 A. Where were the evictions?

17 Q. These were private landlords taking advantage of the  
18 fact that the --

19 A. Let me tell you a little about Newington and Homebush,  
20 which was the location of the Olympic Park and Olympic  
21 Village.

22 It is now home to 43,000 people, many of whom who  
23 actually moved there from what most people in Sydney  
24 considered to be difficult circumstances. I was there  
25 just a few months ago and that is now a living thriving

1 community. The same, I cited here, in Barcelona, which  
2 was derelict wharf land which is now being returned to  
3 the life of an inner city.

4 I take those observations and the need to be a key  
5 part of the regenerative story of east London very  
6 seriously. I think there is plenty of evidence to show  
7 that overwhelmingly the advantage and the legacy left  
8 behind after a well structured Olympic Games -- which is  
9 what ours will be -- will overwhelmingly be to the  
10 advantage of local people.

11 Q. I am just citing a particular case. In fact this  
12 evidence given by Shelter of the effects of the Olympics  
13 and the fact that poor people by and large did end up  
14 suffering and that there were evictions because of the  
15 way in which landlords took advantage of housing  
16 rising -- rising housing prices and costs and removed  
17 their poorer tenants or put up their rent substantially.

18 If we take for example --

19 THE CHAIRMAN: Mr Cheyne, I apologise for interrupting but  
20 I am a little concerned that perhaps we are going too  
21 far beyond the scope of the compulsory purchase order.

22 MR CHEYNE: Lord Coe has referred to past experience so  
23 I think I am staying within the bounds of what he has  
24 presented.

25 I am simply presenting some -- how can I put it,

1           contrary evidence to suggest that the picture may not be  
2           quite as presented because he has referred to  
3           particularly Barcelona and Sydney. Sydney is one of the  
4           cases where this has occurred and in Barcelona there  
5           were evictions and there were also a lot of evictions in  
6           Athens and Seoul and it is going on in Beijing. All  
7           I am saying is that the picture is not necessarily as  
8           rosy as it might be presented?

9   THE CHAIRMAN: In terms of what you are saying, I am saying  
10           that you are straying into attempting to present  
11           evidence to the inquiry --

12   A. I know he quoted --

13   THE CHAIRMAN: Let me help you: rather than asking questions  
14           relating to the evidence that has been given, they are  
15           simply elements that go much more beyond that in terms  
16           of the information that you are giving preceding your  
17           question. So I am anxious that we do not extend it too  
18           far beyond.

19           There is evidence that you have --

20   MR CHEYNE: Yes?

21   THE CHAIRMAN: That you want to use to support your case,  
22           then that should be before the inquiry as opposed to  
23           speak to draw it out in cross-examination.

24   MR CHEYNE: Very well.

25           Anyway, when we consider past experience also you



1 will agree I think that there have not been that many  
2 studies on exactly how benefits have been passed on.

3 Price Waterhouse produced a report which said that  
4 there have not been many studies along these lines. So  
5 it is difficult to estimate --

6 THE CHAIRMAN: I think what you are saying, the difficulty  
7 is that we do not have that that --

8 MR CHEYNE: My printer broke down so I could not print it  
9 out.

10 THE CHAIRMAN: I sympathise with the difficulties you have  
11 but in terms of the rules of inquiry, if there are  
12 matters you wish to put to a witness those matters must  
13 be available so we know the precise source of documents  
14 and the details within it.

15 They are matters that, as necessary, you could bring  
16 back when you present your own evidence but on the basis  
17 that there is not an evidential basis before the  
18 inquiry, it is not appropriate for you to put it in  
19 cross-examination to a witness.

20 Q. Moving to 5.14, you say:

21 "Officials, spectators and the massive media  
22 presence will all be dependent on swift and efficient  
23 transport and security."

24 As I understand it, this will mean that special  
25 routes and facilities will be provided for officials and

1 Olympic kind of VIPs and so on, is that correct, in  
2 terms of transport?

3 A. Yes.

4 Q. So what exactly will they consist of?

5 A. It will be a combination of Olympic lanes, and some of  
6 traffic management issues that we deal with on a daily  
7 basis in London and making sure that within our  
8 transport plans we have a properly operating system of  
9 public transport for the four weeks of those  
10 championships, including the Olympic and Paralympic  
11 Games.

12 Q. When you say lanes, you are talking about reserved lanes  
13 on roads or what?

14 A. We have bus lanes. We have had them for 30-odd years so  
15 our thinking in that area is along those lines.

16 But you know, we have a dedicated team of transport  
17 experts that will be tapping into the best experience  
18 from previous Games and frankly some of the worst  
19 experiences of previous Games.

20 Q. If we move on to 5.16, you say:

21 "The masterplan for the Olympic and legacy  
22 development in the Lower Lea Valley prepared by EDAW  
23 showed that it would be possible to include within the  
24 Olympic Park the Athletes' Village, the main Olympic  
25 Stadium ..." et cetera, et cetera.

1           So effectively it did not have to be done. This was  
2 a choice. When you say it is "possible", that is that  
3 you could have made a different configuration?

4 A. Yes, I could have taken hockey to Manchester and rowing  
5 to Milton Keynes and I could have -- we put together an  
6 opportunity to bring the Games to this country based on  
7 a city and the best options in that city were the land  
8 and the perimeters that we have identified. The close  
9 proximity of those venues and also the very clear issues  
10 about regeneration and legacy.

