

1 Tuesday, 1st August 2006

2 (10.00 am)

3 THE CHAIRMAN: Ladies and gentlemen, good morning. the
4 Inquiry is resumed. This Inquiry is into the London
5 Development Agency (Lower Lea Valley, Olympic and
6 Legacy) Compulsory Purchase Order 2005. As you know, my
7 name is David Rose, and I am the Lead Inspector
8 appointed by the Secretary of State.

9 Today I will continue to hear the collective case
10 for the residents of the Clays Lane estate.

11 Before hearing Mr Goemans, can I check whether there
12 are any procedural or housekeeping matters. Mr Pereira?

13 MR PEREIRA: Sir, the only thing I would say is we need to
14 make sure we have the witness tables stocked up with the
15 relevant documents. I see there are some on the other
16 table. I wonder if that could be checked before we
17 start.

18 THE CHAIRMAN: I will pause to do that in just a moment so
19 I can ensure the witness has the documents and I have
20 the ones I need as well.

21 Mr Wald, any procedural or housekeeping matters?

22 MR WALD: Sir, only very minor ones. My learned friend and
23 I have exchanged a case each, just to keep you informed
24 in terms of authorities to be relied upon. I have also
25 supplied some documents this morning to Mr Pereira, and

1 I think, sir, you have had copies of those.

2 THE CHAIRMAN: Just handed in, yes.

3 MR WALD: They are documents that Mr Goemans will deal with
4 in-chief. In terms of the availability of the relevant
5 documentation, perhaps it would assist if I outlined
6 very briefly now how I propose to deal with
7 examination-in-chief. I will start, not reading from
8 but referring to Mr Goemans' proof of evidence.

9 THE CHAIRMAN: Yes.

10 MR WALD: I will then be looking at Mr Prior's rebuttal of
11 the collective case, which is effectively a rebuttal of
12 Mr Goemans, or Mr Goemans' evidence, rather. Mr Goemans
13 will then I think deal with the points that Mr Prior
14 raises. The intention then is to deal with some of the
15 documents that have been submitted this morning, and
16 deal with relevant points as they arise.

17 THE CHAIRMAN: Anything in the way of UDPs, OAPF, any core
18 documents?

19 MR WALD: Sir, yes. There will be reference made to CD25,
20 the plans. Mr Prior's main proof will be relied upon,
21 certain paragraphs within it. In terms of the UDP
22 material, I think I am right in saying that the relevant
23 sections have been reproduced in Mr Goemans' evidence
24 itself, but we may need to look at that UDP policy that
25 deals specifically with Clays Lane if not in that proof

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1 of evidence then at its source.

2 THE CHAIRMAN: Yes, I have those documents to hand. That is

3 very helpful. Was there anything further?

4 MR WALD: Sir, no, I do not think so.

5 THE CHAIRMAN: There was just one other housekeeping matter
6 that I have. There has been a request from Mr Slaving
7 to take some still photographs. I think I can recognise
8 Mr Slaving if only by the camera, so good morning to
9 you. I am quite happy for you to take some still
10 photography as long as it does not become intrusive and
11 as long as everyone else is comfortable with it. It
12 would be preferable, if you want to photograph advocate
13 and witness, if that is done when the witness first
14 takes to the witness table rather than when they may be
15 under questioning and the like. I think is the fairest
16 way to the witness. I also have no objection to you
17 taking photographs when we are in adjournments. If you
18 want some informal photographs, I have no objections to
19 that.

20 Is everybody comfortable with those arrangements?

21 Thank you.

22 MR SLAVIN: Thank you.

23 THE CHAIRMAN: Mr Wald, may I invite you to introduce your
24 witness, please.

25 MR IAN GOEMANS (called)

1 Examination-in-chief by MR WALD

2 MR WALD: Sir, yes. You are Mr Ian Geoffrey Goemans?

3 A. I am.

4 Q. And you have a degree in geography from the University
5 of London and a Diploma in Town Planning from what was

6 then the Polytechnic of Central London?

7 A. Yes, indeed.

8 Q. You are a Corporate Member of the Royal Town Planning
9 Institute and a Fellow of the Royal Institution of
10 Chartered Surveyors and you have 30 years' working
11 experience in town planning generally?

12 A. Yes.

13 Q. You have set out at the outset of your proof
14 dated July 2006 -- do you have a copy of that proof in
15 front of you?

16 A. I do.

17 Q. And you can confirm that it is written by you and is
18 true and accurate as far as you are able to say so?

19 A. Yes.

20 Q. As I say, you set out, beneath your qualifications and
21 experience, relevant professional experience which
22 includes, as I understand it, specific experience
23 dealing with CPOs?

24 A. That is correct.

25 Q. And most recently you were involved in the Lowfield

1 Street CPO at Dartford?

2 A. Yes, yes, that is right. Made a decision on that one.

3 Q. Successfully, I gather?

4 A. Yes, that is correct.

5 Q. Now, moving on, you then set out at paragraph 2 of your
6 evidence the scope and nature of the evidence. I would
7 like to ask, you indicate at the outset that you

8 consider the special character of the Clays Lane housing
9 estate, and I would just like to ask you, what is your
10 assessment of that character, and on what is it based?

11 A. I was very impressed when I first saw the estate,
12 firstly by the design. My first impression was the
13 design of the estate --

14 THE CHAIRMAN: Just a moment. Would it help if we had the
15 microphone slightly to the right, if you are going to be
16 turning to your advocate it may well assist you.

17 MR SLAVIN: May I interrupt?

18 THE CHAIRMAN: I would prefer you not to do. We are now in
19 a formal session and you have a few moments to take
20 photographs and I would prefer you not to be walking
21 around the Inquiry room.

22 MR SLAVIN: It is just the bottle.

23 THE CHAIRMAN: No, I cannot allow photographs to be
24 composed. You will have to take it as we are.

25 A. Yes, I was very impressed by the estate. My first

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1 impression was the surprising quality of the design,
2 I was impressed by the courtyards and the general
3 situation of the estate, just north of Stratford.

4 MR WALD: When did you first see it?

5 A. It must have been the beginning of July.

6 Q. Yes, and what impressed you about it?

7 A. Design and quality. The first impressions obviously
8 were visual, but then I came to meet the residents, and
9 again I was impressed by their interest in the estate,
10 and more importantly, when I learnt more about the

11 estate and how it was organised, I was impressed by the
12 way in which the residents cooperate together, the way
13 in which they provide mutual support, and have provided
14 support for wonderful people. I learnt about the
15 origins of the estate, when it was established, and
16 provides a stepping point, if you like, on to the
17 housing ladder for vulnerable young, I think mostly
18 single males.

19 Q. When you say you met the residents, do you refer to more
20 residents than those that appear at this Inquiry?

21 A. Oh, yes. The initial meeting I had was at the community
22 centre, and there were a number of other people at that
23 meeting.

24 Q. Now, you have appended to your proof of evidence
25 a number of statements, fairly brief statements from

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1 residents.

2 A. Yes.

3 Q. You are obviously familiar with those statements. Are
4 you able to say whether the design of the Clays Lane
5 Estate contributes to the features that you -- or the
6 experiences expressed in these statements?

7 A. Yes, I think -- I mentioned the courtyards. I think
8 that has been quite influential in the way that the
9 estate works. It is quite an intimate arrangement of
10 ten courtyards, I think it is, 50 people in each, and
11 they live close together, and by that, there is a great
12 deal of social interaction, as we have seen in the
13 photographs. The level and quality of interaction is

14 very good.

15 Q. The word "unique" has been used in relation to
16 Clays Lane estate, albeit possibly with some
17 qualification attached to it. Is this an estate like
18 any other you have known in your professional
19 experience?

20 A. No, actually. But, yes, you cannot say anything is
21 absolutely unique, but I have not come across anything
22 quite like this estate before. I have seen very many.