11           So it was very important for to us make sure that  
12 this came together in the very best and strategic and  
13 coherent way possible.

14 Q. The point I am trying to make is that if it was possible  
15 to have configured things differently, then some of  
16 those facilities could indeed be moved to other  
17 locations which would have meant that the configuration  
18 of the Park would be different, which would have meant  
19 that residents could have stayed where they are --

20 A. We would not have had an Olympic Park and we would not  
21 be sitting in this room discussing this issue today  
22 because we would not have won.

23 Q. We are talking about a relatively small area of space in  
24 terms of our particular site. We will come to that  
25 a moment, but all I am getting at is the principle that

1 if certain facilities could have been located elsewhere  
2 so as to free up a bit more space, not a great deal more  
3 space, then residents could still be living where they  
4 are?

5 A. I think I have to be open with you. The location of  
6 venues, the location of the Village, and the thinking --  
7 even when we were still looking at some of those  
8 optimisations -- that is the proper and most  
9 advantageous use of legacy -- was, you know, a growing  
10 issue. We did need to make sure that all these things  
11 came together in a -- that met commercial, public  
12 requirements and of course the maximum chance of  
13 actually winning the bid.

14 Q. I understand what you are saying, but I am just simply  
15 repeating the point that it seems to me that you have  
16 suggested a different configuration could have been  
17 allowed.

18 If I move on --

19 A. No --

20 Q. If I move to section B --

21 A. No, I do think it is important not to drift away from  
22 that point.

23 Q. Okay. I am not quite sure how close I can get because  
24 I have asked this question in several different ways --

25 THE CHAIRMAN: Lord Coe was answering, let him continue with

1 his answer please.

2 A. We have looked, and we did look, at a number of  
3 configurations. We have a team that has probably done  
4 for large parts of last few years nothing more than  
5 that.

6 It is our considered view and the considered view of  
7 the stakeholders that this offers the very best  
8 opportunity of staging a games in the safest, the most  
9 legacy advantageous way and a way that actually does  
10 remove as much inconvenience to local people as  
11 possible.

12 MR CHEYNE: Yes, but I think because you continued -- and  
13 the Inspector said he wanted me to clarify this, I think  
14 I have to press you on this point -- it does say it  
15 would be possible.

16 I am asking here about the principle; I am not  
17 saying necessarily that your configuration is better  
18 than another configuration, or worse than another  
19 configuration: simply that it is possible to change the  
20 layout and if a decision was made, for example -- you  
21 refer to the legacy -- we are residents and we have  
22 a legacy in this instance and we lose our legacy because  
23 we are being broken up and sent to other places. So the  
24 possibility arises -- the possibility existed here --  
25 that the Village, that the Clays Lane estate, could have

1           been left where it was. You chose, in the configuration  
2           that you came up with, to remove it.

3           You are saying that is justified because it will  
4           also increase -- improve the legacy but obviously it  
5           does not have much of a legacy for us.

6   A. No, it --

7   Q. I am simply focusing on the principle of the possibility  
8           of a different configuration of the site which would  
9           have left Clays Lane where it was and not entangled in  
10          the Olympic Park?

11   A. I think there were issues as you rightly know, and  
12          I think you alluded to, that I just discussed about  
13          security, about transport, about access, about the  
14          operational function of an Olympic Games, but also  
15          putting venues and a Village in a way that allows the  
16          local community over the next 30 or 40 years to derive  
17          maximum benefit.

18   Q. Okay. If we move on to 5.16b as already indicated, the  
19          Village is no longer on our site so I will come to that  
20          in a moment. You refer here to:

21                 "It needs to provide attractive accommodation for  
22                 the athletes, officials and support staff, to be fully  
23                 equipped with ancillary accommodation (from medical  
24                 centres, shops and cafes to 'back of house' facilities)  
25                 ... "

1           We do not actually know now what is on our site  
2           because most of the Village has been moved off it.  
3           There is that small section of Clays Lane which is still  
4           occupied by the Olympic Village but it is pretty small.  
5           The rest of the site has been handed over to a little  
6           bit of a Paralympic tennis court from what we can make  
7           out and what are called "vital ancillary services"  
8           without these being specified.

9           Would it be correct for me to assume that the  
10          ancillary accommodations you are referring to here --  
11          which includes shops, cafes and medical centres -- are  
12          the buildings, the facilities, that are going to be  
13          located on our site? Because we have not been told.

14         A. I am not quite sure, sorry -- I am not quite sure what  
15          that question is.

16         Q. The question is: we do not know what is now on the site  
17          at Clays Lane --

18         THE CHAIRMAN: You are anxious to establish precisely  
19          what --

20         MR CHEYNE: I am curious, yes.

21         THE CHAIRMAN: -- what replaces the footprint of the  
22          existing buildings.

23         MR CHEYNE: Exactly, yes. We are told that they are  
24          ancillary services, unspecified, and part of the  
25          Paralympic tennis courts.

1 A. I can talk more generally about some of the ancillary  
2 facilities you have talked about, the shops and medical  
3 centres. That is a part of legacy and a profound part  
4 of the legacy.

5 Those are not just Olympic Village; these are not  
6 just things being designed only for a four-week purpose.  
7 The exact footprint you are talking about I will ask --

8 THE CHAIRMAN: I suspect --

9 A. -- those with a more detailed planning knowledge of that  
10 to be particularly -- what I do understand is the  
11 apartment blocks of the Village itself goes on to the  
12 footprint of Clays Lane.

13 MR CHEYNE: Right.

14 THE CHAIRMAN: I think, Mr Cheyne, you can refer to that in  
15 due course.

16 A. It always did and still does, even post the optimisation  
17 announcement in January.

18 MR CHEYNE: Yes. Section 5.18 refers to these revision  
19 proposals. Actually, you do not specify in your  
20 evidence here the fact that the Village moved from Clays  
21 Lane. I mean, are you aware that the Village has moved  
22 from Clays Lane?

23 A. There is still a large part of that footprint on Clays  
24 Lane. As I have already said --

25 Q. No --



1 A. Well I think you will find -- I am very happy to defer  
2 to the experts in this, but I think you will find  
3 apartment blocks actually do --

4 Q. No --

5 A. -- go on to the Clays Lane. They always did, I think  
6 they always did. They do now, I think -- certainly  
7 prior to the January discussions about optimisation and  
8 legacy, but I am very happy to take --

9 Q. I do not have Mr Prior's evidence here but he says the  
10 site is located --

11 THE CHAIRMAN: Mr Cheyne, we can return to that when you  
12 appear because the appropriate LDA witness will be  
13 available.

14 In terms of doing the overlay so far as available,  
15 we will be able to go through that exercise and you will  
16 be able to question that more closely.

17 MR CHEYNE: I understand that. I am just concerned.

18 Obviously I am taking Lord Coe's evidence and he has not  
19 mentioned that specifically here. All I am concerned  
20 about here is the fact that we have already been  
21 discussing the layout of the Park and that the Village  
22 is meant to be placed at Clays Lane.

23 And it is quite critical if Clays Lane is no longer  
24 the site for the Village because the type of argument  
25 used in the earlier section discussing the possible

1 configuration of this site is that these are choices  
2 that are being made and therefore we are talking about  
3 the way in which people can -- the designers -- alter  
4 the site according to their needs.

5 The site does not include for the most part the  
6 Olympic Village. So that is why I am raising it here,  
7 because it is the section that deals with those  
8 revisions.

9 THE CHAIRMAN: I understand why you are raising it, but  
10 there are more directly involved witnesses who will be  
11 available when you make your appearance and we can focus  
12 on that for you.

13 MR CHEYNE: Yes. I appreciate that. Obviously I am not  
14 expecting Lord Coe to know all of these details, but as  
15 I understand it, Lord Coe is a very important person in  
16 this process. So I think if for example he is not aware  
17 of this specific issue then I would like to draw it to  
18 his attention.

19 THE CHAIRMAN: I am quite content with that and to give you  
20 the reassurance that we can return to it as necessary so  
21 that it is fully explored.

22 MR CHEYNE: I am more or less coming to the end, Lord Coe,  
23 which may be a pleasant prospect.

24 A. No, no, feel free.

25 Q. One last comment I would like to make is that in your

1 conclusion, section 8.1, at the very end you say:

2 "I hope very much that we are granted to all the  
3 land in the Lower Lea Valley that our plans require."

4 I may disagree with you on this because obviously  
5 that means you are asking, you are hoping, to be granted  
6 access to the land on which my house is at present  
7 situated and effectively asking for my house to be  
8 demolished.

9 A. Thank you.

10 THE CHAIRMAN: Thank you, Mr Cheyne.

11 Mr Roots, any matters you want to re-examine?

12 MR ROOTS: No, sir, thank you.

13 THE CHAIRMAN: I am going to move on in a moment to  
14 Mr Humphreys. What I just want to do is take stock of  
15 where we are time-wise.

16 Do you know roughly how long you will want to ask  
17 questions? I am not seeking to constrain you in any  
18 way, I am simply anxious to establish the timescale.

19 MR HUMPHREYS: I would imagine 15 minutes.

20 THE CHAIRMAN: I am content for you to come forward -- I am  
21 not certain whether you have access to a microphone  
22 there. It might be helpful if you swap places with  
23 Mr Cheyne.

24 Lord Coe, are you happy to continue?

25 A. Absolutely, yes.

1 THE CHAIRMAN: I am conscious we are likely to run on. If  
2 you need a short adjournment, please let me know.

3 (4.20 pm)

4 Cross-examination by MR HUMPHREYS

5 THE CHAIRMAN: Mr Humphreys, good afternoon, if you would  
6 like to explain who you are and who you represent,  
7 please.

8 MR HUMPHREYS: I am Michael Humphreys, chair of Eastway  
9 Users Group, which is a voluntarily constituted body set  
10 up in early 2004 to deal with the issue of the  
11 relocation of Eastway.

12 THE CHAIRMAN: Before you ask any questions, just one matter  
13 that I want to establish. That is whether you have any  
14 legal interest in the land at Eastway.

15 MR HUMPHREYS: I have no legal interest in land at Eastway.

16 THE CHAIRMAN: Any tenancy?

17 MR HUMPHREYS: Neither does our group. We are an users  
18 group. We use the facilities provided for us through  
19 the management and ownership of the Lea Valley Regional  
20 Park Authority.