23 Q. You then say at 2.1, you express the view that:

24 "The LDA has failed to strike a proper and
25 proportionate balance between any public interest in the

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1 use of the Clays Lane housing estate and the resulting
2 damage to the public interest in the loss of this unique
3 estate ..."

4 You use the word "unique":

5 " ... and therefore the order does not meet the
6 requirements of the Act and the guidance in the
7 circulars."

8 Could you elaborate a bit upon that view expressed,
9 that there has not been a proper balance struck in this
10 case?

11 A. Well, I am looking at the available evidence, and it is
12 clear to me that there was an assessment made early on
13 in the process. Options included the retention of the
14 estate within the Olympic Village, the possible removal
15 of the estate to Stratford City, there were obviously

16 early stages of consideration of the estate and how it
17 would fit in with the Olympic Park.
18 Q. Do you have a particular document in mind when you say
19 that that option was considered?
20 A. Yes, that was a meeting held in Poplar in November 2003.
21 I think that is already submitted to the Inquiry.
22 Q. Do you want to turn up that document and just refer us
23 to the option of retention?
24 A. I have many documents but I do not think that one is to
25 hand at the moment. Apologies, could somebody supply me

8

1 with one? (Handed).
2 THE CHAIRMAN: Can you identify where that document is in
3 the bundle?
4 MR WALD: From memory, I think it was submitted along with
5 Mr Ian Sandison's evidence. Sir, sorry. I have misled
6 you. Apparently it was one of the numerous
7 Julian Cheyne documents submitted and it was handed in
8 immediately before Mr Cheyne gave his evidence-in-chief.
9 THE CHAIRMAN: In that case, I am with you.
10 MR WALD: Thank you.
11 THE CHAIRMAN: Are you with us as well, Mr Pereira?
12 MR PEREIRA: Yes, certainly.
13 THE CHAIRMAN: Thank you.
14 MR WALD: So, Mr Goemans, you have the document before you.
15 What is the source of your contention that an option of
16 retention of the Clays Lane Estate was considered?
17 A. Well, it is my reading of the answer to a question on
18 housing on the second page of this document, and she
19 wanted to know how many people would be decanted from
20 their present location by the proposals. She also
21 wanted to know where they would be relocated to. It is

22 supported here that:

23 "Jason Prior of EDAW explained that the residential
24 impact would be relatively small. He explained that the
25 Clays Lane Estate in Stratford had been placed in danger

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1 but there are preliminary plans to move it into
2 Stratford City or accommodate it in the Olympic
3 Village."

4 I accept that it is not quite clear what that means,
5 whether that means that the estate would physically be
6 located within and embraced within the Olympic Village,
7 or whether the community would be relocated into the
8 Village, but it did suggest to me that there were early
9 plans which looked at the option of retention of the
10 estate.

11 Q. Well, moving on from those plans, you were describing
12 your assessment of the balance that was struck. How, as
13 a professional planner, does one perform the task of
14 striking a balance between the loss of this facility and
15 this community and any possible public interest in the
16 acquisition of the land upon which it is placed?

17 A. Yes, I would look at it from the point of view of
18 justification for the development of that particular
19 estate, the justification for the acquisition of that
20 land, I think every square metre obviously has to be
21 justified under any CPO, and on that basis, I would look
22 at the estate, the quality of that estate, and make
23 a full assessment of that, and in any proposal, and

24 I have been involved in a number of large schemes for
25 the NHS where hospital proposals may involve some

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1 redevelopment, we look at option appraisals which take
2 into account every option, including doing nothing, but
3 normally we do something. That might mean the loss of
4 an estate, but, you know, it is unusual in that
5 particular situation, but in terms of an illustration,
6 we would look at the option of retention, and I was
7 looking for that assessment early on in my examination
8 of this case. I am still looking for that explicit
9 assessment of the estate. I have seen the Fluid Report,
10 and I have heard what is said and read about what is
11 said in that report about the quality of the estate, but
12 I have not seen the way in which that has been fed into
13 an option appraisal, as I call it.

14 Q. Have you got to hand the table that Mr Prior produces in
15 his rebuttal that lists the advantages and disadvantages
16 of different sites to be acquired? It is 5.6.

17 A. Yes, I have. Page 14 of Mr Prior's rebuttal to
18 Mr Cheyne.

19 Q. Does that amount to an assessment of the type that you
20 had expected to see?

21 A. Well, if an assessment was done, it is clearly only in
22 very summary form. There are clearly advantages and
23 disadvantages to various options which are stated, and
24 I note that the demolition of the Clays Lane estate is
25 clearly a disadvantage which is noted for the Stratford

1 City option, and the consequent disruption. But what
2 I have not seen is a full measure of that disruption and
3 a full measure of the value of that estate, the loss of
4 that community and how that is fed into what I call an
5 option appraisal.

6 Q. You have referred more than once to the loss of
7 a community. What is the effect on the balancing act
8 that is to be performed of the removal of residents, and
9 in particular of a community rather than, say, the
10 acquisition of commercial land or undeveloped land?

11 A. Clearly we are dealing with people's lives. We are
12 dealing with their homes. It demands a much higher
13 level of assessment. It demands a full examination of
14 the entire process, which perhaps we will come to later,
15 but which ought to and should include the assessment of
16 the quality of the relocation.

17 Q. Right. You have referred to the relocation and you do
18 so also at 2.2 of your proof. In the context of that
19 balancing act, what is the relevance of the relocation
20 strategy?

21 A. The relocation strategy will set out the way in which
22 that quality can be judged, the quality of the
23 relocation. My assessment of the relocation strategy
24 for this purpose would be that it would set out the way
25 in which quality control could be introduced. It would

1 measure an assessment of the estate against an
2 assessment of the relocation options. It would
3 introduce measures to ensure that the process is
4 properly monitored and controlled through the entire
5 process, and that residents' needs are being addressed,
6 residents are properly consulted through the process,
7 and their needs met, where possible, clearly, but that
8 it is shown to be explicit.

9 Q. You have talked about the option of retention of the
10 Clays Lane estate. Has the option of a new build to
11 house the community or that part of the community that
12 wish to stay together been considered?

13 A. Yes, it has. I understand it was fairly late on in the
14 process, but having identified the potential demand for
15 group moves in the Fluid Survey fairly early on in the
16 process, when up to -- a projected demand of up to 200
17 residents would be interested in a group move,
18 I understand that since then a number of surveys have
19 been undertaken, but only fairly recently in the
20 process, including a CBHA survey and a survey more
21 recently by the tenant advisers, SNU, which has recently
22 come up with -- I believe I have referred to it in my
23 evidence -- a demand of 124 residents for a group move.

24 Q. Do you have to hand the e-mail that was submitted as an
25 additional document this morning from Jeff Forbes at

1 Fluid --

2 A. Yes.

3 Q. -- to someone named Steve at Fluid but copied in to

4 Dr John Lynn?

5 A. Yes, I have that, dated 1st March 2004.

6 Q. Yes. Do you see the last line on that first page?

7 A. Yes, where it refers to:

8 "In addition we will need to see if the design for
9 the relocated co-op could in some way reflect the ten
10 courtyard social structure, though this may be
11 difficult."

12 Q. Does that anticipate a new build to house the displaced
13 community?

14 A. Yes, I would say that could only be accommodated in that
15 way.

16 Q. What sort of time frame would one expect in order to
17 bring into existence such a new build? Can you just go
18 through the stages? How long would one expect it to
19 take?

20 A. Well, it could take up to three years, with the planning
21 process, the construction period and the design period.
22 Working back from a construction period of, say, 18
23 months, one might expect planning to take six to nine
24 months, and prior to that, a design process involving
25 the residents and a degree of consultation, clearly,

14

1 could take six months. It could take longer.

2 Q. Do you know offhand the date that has been indicated as
3 the date for -- well, the terminal date, the last date
4 for residents to remain at the Clays Lane estate?