21 THE CHAIRMAN: I am simply seeking to draw out that  
22 distinction because I am not quite certain as to the  
23 advice you have had from the Government Office as to  
24 whether you have been registered as a statutory  
25 objector, or non-statutory objector. Different rights

1           apply.

2   MR HUMPHREYS:  It is unfortunate that we are listed as an  
3           objector at all, but such is the mechanism of the  
4           proceeding.

5   THE CHAIRMAN:  I will allow you to put questions and make  
6           sure, as I indicated earlier on when you were not here,  
7           that in terms of the questions they need to be directly  
8           relevant to either the evidence given by Lord Coe or the  
9           evidence on which you as a group will be relying.

10  MR HUMPHREYS:  Yes.

11           Okay.  I would like to begin by asking Lord Coe: are  
12           you aware of Eastway as a cycle circuit?

13  A.  Yes.

14  Q.  Could you elaborate on what forms of cycling are  
15           provided there?

16  A.  Well, my father used to compete there at national level.

17  Q.  Excellent.

18  A.  Before the war and after the war.  I am aware that Eddie  
19           Mercks, the great Tour de France winner, was there in  
20           the 60s and it is a road circuit.  There is, because of  
21           the actual nature of the land, in the middle off-track  
22           training and sometimes competitions.  So it is a venue  
23           that has been at the centre of British cycling history  
24           for nearly 63 years.

25  Q.  Okay, thank you.  For the benefit of the inquiry, if

1 I may, I would just like to elaborate on what Lord Coe  
2 has said. Eastway is 1.6 kilometres of road circuit --  
3 THE CHAIRMAN: I hesitate to interrupt but I just want you  
4 to be clear in terms of procedure today. It is the  
5 opportunity to ask questions. If you need to provide  
6 just a little bit of introduction about the facility,  
7 I am aware that Lord Coe has a certain understanding and  
8 knowledge of it, but in terms of going through any  
9 evidence that will be for another day when you appear.  
10 MR HUMPHREYS: All right.  
11 THE CHAIRMAN: So it is really the opportunity to ask  
12 questions.  
13 MR HUMPHREYS: Yes. I merely offer the information in terms  
14 of what we are about to lose, which is the matter of the  
15 inquiry.  
16 THE CHAIRMAN: It is, but you are registered to appear to  
17 actually state your case in relation to that. Today is  
18 the opportunity to ask any questions of Lord Coe about  
19 his evidence or --  
20 MR HUMPHREYS: I am grateful to you for that.  
21 THE CHAIRMAN: -- or concerns that you have arising from the  
22 evidence that you will be presenting in due course.  
23 MR HUMPHREYS: I would like to ask Lord Coe: are you aware  
24 of the support that Eastway Users Group has extended  
25 since the outset of this regeneration and Olympic bid

1 first being known? Are you aware that we have always  
2 supported the bid and regeneration?

3 A. And we have personally had discussions about this too,  
4 yes.

5 Q. Yes, thank you.

6 I would like to ask you -- it sounds like a very  
7 general question -- but I would like to ask you because  
8 you have made statements in your evidence and elsewhere  
9 about how athletes develop and the sporting chances of  
10 young people. I would like to ask you what you think  
11 makes for an effective development programme of young  
12 athletes?

13 A. How long do we have? It is about the proper  
14 identification of talent; it is then properly resourced  
15 coaching that can nurture that talent and it is about  
16 facility provision and it is also in most cases familial  
17 support.

18 Q. Yes, I am grateful to you for mentioning familial  
19 support because it is a preoccupation of mine.

20 When do international class athletes typically start  
21 in their career?

22 A. Probably too early is the honest answer.

23 Q. I will back you in that.

24 A. A good junior athlete would get into a junior national  
25 team in track and field -- I speak narrowly about track

1 and field -- at about the age of 17 or 18.

2 Q. Um-hm.

3 A. A transition into a senior team would probably take  
4 place -- if that pathway, that seven year pathway is  
5 being followed -- probably within the next year and  
6 a half, two years. If you ask me specifically about the  
7 average age of a medallist in middle distance in an  
8 Olympic Games at 1500 metres, it is 23 years and 8  
9 months.

10 Q. You speak from personal experience. Excellent.

11 In regard to youth athletes, when do you think those  
12 youth athletes -- if they are to be identified later as  
13 the junior athletes that you have said come through 17  
14 and 18 -- when do you think their career, if you  
15 want to call it that, begins?

16 A. The pathway -- again I do not profess to speak about any  
17 other sport although I have a more than passing interest  
18 in most of them -- they can be very variable. You have  
19 some of the gymnastics fraternity that will tell you  
20 they have to be pretty much in the system by the age of  
21 7 or 8. Swimming probably about the same age.

22 If you talk about middle distance running, you would  
23 want to have inculcated in most potential competitors  
24 some of the rudiments mentally and physically by about  
25 the age of 14 or 15.



1 Q. Are you aware of the cycling development programmes that  
2 are around?

3 A. Yes, Peter Keene is a close friend of mine.

4 Q. So it is fair to say from our perspective that a useful  
5 cyclist would be identified aged 10 or 12 --

6 A. That maybe marginally early but I take the general point  
7 that it would probably be towards the upper end of that  
8 age group.

9 Q. Okay. Are you aware of the relocation scheme, in not  
10 necessarily all the details --

11 A. I am --

12 Q. -- at Eastway?

13 A. I have followed closely that issue. That is a very  
14 large part of my remit; it is about sporting legacy and  
15 the recognition that we need a development path that  
16 leaves a minimal disruption to the pathway we have just  
17 discussed.

18 Q. Specifically dealing with the interim arrangements  
19 between 2006 for Eastway's required -- typically the  
20 possession lands are required July 2007, Eastway is  
21 required in September 2006 --

22 A. Yes.

23 Q. Are you aware of what is --

24 A. I am aware of the consultation process. I am aware of  
25 the work that has been undertaken and I am aware of the

1 groups that have been spoken to.

2 Q. Okay. Are you specifically aware of the outcome of the  
3 first phase of that consultation?

4 A. Yes. Reasonably. Not in intimate detail, but I am also  
5 conscious that the ultimate outcome has not yet been  
6 identified.

7 Q. I am grateful to you for confirming that.

8 Can I ask you what contact you have had with our  
9 sport's national governing body over this issue?

10 A. Yes, pretty close. Probably as close as -- I spend  
11 a lot of time with national governing bodies, as you can  
12 understand. Our director of sport, Debbie Gevens(?) who  
13 I think is familiar to you has probably done more of the  
14 day-to-day detailed discussion but they are a group of  
15 people I am very familiar with.

16 Q. Okay. I have some new evidence which I have not had  
17 time to submit. I arrived home last night -- I work  
18 during the day, I am off work this afternoon for this --  
19 one of the things was a rebuttal of the evidence that  
20 our group has supplied from the LDA. The other was an  
21 email which has come to me. So I will pass this on to  
22 the document packs through the relevant contact.

23 But this is an email from Gilbert Fairley(?) who is  
24 the Olympic Games Executive Director and he says in this  
25 email, it is quite a short one:

1            "We acknowledge receipt of your email addressed to  
2            Mr Oswald ..."  
3            That is Dennis Oswald who is the --  
4            A. He is the chair of the coordination commission that  
5            works closely with the local organising committee to put  
6            the project together.  
7            Q. Yes, yes:  
8            "Regarding the relocation of Eastway Cycle Circuit.  
9            We of course understand the need for all athletes to be  
10           able to train in good conditions. However if the  
11           temporary solution proposed by LOCOG for Games  
12           preparation phase does not suit the athletes' needs  
13           ... (Reading to the words)... we recommend you to contact  
14           them directly in order to further discuss this issue."  
15           So that is yourself --  
16           A. (Witness nods).  
17           Q. Are you aware of the statement made on 6th May by  
18           British cycling -- again this is new evidence which  
19           I will put forwards --  
20           THE CHAIRMAN: Do you have a copy of that?  
21           MR HUMPHREYS: I do, yes, with me.  
22           THE CHAIRMAN: Lord Coe, are you familiar with it?  
23           A. I cannot say I am.  
24           THE CHAIRMAN: Can we have it read?  
25           MR HUMPHREYS: Can I just quickly pull the --

1 THE CHAIRMAN: If you can pull the threads. I am always  
2 rather cautious about pulling threads out of a document  
3 that is not before a witness that has not seen it.

4 Let us try it. If we have difficulties --

5 A. I think it is perfectly fair to say that this will not  
6 have gone unnoticed amongst my core sports team in  
7 Canary Wharf.

8 MR HUMPHREYS: I will just give a very quick background if  
9 I may. The issue has been that the LDA has called on  
10 the support of the sports national governing body, which  
11 is British cycling, for its proposed relocation scheme.

12 We then called that into question and we called it  
13 into question with the LDA and with our national  
14 governing body. There was a key meeting held last  
15 Saturday which was a national board meeting of the  
16 sport's national governing body.

17 Exactly what they have decided is that they actually  
18 favour the users' preferred relocation option which we  
19 had to bring back into play having first proposed it in  
20 2004. We were only able to get that back into play  
21 after 8th February when the initial consultation closed.

22 THE CHAIRMAN: Which site is that?

23 MR HUMPHREYS: This is a site called Hog Hill in Redbridge.

24 THE CHAIRMAN: I am aware of that, yes.

25 MR HUMPHREYS: So essentially the statement over the weekend

1           says that our sport's national governing body now backs  
2           the user's preferred option for a relocation site.

3           I am sorry if that was springing it upon you --

4   A.   No, I am not aware specifically about that remark but  
5           I am aware of the options that are currently being  
6           looked at for the relocation.

7   Q.   So you would support the findings of the national  
8           governing body in regard to the relocation?

9   A.   I will certainly wait for the outcome of the whole  
10          inquiry which will deal, I hope, in great detail with  
11          your ongoing needs, the ongoing needs of the national  
12          federation and minimal disruption to the pathway that we  
13          talked about.

14   Q.   Yes.

15   A.   So the answer to that is yes, I will take -- we will  
16          obviously take that -- that has to be a very serious  
17          part of the mission --

18   Q.   I am grateful to you for that.

19          We have also had the support of I think it is now  
20          six national champions in the mountain bike discipline.  
21          Particularly, I can quote one name because she is  
22          a consenting adult -- the others are youth and juvenile  
23          riders -- Jenny Cocknall(?) is the national mountain  
24          bike champion.