5 A. I understand that to be July 2007.

6 Q. Is the new build option now possible within that time
7 frame?

8 A. It looks extremely unlikely that that could be achieved,
9 unless there is a site which is ready and available now,
10 but clearly it would not necessarily meet the design
11 requirements of a ten courtyard or similar courtyard
12 design approach.

13 Q. Now, I am going to turn to the Fluid document in
14 a moment. If I could first ask you, I think -- I know
15 you were present when Mr Jones was giving his evidence.

16 A. Yes.

17 Q. And you may recall an exchange with Mr Jones about the
18 time frames, and the time within which an agreed
19 relocation strategy should be approved.

20 A. Yes.

21 Q. Mr Jones referred to the Grampian condition that
22 required that a relocation strategy be approved merely
23 before commencement of works.

24 A. Yes.

25 Q. Is that your understanding?

15

1 A. Yes, in legal terms, that is correct.

2 Q. In legal terms. Is it incorrect in any other terms?

3 A. In any other way, I would say that is not helpful to our
4 objectors.

5 Q. Are you turning to the Fluid Report or to the Grampian
6 condition?

7 A. Yes, I am looking to Mr Gaskell's appendix where he
8 refers to the Grampian condition.

9 Q. I think you would find it -- it is the appendix of the
10 rebuttal proof of Mr Gaskell to Mr Cheyne's proof.
11 A. Yes. REB13.
12 Q. That is it, REB13.
13 A. I have that.
14 Q. Perhaps if you could have that open and at the same time
15 the time line page on the Fluid Survey, which you will
16 find again in an appendix to Mr Gaskell, an appendix to
17 his main proof?
18 A. Yes.
19 THE CHAIRMAN: Appendix 4. I think it is at page 71.
20 A. 71, yes.
21 MR WALD: Do you have both documents open?
22 A. Yes.
23 Q. Do you see the line -- in my version it is a brown
24 line --
25 A. Yes.

16

1 Q. -- that runs at the heading "Relocation strategy
2 approval" between September 2004 and October 2005?
3 A. Yes.
4 Q. What do you understand as happening between those two
5 dates?
6 A. I understand that very little happened.
7 Q. What was intended to happen, as you understand it?
8 A. It was intended to -- as we have heard in previous
9 evidence, to provide as much information as possible to
10 the residents, a commitment was given to that effect,

11 and that residents would be consulted from the end
12 of September, in accordance with the Fluid time line,
13 2004.

14 Q. Sorry, I did not quite hear the beginning of your
15 answer. It was said in somebody's evidence?

16 A. It was referred to I think in Mr Cheyne's evidence.

17 Q. Right. So you understand that there should be
18 consultation within that period?

19 A. Yes.

20 Q. We have looked at a letter from Mr Winterbottom. Sorry,
21 we have looked at one of 2004. This morning we have
22 submitted an additional letter to Dr Lynn of
23 11th December 2003.

24 A. Yes.

25 Q. Do you have that document in front of you?

17

1 A. I do, yes.

2 Q. Do you see at the second paragraph it states:

3 "We are committed to developing strong sustainable
4 communities and any proposals which incorporate your
5 site would clearly have to be handled very sensitively
6 and in the interests of your co-operative members. I do
7 hope you share our vision of a really integrated, well
8 balanced community in the Lea Valley and as residential
9 pioneers we hope that we can make the lives of you and
10 your co-operative members much better."

11 A. Yes.

12 Q. Do you think that that expression of intent in December
13 of 2003 has any relevance to this time period

14 between September 2004 and October 2005?

15 A. Yes, it does. It is clear that the Fluid Survey
16 envisaged that communication with residents would start
17 very early in the process to enable the potential for
18 a group move to be assessed at an early stage, the size
19 of that group move, considerations of design, so that
20 could be fed into the process, given that it could be
21 a three-year period before anything could emerge on
22 site.

23 Q. Mr Goemans, you have expressed the view that on a strict
24 legal reading of the Grampian condition, the relocation
25 strategy had to be in place before the commencement of

18

1 works.

2 A. That is right.

3 Q. You have indicated that in accordance with the Fluid
4 time line, a period of consultation was anticipated, or
5 intended?

6 A. Indeed, yes.

7 Q. And you have referred to other sources to reinforce
8 that?

9 A. Yes.

10 Q. In your view, can a meaningful residential relocation
11 strategy be approved without the full involvement of the
12 residents affected?

13 A. No, not a meaningful one, no.

14 Q. Do you know the basis upon which the submitted
15 relocation strategy, residential relocation strategy,

16 was rejected by the relevant authorities?

17 A. Well, I understand from Mr Cheyne that he has had
18 conversations with the borough council, and it is
19 understood that their main concern was with regard to
20 monitoring and control. Clearly the Council were
21 concerned, in line with their own policies, to ensure
22 that their residents are treated properly; we are
23 talking about people's lives, the loss of their homes.
24 The quality of that relocation strategy is clearly very
25 important, and it needs to be monitored to see whether

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1 it is going to result in a successful relocation by the
2 time of the implementation of the planning permission.
3 Though strictly it is required in legal terms simply
4 before implementation for commencement of development,
5 in practice it is needed many months, if not years,
6 before that.

7 Q. Does the context of a compulsory purchase order require
8 any compelling case to be shown and affect in any way
9 the timing of a relocation strategy approval, in your
10 view?

11 A. Yes, I think the quality of that relocation, as I have
12 suggested earlier, can be measured against an approved
13 relocation strategy, and if there are clearly properties
14 which are being offered, or sites which are being
15 offered, which move towards or in favour of a balance
16 which would weigh in favour of residents against the
17 loss of their homes at the Clays Lane Estate, then that
18 is a material consideration. If the quality of the

19 reprovision is very poor, then that must be considered
20 also in the balance.

21 Q. What is the effect of the delays that we have now looked
22 at on residents?

23 A. It means in effect that we are now looking at a double
24 decant, as it is described, which clearly is simply that
25 residents will not be able to move to a new home within

20

1 the period to July 2007. They will have to move out of
2 Clays Lane, into temporary accommodation, before they
3 can be established in a new community elsewhere.

4 Q. Is there an effect on the ambitions of individuals in
5 terms of where and how they are to be relocated?

6 A. Well, we have heard from Mr Cheyne the effect it is
7 having. It clearly concerns residents that a number of
8 promises have been made and they are not being met.
9 There is a loss of faith in the process. While there
10 was an initial high, as Mr Cheyne put it, and the Fluid
11 Survey was clearly a very good survey, that does not
12 seem to have been translated in practice into an
13 effective move or process where information is
14 disseminated down to individual residents.

15 I think the loss of faith in that process has
16 resulted in people taking opportunities where they
17 occur. That might mean an opportunity to move to a new
18 flat which may not actually provide them with better
19 accommodation, it may be at much higher cost, but they
20 would rather take that opportunity now than perhaps wait

21 for the outcome of an uncertain process which could lead
22 to temporary accommodation in the meantime.
23 Q. Mr Goemans, you said at the beginning of that answer
24 that a number of promises had been made and they had not
25 been met.

21

1 A. Yes. I am referring to the --

2 Q. That is obviously a serious allegation. I know it is
3 not only yours. What is the basis of it?

4 A. The basis is that letter by Mr Winterbottom, where the
5 offer was made to residents of accommodation which is
6 like-for-like, if not better.

7 Q. Have you seen the section of Mr Gaskell's proof which
8 includes the addition of "so far as practicable"?

9 A. Yes, I have.

10 Q. In your view, is that different from the promise
11 originally made?

12 A. Yes, it is materially different.

13 Q. Is it reasonable?

14 A. It introduces the issue of whether it can actually be
15 delivered, whether all of the accommodation, such as
16 bungalow accommodation, could be translated into
17 accommodation at a new site of an equivalent level.