25   A.   Yes.

1 Q. She very definitely favours Hog Hill as our preferred  
2 option because it means that we do have a facility for  
3 mountain biking, which you will know is an Olympic  
4 discipline.

5 A. Yes.

6 Q. Also, the clubs based at Eastway currently, two of those  
7 are what are called "go ride" clubs which means that  
8 they are recognised club mark accredited under the sport  
9 England scheme.

10 A. Sport mark?

11 Q. Club mark, sport mark.

12 A. Yes.

13 Q. It is called "go ride" under British cycling.

14 A. Thank you.

15 Q. Neither of those two clubs will relocate their  
16 operations to the proposed site at Rammy(?) Marsh, which  
17 may mean that London would be faced with its dreaded  
18 white elephant.

19 Can I have your backing for the site that the  
20 national governing body, the elite athletes who ride at  
21 Eastway and the youth clubs would prefer?

22 A. I think there are two issues here. The first -- and  
23 I think it is important for me to make this point --  
24 actually we should not lose sight of the fact that we  
25 are talking in the lead up to 2012 about a temporary

1 facility.

2 My objective and one of the reasons why we were so  
3 keen to bring the Games to London was the need to create  
4 a permanent cycling legacy in east London which we will  
5 do. So in respect of the temporary facility, I think  
6 that is -- that will be a little bit difficult to  
7 describe as being a white elephant given that it has  
8 a very temporary nature to it.

9 I would give you my unbridled commitment that the  
10 need for a permanent legacy that has a life after the  
11 Games and meets all the requirements that you have  
12 received and better through Eastway is absolutely the  
13 centre of our thinking.

14 Of course, if at the end of this consultation  
15 process the LDA who have spoken to the national  
16 federation and your users' group and the individual  
17 clubs and the individual competitors make a judgment  
18 that one site is better than the other, then I think  
19 that is probably where the argument ends.

20 Q. I hope there never has been an argument, but I could not  
21 possibly begin to comment on that.

22 Can I ask you when we will know about the legacy?

23 A. For?

24 Q. For Eastway Cycle Circuit once we --

25 A. About temporary location elsewhere?

1 Q. No --

2 A. Or about the nature of the --

3 Q. The return?

4 A. The Velo Park that is going to be developed within the  
5 Olympic Park?

6 Q. Yes. When will we know the details of that?

7 A. That is now being -- all those issues are being  
8 addressed both in terms of legacy use afterwards,  
9 optimisation, we are into that planning phase, design  
10 and all those sorts of things and as soon as we have  
11 something that we are able to sit down and discuss in  
12 greater detail with all the user groups and of course  
13 the national federation who will work closely with us --  
14 we do not sign off any venue agreement or any venue  
15 design without the approval of the international cycling  
16 federation and of course they would lean very heavily on  
17 their domestic partners.

18 Q. Okay. That concludes my cross-examination. I am  
19 grateful to Lord Coe for your time and for your answers  
20 today.

21 A. Thank you.

22 THE CHAIRMAN: Thank you.

23 Mr Roots, any questions? Re-examination?

24 MR ROOTS: No, sir, thank you very much.

25



1 THE CHAIRMAN: Mr Lawrence, do you still wish to ask  
2 questions?

3 MR LAWRENCE: I do.

4 THE CHAIRMAN: Do you know roughly how long you are likely  
5 to be?

6 MR LAWRENCE: I would have thought about half an hour.

7 THE CHAIRMAN: Mr Roots, I am going to take a very short  
8 adjournment before we move on to Mr Lawrence.

9 Mr Lawrence can then get set up. I will adjourn for ten  
10 minutes.

11 (4.38 pm)

12 (A short break)

13 (4.39 pm)

14 THE CHAIRMAN: Welcome back to those of you who have  
15 returned at least anyway.

16 Mr Lawrence, would you formally introduce yourself,  
17 please.

18 Cross-examination by MR LAWRENCE

19 MR LAWRENCE: My name is Steve Lawrence, BSC, BArch, RBA.

20 I am an architect and have been a partner in private  
21 practice of Carrick Howell & Lawrence since 1st August  
22 1982.

23 You have told me that I must be careful about the  
24 questions that I ask, and I obviously have prepared some  
25 in advance.

1 THE CHAIRMAN: With any person attending at the inquiry,  
2 I would always be seeking to make sure that their line  
3 of questions is relevant to the subject matter in hand.

4 MR LAWRENCE: Can I suggest that I put my questions and then  
5 you or Mr Roots could advise Lord Coe whether or not he  
6 ought to reply to them where appropriate because I think  
7 there will be circumstances where I am just simply not  
8 sure. I think that they are relevant and you may have  
9 a different opinion.

10 THE CHAIRMAN: I will allow you to put your questions.  
11 I will be the initial filter.

12 Quite clearly, if there is a question that -- or  
13 questions that I permit and there is an issue, Mr Roots,  
14 then no doubt you will draw it to my attention.  
15 Lord Coe, if it is something you cannot answer then  
16 please say that you cannot answer it and you do not have  
17 the knowledge to answer that.

18 Mr Roots, I think, similarly if I have a reservation  
19 about a question but you are content with it, I do not  
20 mind you saying "actually, Mr Lawrence can put that" so,  
21 I am prepared to leave the session quite flexible.