18 Q. Is it reasonable to expect the giver of the original
19 promise to live up to that promise?

20 A. I think it is reasonable to do so, particularly in the
21 context of a compulsory purchase. I think
22 Mr Winterbottom possibly had in mind that weighing of
23 the balance of the loss of the community and its present

24 accommodation against the needs of the community to
25 support a project. It is clearly an important project,

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1 and the quality of the relocation is material to that
2 balance.

3 Q. All right. Before we leave the relocation strategy, do
4 you have any comments on the contents of that relocation
5 strategy? The Inspector has Mr Cheyne's comments
6 appended to his proof of evidence, a document entitled
7 "Flaws in the relocation strategy". Do you have any
8 comments on the substance of that relocation strategy?

9 A. Well, it makes no reference to the quality of the
10 accommodation to be provided. There is no reference to
11 like-for-like, or like-for-like with the qualification
12 "so far as reasonably practicable". It makes no
13 reference to monitoring or control which, as we heard
14 earlier, was one of the criticisms.

15 Q. Do you know whether the initial promise of
16 "like-for-like, if not better" had an effect on
17 residents putting themselves forwards in order to be
18 objectors at the CPO?

19 A. Yes, I believe it has.

20 Q. You then move at 2.3 to consider the athletes' village
21 and back-of-house facilities; yes?

22 A. Yes.

23 Q. Now --

24 A. This is in my proof.

25 Q. It is in your proof, and I would like you to have to

1 hand now, please, Mr Prior's main proof, CD25 and
2 finally I think it is in Mr Prior's rebuttal to the
3 collective case, where he sets out the January and June
4 revisions to the masterplan.

5 A. Yes.

6 Q. What I want to do, Mr Goemans, just so that you and
7 everyone is clear, is understand how the Clays Lane
8 Estate site has been configured in terms of what is to
9 go into it, what comes out of it, and so on, so you can
10 help us understand the different permutations to date.

11 A. Yes.

12 Q. What was the original intention in terms of facilities
13 to be located at Clays Lane estate?

14 A. The original proposal -- I will turn it up -- the plan
15 attached to Mr Prior's evidence to rebut Mr Cheyne, plan
16 1, I think it is appendix 1, which shows the Olympic
17 Village to be in a location further to the north and to
18 the west --

19 THE CHAIRMAN: Can I just pause you there a moment. In
20 terms of the response proof, Jason Prior, that is REB38?

21 MR PEREIRA: I think we are looking at REB12, sir, which is
22 Mr Cheyne's rebuttal.

23 THE CHAIRMAN: Ah, yes, thank you.

24 A. That is the response of the Clays Lane residents. This
25 is specifically to Mr Cheyne, which I think has

1 a helpful plan which shows the original location of the
2 Olympic Village in a position which was located on the
3 Clays Lane Estate.

4 THE CHAIRMAN: Can you just take me to the plan, please?

5 A. I am sorry, sir?

6 THE CHAIRMAN: Is the plan numbered?

7 A. It is plan 1, permitted masterplan.

8 THE CHAIRMAN: I am with you.

9 MR WALD: Sir, I should say that appendix 3 for some reason,
10 certainly in our copies contains no plans, but we have
11 submitted the two missing plans this morning, so they
12 might be inserted after appendix 3, and I think probably
13 we will be turning to those as well.

14 A. Yes, appendix 3 referred to the design optimisation
15 review of December 2005. That is -- that date, that is
16 not on the website.

17 MR WALD: Right. You were explaining what was initially
18 envisaged as being located on the Clays Lane Estate
19 land.

20 A. The Olympic Village residential accommodation, as shown
21 on plan 1.

22 Q. And Mr Prior's proof at 5.53 speaks of three principal
23 changes to the masterplan; yes?

24 A. This is Mr Prior's main proof, 5.53.

25 Q. Yes.

2 MR WALD: We are looking at Mr Prior's main proof of
3 evidence, page 54, paragraph 5.53.

4 MR PEREIRA: Is this JP1?

5 MR WALD: Yes.

6 A. Yes, that refers to the revision to the proposal
7 dated January 2006. 5.53 states that:

8 "There are three principal changes to the Olympic
9 masterplan as submitted to the IOC in November 2004.
10 The principal changes are the relocation of the
11 international broadcast centre and main press centre,
12 the repositioning of the athletes' village, and the
13 relocation of the car and coach parking in part from the
14 area of Fish Island South."

15 MR WALD: All right. 5.80 I think also helps understand
16 a bit of the jigsaw puzzle at the Clays Lane estate.

17 A. 5.80 refers to the areas vacated by the repositioning of
18 the Olympic Village.

19 Q. What is meant by its repositioning?

20 A. That is the repositioning shown on plan 2 of the
21 appendix to Mr Prior's rebuttal to Julian Cheyne, where
22 it shows the location which has moved further south to
23 be almost entirely within Stratford City. In fact, it
24 is south and east of the location in plan 1.

25 Q. Yes.

1 A. So that the Clays Lane estate is now only partly covered
2 by proposals for the Olympic Village residential
3 accommodation. The remainder is back-of-house
4 facilities, a loop road, and it looks as if the far

5 western part of the estate is either sports facilities
6 or something ancillary to the sports facilities. Yes,
7 it is shown on the key at the bottom of the plan,
8 "Sports venues are grey", that is plan 3.

9 Q. All right. 5.84, I think also assists. It deals with
10 the media centre.

11 A. Yes. It says that:

12 "Most of the media personnel will continually move
13 between the main media complex and the various local
14 broadcast and press compounds within the back-of-house
15 facilities at each of the sports venues. For this
16 reason the IBC and MPC need to be located within or be
17 immediately adjacent to the Olympic Park."

18 Q. I know you were not involved at the stage of the round
19 table session that was conducted between some of the
20 residents of Clays Lane and the Inspector and the LDA,
21 but do you happen to know how residents were informed of
22 changes to the masterplan and when?

23 A. I think this was -- I do not know the exact date, how
24 soon after the announcement of the changes, but there
25 was a newsletter published which was taken to mean that

1 the Clays Lane Estate was no longer the site of the
2 Olympic Village.

3 Q. Okay. 5.87, does that help us understand the moving of
4 pieces in this jigsaw?

5 A. Yes. It explains that:

6 "The relocation of the IBC/MPC to part of the

7 Stratford City development site has a number of
8 advantages. In particular it provides a more
9 appropriate legacy solution as the major office and
10 employment uses are compatible with the development
11 aspirations for this part of the Stratford City
12 development project."

13 That is shown on plan 3 of Mr Prior's rebuttal to
14 Mr Cheyne, the broadcast area is shown in green, pale
15 green.

16 Q. What about Paralympic tennis and archery as mentioned at
17 5.82? What is the relevance of that?

18 A. Well, it says that:

19 "Paralympic tennis has been reintroduced into the
20 park, into a location to the north-west of the athletes'
21 village, together with Paralympic archery facilities.
22 The tennis facilities were included within the permitted
23 masterplan proposals but were excluded from the
24 candidature file, the bid book following the
25 incorporation of fencing halls within the Olympic Park."

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1 Q. Yes. Why do you emphasise "reintroduced"?

2 A. Well, it sounds to me as if the Paralympic tennis was
3 off the site, it certainly was not in that location. My
4 reading of that is that it has been reintroduced into
5 the main Olympic Park. Fencing was also ...

6 Q. Mr Goemans, what is the relevance of all of this in
7 terms of establishing a compelling case for the
8 acquisition of the Clays Lane Estate site?

9 A. Well, we have heard that there is very little room for

10 manoeuvre within the design of the Olympic Park, that
11 facilities need to be where they are, but clearly, as
12 with any plan, there has been a process of evolution,
13 some facilities which were off site have been moved in,
14 others have moved off site. I believe that one of the
15 facilities will now be at Earl's Court. It is a process
16 of evolution. It suggests that there may be a degree of
17 flexibility, and that even now, it may be possible to
18 consider the location of some of the sports facilities
19 in a location not directly in the Olympic Park, adjacent
20 to Clays Lane.