22 MR ROOTS: It is not my wish to intervene unless I need to.  
23 I was just concerned about relevance. You know my  
24 clients' position and you were obviously alert to the  
25 relevance of Mr Lawrence's concerns to the matters that

1           you have to report on.

2   THE CHAIRMAN:   Indeed, I was aware of that I indicated  
3           earlier this afternoon well before I had been copied in  
4           on the letter that was sent yesterday.

5           Mr Lawrence.

6   MR LAWRENCE:   Thank you.  First of all I would like to say  
7           that I am grateful to the Government Office for London  
8           for granting me the opportunity to be a non-statutory  
9           objector.

10           I had thought that I would read the first four  
11           paragraphs of my proof of evidence by way of an  
12           introduction.  Would that be appropriate?

13   THE CHAIRMAN:   The opportunity now is to ask questions.  You  
14           have an appearance in due course where you will be able  
15           to read your proof and the like.

16           Before you continue, I am having a little bit of  
17           difficulty hearing Mr Lawrence and I wonder whether we  
18           can get a little -- whether the microphone needs to be  
19           closer.

20   MR LAWRENCE:   Is that better?

21   THE CHAIRMAN:   I think that is better, yes.

22   MR LAWRENCE:   My objection to the CPO is not in respect of  
23           a specific land holding but in respect of the CPO  
24           process in its entirety.  I contend that the CPO  
25           process, in itself, is an activity in pursuit of an end

1           which, as my evidence shows, may infringe my  
2           intellectual property rights and, that being so,  
3           consideration ought to be given to halting the inquiry  
4           pending resolution of that.

5   THE CHAIRMAN: Is this leading to a question to Lord Coe?

6   MR LAWRENCE: It is leading to a question.

7           Before I ask my question, can I bring to your  
8           attention the fact that I received a letter from  
9           Eversheds last evening as I confirmed earlier inviting  
10          me to reconsider whether the CPO inquiry is an  
11          appropriate forum for me to raise my argument.

12          Whilst I welcome the contact, the letter has arrived  
13          rather at the 11th hour, especially considering that  
14          I sent my outline statement of case to Eversheds on 24th  
15          February. Also I did write to Lord Coe on 12th January  
16          2006 inviting the opportunity to meet and I wrote to  
17          Robert Moore at the office of the Deputy Prime  
18          Minister --

19   THE CHAIRMAN: Mr Lawrence, I think we are a long way from  
20          a question here and I do not want to put any emphasis on  
21          the letter that was sent to you yesterday. But in  
22          relation to this matter being raised, it is a matter  
23          being raised by me in relation to reading your  
24          objection, and in particular the recently submitted  
25          proof of evidence, and in anticipation of your

1 appearance here today to ask questions. So, the history  
2 is not too important.

3 MR LAWRENCE: Okay.

4 THE CHAIRMAN: I want you to be aware that this whole issue  
5 is of my raising and of nobody else's, simply to advise  
6 you of the process and the appropriateness of asking  
7 questions which need to be directly related to the  
8 subject matter in hand. I.e., the merits of the  
9 Compulsory Purchase Order.

10 MR LAWRENCE: In the questions which follow, Lord Coe, I am  
11 first going to ask you about the facts which surround my  
12 working and knowledge of it, and secondly I am going to  
13 ask about the masterplan where it deviates from my  
14 earlier proposal and how the design has come to effect  
15 the amount of land which is subject to the CPO.

16 THE CHAIRMAN: I will take those one at the same time, but  
17 I am a little cautious about whether they are going to  
18 be relevant questions. They need to be related to the  
19 CPO process and not to proposals that you may have put  
20 forward and the like.

21 Essentially, what we have here, as I understand it,  
22 is a private matter between you and another party or  
23 other parties. It is not so much an issue in relation  
24 to the merits of the Compulsory Purchase Order.

25 Do you understand the distinction?

1 MR LAWRENCE: I do. I am offering the opportunity though  
2 for the Compulsory Purchase Order process, and for you  
3 to take account of the fact that I consider it to have  
4 the potential for infringing my intellectual property.

5 THE CHAIRMAN: I am not certain how that is relevant to the  
6 process. It appears to me to be an entirely separate  
7 matter for which redress might or might not be available  
8 elsewhere through an entirely different process.

9 MR LAWRENCE: Can I ask my first question?

10 THE CHAIRMAN: You can ask your question and put it through  
11 me please, yes.

12 MR LAWRENCE: Lord Coe, is it the case that you were  
13 appointed to head London 2012 in May 2004.

14 A. Yes, it was.

15 Q. At what stage was the masterplanning exercise when you  
16 took over?

17 A. Some considerable way down the road. But it was also in  
18 submission of a bid and the presentation of the  
19 candidate file.

20 Q. How were you briefed by the team you inherited and  
21 specifically were you briefed by Barbara Cassani (?)?

22 A. No, I was not specifically briefed by Barbara Cassani  
23 (?), when I became chairman -- I clearly worked closely  
24 with the remainder of the executive team, but Barbara  
25 became the Vice Chairman with no specific responsibility

1 for continued work on the masterplan.