21 Q. In your view, is the LDA required at each modification
22 stage to consider the possibility of excluding the
23 Clays Lane Estate from its acquisition lands?

24 A. Yes, I think that given the requirements of the circular
25 that should be considered at each stage, whether there

1 is full justification for the removal of the Clays Lane
2 Estate. One level of justification may have been
3 provided by the location of the residential facilities
4 on the Clays Lane Estate, clearly an important -- that
5 is the athletes' village residential facilities --
6 clearly an important part of the functioning of the
7 Olympics. However, if the uses are back-of-house,
8 though they are essential it suggests that there may be
9 some room for manoeuvre in exactly where those
10 back-of-house facilities are located, as long as they
11 are contiguous with the Olympic Village and meet

12 security requirements. I understand that point in
13 Mr Prior's rebuttal.

14 Q. What about the point that is made about levelling? Some
15 of the areas of land here are at different heights.

16 A. Yes, I understand that Stratford City is at a height of
17 14 metres above Ordinance datum and that Clays Lane is
18 9 metres above, and that in between we had various
19 levels, but much lower, going down to the river.

20 MR PEREIRA: Sorry, going down to?

21 A. To the River Lea, yes. I do not think we are at zero,
22 but we are much closer to that level.

23 MR WALD: Mr Goemans, you said that even at this stage it
24 might be possible to configure the Olympic facilities so
25 as to result in the omission of the Clays Lane Estate

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1 from the acquisition lands --

2 A. Yes.

3 Q. -- ie, to remove it from the red line?

4 A. Yes, clearly that is something that should be looked at
5 every time, and I have looked at that.

6 Q. You have looked at that, have you?

7 A. I have looked at that potential for the exclusion of the
8 Clays Lane Estate from the acquisition land.

9 Q. All right, I am conscious you are not EDAW or with the
10 resources of EDAW but what have you come up with in
11 terms of establishing a method of excluding the
12 Clays Lane Estate from the red line?

13 A. Yes, one approach is to look at the options which were
14 set out in the design optimisation review,

15 December 2005, which looked at the site of the athletes'
16 village and its location in relation to Stratford City.
17 There were suggestions quite early on, I believe from
18 Mr Cheyne, that Stratford City should be the site for
19 the athletes' village in its entirety, and that was in
20 fact one of the options which was considered in the
21 draft optimisation review.

22 Q. Well, can we look, then, starting from 5.4 of REB12 at
23 page 22, Mr Prior's rebuttal to Mr Cheyne.

24 A. Can you give me the paragraph number again?

25 Q. It is paragraph 5.4 at page 22 of REB12.

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1 A. Yes. Mr Prior refers to the land occupied by the
2 Clays Lane Estate and states that it is essential for
3 the incorporation of the athletes' accommodation and
4 essential back-of-house facilities and a loop road which
5 are needed for the operation of the athletes' village
6 during the Games set out above.

7 So he makes no real distinction between the
8 accommodation and the back-of-house facilities, and
9 refers to the Olympic loop road and its routing as being
10 part of the justification for the removal of the
11 Clays Lane Estate. He says that space is highly
12 constrained and that there is absolutely no spare land
13 elsewhere within the Olympic Park where these facilities
14 would fit.

15 Q. Well, first of all, we have looked a bit at the jigsaw
16 puzzles, the moving of pieces. Does that lead you to

17 any particular view as to whether the land occupied is
18 essential?
19 A. It suggests to me that there is a degree of flexibility,
20 that there is still held out the possibility that some
21 of the facilities that have been moved back into the
22 Park could be located off site in their original
23 location.
24 Q. There is mention made at 5.4 of densities. You have
25 submitted a document this morning dated 25th July 2006;

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1 yes?

2 A. Yes.

3 Q. Although curiously your e-mail covering it is dated six
4 days sooner.

5 A. Yes, that seems to be an error on the letter, the date
6 of the letter. This is the consultation letter sent to
7 the occupiers of the Clays Lane Estate.

8 Q. Why have you submitted that document?

9 A. Well, it refers to an application being made under the
10 Planning Act section 73 to vary conditions of the
11 planning permission to allow an increased residential
12 density in zone 1, and increased flexibility to make
13 minor changes to the parameter plans where necessary.

14 Q. Now, what part does this play in your vision of a scheme
15 that requires land other than the Clays Lane Estate
16 land?

17 A. Well, it bears on the issue of the land required for the
18 accommodation itself. If a more efficient layout for
19 the Olympic Village can be devised which takes up

20 a smaller footprint, and this Village could be located
21 further to the south, it could avoid the Clays Lane
22 Estate altogether.

23 Q. Could you, by reference to the latest of the plans,
24 which includes in, what looks rather like a tongue, site
25 351, the Clays Lane Estate; there is a corner that

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1 remains housing or Olympic Village accommodation.

2 A. Yes.

3 Q. Could you just explain, as thoroughly as you can, how
4 a reconfiguration could achieve the omission of the
5 community at Clays Lane?

6 A. Yes, it is I think better explained by looking at the
7 design optimisation review, and option 4, which looked
8 at the smaller footprint for the Village. If you look
9 at page 11 of that document, option 4 describes the
10 Village as fully within Stratford City site boundary,
11 with another 57,500 square metres of additional
12 residential floor space required to accommodation
13 athletes on the Stratford City land.

14 It says that it would be compliant with Stratford
15 City planning parameters with regards to height, but not
16 with regard to floor area.

17 This is something that Mr Prior refers to when he
18 refers to the need to respect the Stratford City
19 planning parameters with regard to density and floor
20 space.

21 Q. Is there a limitation on the height or the number of

22 storeys that one could have for the accommodation of
23 athletes?
24 A. There is an IOC guideline which says that no athlete
25 should be accommodated above eight storeys. I would

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1 point out that this is something which is discussed in
2 the document and the table within that document at
3 page 10 refers to storey height.

4 Q. Can that be altered by agreement with the IOC?

5 A. Yes, option 3 clearly envisages that IOC approval will
6 be needed. It says in the paragraph at the top of that
7 page 10:

8 "The London organising committee of the Games are
9 supporters in principle of the possibility of athletes
10 at higher levels but would still require IOC approval
11 before a decision is finally made."

12 And option 3, which is the preferred option, which
13 will be familiar when you look at the January revisions,
14 option 3 assumed that:

15 "11 per cent of athletes will be accommodated above
16 eight storeys."

17 It is true to say, obviously, that option 4 has
18 a greater proportion of athletes above eight storeys but
19 that principle is something that will have to be
20 addressed, in any event, for option 3.

21 Q. In your proposed configuration, is just the corner of
22 housing on the Clays Lane Estate to shift to Stratford
23 City, or did you envisage the remainder?

24 A. The remainder of the development looks pretty much the

1 middle. The omission is the northern section of the
2 accommodation, which I believe is around about 650
3 units.

4 Q. And in terms of densities, could that be accommodated at
5 Stratford City?

6 A. Yes, there is an issue of floor space at Stratford City,
7 which Mr Prior referred to. However, I think the recent
8 consultation letter, the mere fact that there is an
9 application submitted to increase density does suggest
10 that there may be a degree of flexibility in the design
11 of Stratford City. Although we are told that the
12 application does not affect the density on the Olympic
13 Village site itself, it does affect the context within
14 which the Olympic Village will be placed, and it does
15 appear that the application is for round about 640
16 additional dwellings on the site, so clearly a higher
17 density, a significant increase in the previously
18 planned proposals, which I think were just under 5,000
19 units.

20 Q. Well, so much for the housing element. What about the
21 back-of-house storage facilities? How does your
22 postulated reconfiguration allow for those?

23 A. Yes. As I mentioned earlier, it is clearly important
24 that the back-of-house facilities are located in
25 a position contiguous to the athletes' village. But it

1 suggests to me that by this redesign, it might be
2 possible to reconfigure the location of those
3 back-of-house facilities to another position to the
4 south and west of its present proposed location.

5 Q. Can you be more precise?

6 A. With the plan?

7 Q. Yes.

8 A. I wonder whether we can refer to plan 3 again, which is
9 the large scale plan showing the boundaries of the
10 Clays Lane Estate. Perhaps it would also be helpful to
11 look at PB25. That is plan 30 on PB25, which is
12 a smaller scale version of this plan. I am suggesting
13 here that back-of-house could be moved in
14 a south-westerly direction, still contiguous with the
15 northern edge of the Olympic Village. That would be
16 then located on the site which is shown for, at that
17 point, the IBC, the yellow area, but we have since
18 learnt, of course, that in the June revision, the IBC is
19 located in a location on AA, I believe, in the
20 north-western corner of the park. This is a reference
21 to the legacy that would result from its later
22 conversion to employment uses.

23 Just going back on that, back-of-house could be
24 located in the present location of the IBC on that plan,
25 and back-of-house for sports facilities, given the IBC

1 is now located elsewhere, those sports facilities have
2 potential now to be located contiguous again to the

3 sports facilities but to the north of the Clays Lane
4 Estate.

5 Unfortunately the Clays Lane Estate is not shown on
6 the smaller scale plans but on the larger scale plan,
7 plan 3, we can see an area north of plot 350 and 351
8 which could possibly be the location for the
9 back-of-house for sports. But I realise, of course,
10 this does raise the issue of the location of the Olympic
11 loop road and the levels required for that.

12 Q. I was going to ask you about levels and the loop road.

13 A. The levels is an issue which I have not referred to, but
14 it is referred to in Mr Prior's evidence, where he is
15 concerned about the creation of a development platform
16 for the Olympic Village. The advantage, obviously, of
17 locating the Olympic Village further to the south and
18 entirely within Stratford City is that within Stratford
19 City, the levels, although higher, are at one level,
20 whereas the location of that northern corner of the
21 site, in the present configuration, would straddle an
22 area of lower land between Stratford City and Clays Lane
23 Estate, which I understand to be 9 metres. So there is
24 an intervening area of lower land. The advantage
25 clearly there is that it would enable the planning of

1 Stratford City and the athletes' village to be taken as
2 one, without the need to (a) go into the problem of
3 levels in that area between the Clays Lane Estate and
4 Stratford City; it would also -- and this is one of
5 a number of points that Mr Prior refers to -- it would

6 also avoid the need to remediate land in the Clays Lane
7 area, should that be necessary.

8 Q. Well, I think I need very briefly to touch on that
9 issue. It has been clarified to us that contamination
10 is not the reason for the inclusion of this site. It
11 may be said that it is a reason, amongst others. Do you
12 have any views that you can express on that matter and
13 its relevance in terms of the establishment of
14 a compelling case for the acquisition of the Clays Lane
15 site?

16 A. Well, on contamination, yes, I understand that it is
17 considered an advantage to have an opportunity to
18 remediate where contamination occurs, but it is not
19 a justification for the redevelopment of the Clays Lane
20 Estate. I do not think that is part of the LDA
21 evidence.

22 Q. Yes. So its relevance in terms of establishing
23 a compelling case?

24 A. Yes, if there had been another justification it would
25 help to weigh the balance in favour of the LDA in that

1 particular case, but it is not a justification. It is
2 simply a by-product of a development on the Clays Lane
3 Estate. It does not appear to be a justification for
4 the taking of Clays Lane.

5 Q. Is there clear evidence available to the Inquiry on type
6 and, if appropriate, level of contamination and possible
7 methods, if necessary, of remediation?

8 A. Yes, there is only very limited evidence, and I have
9 appended that to my proof, which is the environmental
10 survey, the desktop survey, published by Newham, which
11 refers to the history of the site and some borehole
12 logs, and the conclusion that while the site was
13 previously a refuse tip, it has been overlaid with war
14 damage material to a depth of around about 5 metres,
15 that the tipping stopped at around about the end of the
16 Second World War and since then the site was filled with
17 war damage material, and that ceased in 1953.

18 Q. You are familiar with the Stratford policy UR14?

19 A. Yes.

20 Q. And in particular subsection (d) of it which states that
21 regeneration uses which serve to reduce the isolation of
22 the Clays Lane Estate will be within the range of
23 uses that are encouraged by that policy?

24 A. Yes. Yes.

25 Q. What do you understand from that policy in terms of the

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1 intended future of the Clays Lane Estate?

2 A. Yes, my reading of that policy is that the existing
3 Clays Lane Estate, and it refers to the estate rather
4 than the area, was considered to be relatively isolated,
5 I have used that term, and that an advantage arising out
6 of the Stratford City redevelopment within MOZ1 would be
7 that surrounding development would help to reduce the
8 isolation of the estate. Mr Cheyne actually provided me
9 with some further background on this, because I believe
10 he was one of the instigators of that particular policy

11 and knows the background to it. I think I have a copy
12 actually of his submissions to the UDP, and they
13 are November 1993.

14 Q. How does that assist?

15 A. That assists because it provides the background to the
16 policy to reduce the isolation of the Clays Lane Estate,
17 and it was to be retained as part of the Stratford City
18 development proposal, and it was proposed as an
19 advantage or a benefit of the Clays Lane Estate.

20 THE CHAIRMAN: Is that a document you are proposing to hand
21 in?

22 MR WALD: Sir, I was going to ask you, you mentioned at an
23 earlier stage when we raised this at the Inquiry that
24 you had had sight of the justification for that policy.
25 Would it be of assistance to have a full copy of the

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1 document to which Mr Goemans is referring now?

2 THE CHAIRMAN: This is the document that was presented by
3 Mr Cheyne, is it, or the document he spoke to at the UDP
4 Inquiry?

5 MR WALD: I think it is the latter.

6 A. Yes.

7 THE CHAIRMAN: It would be helpful, yes, if that is
8 something that can be copied.

9 MR WALD: We will make copies available certainly before
10 Mr Goemans is cross-examined.

11 THE CHAIRMAN: I am just looking at the time. It is
12 11.10 am. Do you know roughly how long you will be?

13 MR WALD: Sir, yes, I would expect about half an hour longer
14 in-chief.
15 THE CHAIRMAN: Are you happy to take it through in one go?
16 MR WALD: I am perfectly content. If you would like to
17 pause now --
18 THE CHAIRMAN: No, I am quite happy to go through, if
19 everyone else is, then we have dealt with
20 evidence-in-chief. That is the sensible way.
21 MR WALD: You have given your view on that policy,
22 Mr Goemans. You have included in your proof of evidence
23 references to sustainability and regeneration.
24 A. Yes.
25 Q. Can I ask you at the outset whether, in your view, the

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1 retention of the Clays Lane Estate contributes to the
2 objectives of both of those two important principles in
3 planning?
4 A. Yes. The sustainable communities is an important part
5 of government policy, the development of real
6 communities. I think Mr Prescott referred to them as
7 communities which do function rather than simply become
8 large-scale housing estates without very much social
9 interaction. I think his view, his vision for
10 sustainable communities was a live and vibrant community
11 which interacts, which has its own services, which
12 provides a range of different types of accommodation on
13 the site. This suggests then a mix of private and
14 affordable housing accommodation, and affordable housing
15 accommodation of specifically different types according

16 to need, to meet need.

17 Q. Is Clays Lane Estate an example of that?

18 A. Yes. Yes, I believe it is a valuable contribution. It
19 cannot be a sustainable community in its own right. It
20 is clearly too small, 2.4 hectares, 500 population or
21 thereabouts. But it does have a very substantial
22 contribution to make. We have heard about the social
23 capital that is tied up in that estate.