2 Q. Do you recall whether she passed to you the bundle of  
3 documents that I sent to her on 16th September 2003?

4 THE CHAIRMAN: Mr Lawrence, I am wondering whether that is  
5 directly relevant.

6 A. No, I am not aware.

7 MR LAWRENCE: Okay, thank you.

8 There are a few questions that I have, I think, that  
9 you are simply going to tell me they are not directly  
10 relevant. So I do have a number of questions that  
11 I would like to ask but I am not going to because  
12 I think you will feel that they are not relevant,  
13 although I feel that they are.

14 THE CHAIRMAN: So long as you understand the reason why I am  
15 here and that is to hear the merits of the Compulsory  
16 Purchase Order. And there might be side issues but they  
17 are not germane to the subject of the inquiry.

18 MR LAWRENCE: I am going to move to then questions about the  
19 masterplanning design and how it has affected the need  
20 for the compulsory purchase of lands.

21 Did your team consider the design option for a split  
22 site for Village and Stadium which was sponsored by  
23 Arups in their cost benefit analysis and which proposed  
24 the use of Three Mills for Village?

25 A. As I said in previous submissions, this afternoon. My

1 team have considered all sorts of options and in the  
2 submission of the candidate file and the ongoing work  
3 throughout the planning phase.

4 Q. This is relevant to a question which was asked earlier  
5 in fact. I point you to my letter to the Prime Minister  
6 dated 19th May 2002 which explains why Abbey Mills was  
7 not an appropriate place for the location of the Olympic  
8 Village. That letter also underlines the essential  
9 nature of locating the Olympic Village next to the main  
10 facilities. You may not have seen that letter, although  
11 I suspect it probably was passed to you. Certainly, the  
12 Prime Minister's office told me that it was circulated  
13 to relevant parties.

14 Do you agree that in geotechnical terms locating the  
15 stadium to the north of the Channel Tunnel rail link  
16 station would have made good sense given the raised  
17 ground level due to spoil fill from the tunnelling  
18 process, and that with the stadium in that position an  
19 even more compact Olympic Park would have been achieved?

20 A. I am not qualified to give you a geotechnical answer,  
21 I can talk about legacy and venue split and all sorts of  
22 thing but a geotechnical answer is far better served by  
23 somebody else.

24 Q. If it were to produce a more compact Olympic Park, would  
25 you agree that that would have involved a lesser land



1 take in the immediate area?

2 A. As I said, again, our overall consideration in the  
3 compilation and construction of our plans has been, in  
4 part, the need to put this whole project together with  
5 the least disruption to as many constituent groups as we  
6 can.

7 Q. In your opinion, was there pressure on your team to keep  
8 the stadium away from areas where high development land  
9 values were anticipated as a consequence of the DETR  
10 Channel Tunnel rail link construction agreement?

11 A. Not that I am aware of. Again, I think that is possibly  
12 best directed to those with a more detailed  
13 understanding of that process.

14 Q. The remaining questions -- I am going to ask one  
15 question which you may well not want to answer, but  
16 I would like to ask: is it not the case that once this  
17 project got going with the support of the Cabinet Office  
18 and the Treasury that money became available to pay  
19 large scale consultants, and I was at that stage  
20 considered to be too small and inconsequential a person  
21 to involve --

22 THE CHAIRMAN: I shall stop that question and not allow it  
23 to be put. Please move on.

24 MR LAWRENCE: Are you prepared to now acknowledge my  
25 contribution to this project?

1 THE CHAIRMAN: Again I will not take that as a question  
2 being directly related to the merits of the Order.

3 MR LAWRENCE: In that case, sir, I will end my questions.

4 THE CHAIRMAN: Thank you.

5 Mr Roots, any matters of re-examination?

6 MR ROOTS: No, sir, thank you.

7 THE CHAIRMAN: Okay.

8 Lord Coe, thank you.

9 MEMBER OF THE PRESS: Is it possible for a member of the  
10 public to make a comment on the quality of Sebastian  
11 Coe's evidence, because I -- I believe that at least  
12 some of it has proved to be inaccurate.

13 THE CHAIRMAN: No, it is not. But if you were appearing at  
14 the inquiry and giving evidence then you would have the  
15 opportunity of doing that and putting your case, but you  
16 are not an objector, are you, and on the basis that  
17 there are others here to question the evidence, then it  
18 is not appropriate to challenge it without any basis.

19 Lord Coe, thank you for your contribution this  
20 afternoon. You have probably been warned not to relax  
21 immediately after cross-examination because the  
22 Inspectors may have some questions for you; but I am  
23 able to tell you that you can relax, that the questions  
24 this afternoon have been exhausted, we do not have  
25 anything to ask of you. Thank you for your attendance

1 this afternoon.

2 A. Thank you.

3 THE CHAIRMAN: Mr Roots, any further matters before  
4 I adjourn for the day?

5 MR ROOTS: No, sir, no further matters. I believe tomorrow  
6 that you are sitting at 9.30.

7 THE CHAIRMAN: If that is convenient.

8 MR ROOTS: Indeed, I have Mr Higgins lined up for that time.

9 THE CHAIRMAN: He has an early morning call has he?

10 MR ROOTS: I suspect that he is well used to working long  
11 before that.

12 THE CHAIRMAN: Okay. Ladies and gentlemen thank you for  
13 your attendance this afternoon. The inquiry is now  
14 adjourned until 9.30 tomorrow morning.

15 (5.05 pm)

16 (The Inquiry adjourned until 9.30 am, Friday, 12th  
17 May 2006)

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