24 Q. That is from Mr Rodgers?

25 A. From Mr Rogers. The value of that community; Fluid

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1 refers to its special character and the unique qualities
2 of Clays Lane. That estate could make a very valuable
3 contribution to any sustainable community.

4 Q. Is the retention of existing housing stock encouraged by
5 policy?

6 A. Yes. The adopted UDP 2001 refers to sustainability.

7 There is a strategic policy S4 in that document.

8 Page 12 refers, at paragraph 51, to the principles of
9 sustainability:

10 "Sustainable development embraces concern for the
11 real quality of life, not just for income growth.
12 Sustainable development brings together four sets of
13 values: environmental protection and enhancement;
14 providing for future quality of life and equity between
15 present and future generations; to create a new policy
16 agenda for action which integrates environmental,
17 developmental and socio-economic concerns in a holistic

18 approach."

19 It then goes on at paragraph 55 to list and refer to
20 the process of moving a borough to a sustainable
21 development path. It believes by doing so it can make
22 a real contribution to supporting the Government in the
23 national commitment:

24 "These include re-using and recycling previously
25 developed urban land for new uses but at the same time

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1 optimising the use of the stock of existing buildings."

2 Q. Right, thank you for that. Now, before I turn on to
3 regeneration, I intended to ask you; you had set out
4 your suggested reconfiguration of Olympic facilities in
5 order to enable the retention of the Clays Lane Estate.
6 I wondered -- you indicated one or two practical
7 advantages to the LDA of that reconfiguration.

8 A. Yes, I mentioned the avoidance of the need to create
9 a new development platform for the whole of the site and
10 the larger Village, which would take in the gap between
11 the area of lower land between Stratford City and
12 Clays Lane. It would mean that there would be less
13 earth movement required. It appears from my reading of
14 the plan that the Olympic Village is configured in such
15 a way as to create a development which has a fall
16 towards the river in a south-westerly direction.
17 Clearly the cascades would have to work in that way. On
18 that basis, yes, a large development platform would be
19 required. If that development platform could avoid land
20 in the north-east corner of the site, which at present

21 is at varying levels, that would be an advantage, less
22 earth movement is required.

23 It would also take the development entirely within
24 Stratford City, where there is remediated land at
25 present. So the risk to the development programme could

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1 be minimised. As a corollary to that, maybe then there
2 would be no need to remediate that land which may be
3 required for a development which embraces the Clays Lane
4 Estate.

5 It would also offer the opportunity, and I -- as
6 Mr Wald has said earlier, we have not had the time, or
7 we certainly do not have the resources of EDAW to look
8 at what implications that would bring about, but it
9 would suggest that you could have a fresh look at the
10 level to the north of that reconfigured Olympic Village
11 to determine whether it would be possible then to create
12 a platform, and I understand that it is required where
13 possible to accommodate the facilities on the Olympic
14 Park, but I suggest that is an exercise that would be
15 worthwhile doing, because again, it could reduce the
16 requirement for earth movement and remediation.
17 Clearly, if a lower volume of earth is moved there is
18 a reduced requirement for remediation.

19 Q. Any other practical advantages? Any other practical
20 advantages that arise from your configuration? What
21 about time frames, for example?

22 A. Risks to programme? Yes, I think that is significant.

23 It has already been referred to in Mr Prior's
24 justification for the redesign of January 2006. That
25 was to avoid the overhead power lines. It would move

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1 the site further within the area of Stratford City, and
2 away from the path of the overhead lines, further away
3 from the path of the overhead lines. There is more that
4 can be done early on in the programme without the need
5 to have those overhead lines undergrounded. That is
6 a programme which is referred to, which is I think due
7 to complete in 2008, but they have suggested that there
8 may be some risks to that date and it would be better to
9 avoid a development which depended on undergrounding
10 those lines.

11 Q. What about in terms of the relocation strategy which is
12 yet to be approved? Would it confer any advantage so
13 far as the relocation strategy is concerned?

14 A. Well, yes. Avoiding the Clays Lane Estate clearly would
15 enable the development to proceed without the
16 satisfaction of a relocation strategy related to
17 Clays Lane Estate itself. So it could proceed without
18 meeting that requirement. That would be my reading of
19 it.

20 Q. And in your view as a planner, would a section 73
21 application to discharge the Grampian condition be
22 likely to be successful?

23 A. Yes. Yes, on that basis, given that the Clays Lane
24 Estate is I think the only significant area of
25 residential development, and clearly the reference is to

1 Clays Lane Estate by that reference of the relocation
2 strategy.

3 Q. Does West Ham have a significant zone of residential
4 use?

5 A. Yes. West Ham is another major opportunity zone
6 referred to in the Lower Lea Valley planning framework.

7 Q. Sorry, my question was: does it have the density of
8 residential use on it that Clays Lane has?

9 A. Yes, it has a similar level of development proposed.

10 Q. Proposed or existing?

11 A. The West Ham area? Yes, a similar level; in some cases
12 lower.

13 Q. What is your view of its suitability in terms of
14 regeneration ambitions and generally?

15 A. West Ham is an important area for regeneration. It is
16 further down the Lea Valley. If we look at the plans to
17 which we referred earlier when discussing the evidence
18 of Mr Jones it is an area which is more clearly within
19 an area of need for regeneration generally, as you move
20 south along the Lea Valley where the greater
21 regeneration requirements are. West Ham is a major
22 opportunity zone, and it is clearly intended that any
23 development there would provide another catalyst for
24 regeneration. Canning Town is another one, of course,
25 further to the south, another major opportunity zone.

1 Q. Would the objectors of regeneration be better served if
2 West Ham was included?

3 A. Well, I think it would help to spread the Olympic effect
4 much more widely. A movement generally further to the
5 south must be favoured. Clearly we have to look at the
6 practicalities of any development that can take place
7 further south, and we have to look at land availability.
8 However, if it is possible to locate part of the Olympic
9 Park within the West Ham area, I believe there would be
10 significant advantages for regeneration.

11 Q. All right. I do not think we need to go back to the
12 plan that was drawn to Mr Jones' attention. You recall
13 the different grades of brown and orange.

14 A. Yes.

15 Q. What did that show us?

16 A. It showed some of the darker areas to the south. Well,
17 clearly there are areas of deprivation to the north as
18 well, which will benefit from the spread effect from
19 Stratford City. If you can establish another catalyst
20 for development further to the south, that would benefit
21 other areas of deprivation shown as darker areas on this
22 plan.

23 Q. Mr Jones said that the development need not necessarily
24 be within the area of deprivation, but provided it was
25 close by, it --

1 A. Yes.

2 Q. -- stood a chance of having the --

3 A. Well, given that, yes, the areas of deprivation are
4 often existing areas of housing, it would be better to
5 locate any catalyst on areas adjacent to those houses.

6 Q. With that in mind, is it your view that nonetheless
7 there is an advantage in placing Olympic development
8 further south along the Lea Valley?

9 A. I think there is a general advantage in doing so, yes,
10 if that is practicable.

11 Q. And how suitable is the West Ham site in other terms?

12 A. In other terms it is a major opportunity zone. It
13 clearly envisages development. It takes in adjoining
14 land proposed for open space improvement at Mill Meads.
15 It could link with proposals which I believe are made
16 for Prescott locks the flooding of that, or a Prescott
17 channel, the flooding of that area, and improve the
18 environmental quality of that zone. But I think
19 importantly, that area is proposed for development.

20 It is referred to in Mr Prior's evidence as an area
21 of 22.4 hectares; clearly a very large area. The area
22 I am thinking might possibly accommodate further Olympic
23 facilities, it is I think referred to as the RTZ site in
24 the Lower Lea Valley planning framework. So that is an
25 area close to the West Ham ramp, and close to West Ham

1 station.

2 Page 34 of the planning framework refers to this
3 area. It is identified as a priority development node,

4 where the Council is seeking a mixed development
5 incorporating a new local centre with local retail or
6 business uses, B1 and B2 business uses, and residential
7 accommodation. It is one of the first sites that people
8 travelling from West Ham station see and therefore it
9 provides a lasting image of the borough. At present
10 that land is derelict, unused land.

11 Q. Mr Goemans -- sorry, I did not mean to interrupt you.

12 A. Sorry, I was then going to say:

13 "The Council is promoting a high quality mixed use
14 employment residential community development set in
15 a landscaped environment. The development should
16 include a quality link to a new West Ham district centre
17 which would incorporate a range of activities, including
18 retail and residential, live/work, leisure and B1."

19 Q. Okay.

20 A. Yes, and I refer to Mill Meads as well. That area is
21 referred to at 2.4, "Proposed land uses":

22 "To retain this land as a strategic area of open
23 space, marking this important gateway into the borough."

24 So I see this as a key part of the West Ham MOZ.
25 Any proposals which brought forward regeneration of that

1 area and improve transport links -- it does have
2 existing roads and bridges, but any improvements that
3 come about as a result of development of the Olympic
4 Park, access can be provided from the West Ham ramp, and
5 that, of course, provides access on to the Greenway. It
6 is close to the location for a main pedestrian route

7 into the Olympic Games. It is not contiguous with the
8 main Olympic Park. However, a separate security zone
9 could be created, in my view, and high quality links
10 provided, which would be of lasting benefit in legacy.

11 Q. Okay, Mr Goemans, can I take you back to your proof,
12 please.

13 A. Yes.

14 Q. You set out four questions. They are all at page 5.

15 I think we can begin to answer them.

16 The first is:

17 "Whether the LDA has advanced sufficient evidence to
18 show that proper attention had been paid to the
19 consideration of alternative sites for the Olympic
20 facilities that are proposed to be located at the
21 Clays Lane Estate and the option of the retention of the
22 community within the Olympic Games and Legacy
23 Masterplan."

24 Are you now able to answer that question?

25 A. Yes, I have not seen that evidence. It may be there but

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1 I have not seen that evidence. My conclusion at the
2 present time is there is insufficient evidence. The
3 object of that issue is to establish whether there is
4 sufficient evidence; I have not seen that evidence.

5 Q. All right. Number 2:

6 "Whether sufficient consideration had been given to
7 the impact of the proposed CPO on the residents'
8 occupation of the land and the loss of a community of

9 unique character and social importance and whether in
10 the event of a CPO satisfactory alternatives are being
11 made available for the residents' occupation."
12 A. No, I have not seen again how that has flowed into the
13 process. The Fluid Survey provided very valuable
14 information. I have not seen that translated into an
15 effective relocation strategy, which would have counted
16 in favour.
17 Q. Two questions from that, Mr Goemans. One is, in your
18 view, does the loss of the formal co-op status affect
19 what you describe as "a community of unique character
20 and social importance"?
21 A. No, I do not think it does. I refer to the evidence of
22 Mr Rodgers, that the co-operative that was on the
23 Clays Lane Estate suffered management problems, but it
24 was not a fundamental criticism of the co-operative
25 approach to management.

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1 Q. Right, the other question is, have you looked at
2 proposed alternatives for the residents of Clays Lane
3 Estate?
4 A. I had a drive around with Julian Cheyne early on in the
5 course of my work on this project. I have had a look at
6 some of the sites. I have not seen them all. I think
7 there are some photographs. I have seen some of those
8 sites referred to in the photographs.
9 Q. I intended to put this in this morning. There is a clip
10 of photographs. It really is to illustrate by
11 photographs the list of possible alternatives that

12 Mr Cheyne sets out in one of his appendices. I can
13 reassure Mr Pereira, I do not intend to recall Mr Cheyne
14 for this purpose, but it may assist if you have sight of
15 these photos that give a bit of colour and picture to
16 what is described by Mr Cheyne.

17 THE CHAIRMAN: Do we have copies of those to be circulated
18 now?

19 MR WALD: Yes, please. (Handed)

20 While they are being circulated, Mr Goemans, you
21 said you visited some of them. What is your view of
22 their suitability recalling the like-for-like or better
23 promise?

24 A. Well, they are in fundamentally different locations to
25 the Clays Lane Estate. They do not have the quality of

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1 environment available at Clays Lane, which is adjacent
2 to an area of open space. The quality of the amenities
3 is in many cases much poorer. The quality of the
4 residential environment is often very different, and the
5 sites that I saw, while some of them were sites, many
6 were individual properties, they were not significant
7 sizeable sites which could be redeveloped to create
8 something like the Clays Lane design and character.

9 Q. Thank you. Sir, so that you have the reference and that
10 others have it, it is page 101 of Mr Cheyne's collective
11 proof. He sets out -- it is a document, "My comments on
12 the proposed sites for group moves". He has indicated
13 where the site in question was one that was found by

14 residents. If it does not state that it was found by
15 residents then it has been suggested by the London
16 Development Agency.

17 THE CHAIRMAN: Thank you.

18 MR WALD: A third question that you pose at page 5:

19 "Whether sufficient consideration has been given to
20 the type and character of the housing in the Clays Lane
21 Housing Estate when considering the options for the
22 relocation of residents."

23 I wanted to ask you, Mr Goemans, what is your view
24 of the condition of the housing stock? Various views
25 are expressed, some negative ones on the part of the LDA

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1 and a couple of reports relied upon. Can you offer us
2 any assistance about that?

3 A. I have to say, although I am a surveyor, I am not
4 a building surveyor, so my assessment is necessarily
5 based on my experience. But I think that surveys that
6 have been appended to the later rebuttal of Mr Gaskell
7 summarise a situation which does not in any way,
8 markedly anyway, diverge from my opinion that the
9 properties are basically in sound condition. That is,
10 of course, the properties rather than the surrounding
11 ground.

12 Yes, there is clearly some backlog maintenance
13 required, and the estate needs some attention, but the
14 structure, the masonry, the roof, are all basically
15 sound. They are, after all, constructed on a raft piled
16 foundation, we understand. There is no major structural

17 fault, but there is a need for maintenance, there is
18 a need to bring up the standard of accommodation to the
19 proposed standard.

20 Now, Decent Homes Standards mainly talk about
21 comfort, the amenities, the quality of the kitchens, the
22 level of insulation; for example the quality of the
23 joinery is an issue, and a lot of the joinery will
24 require replacing. But these are matters of
25 maintenance, and I am not surprised to see the sort of

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1 problems you see on that estate, given that no money has
2 been spent, I understand, for at least two years.
3 Though money was available in the original co-operative
4 account, I think something in the range of around
5 £2 million, that money was not able to be spent due to
6 the intervention of the regulator, I believe. So there
7 is a catch-up process required.

8 Now, there is reference to differential settlement.
9 I accept that there are problems with differential
10 settlement, which has an effect on the drains. They had
11 to be relaid I believe twice in the last -- I do not
12 have the period, but over a significant period, yes.
13 The drains had to be relaid on two occasions. Now, this
14 is an area for an expert, but in my researches for this
15 case, I did speak to a specialist in this work and it
16 was quite encouraging. They felt that it would be
17 possible to stabilise the ground. The courtyards
18 particularly are the problem. There is settlement

19 leading in some cases to trip hazard, but I only saw one
20 in my walk around the estate, and that was a monitoring
21 well.

22 The site has been -- or the courtyards have been
23 with tarmac and it is uneven and there is evidence at
24 the edges of the courtyard that the land is falling
25 away. But again, I am encouraged by the techniques that

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1 are available now to remediate in situ, and I was
2 referred to a case where there was actual settlement of
3 the houses on a site of a similar size where it was
4 decided that it was more economical to reinstate its
5 state rather than demolish it.

6 Q. All right. Thank you for that. Your fourth question:

7 "Whether in the light of a proper consideration of
8 the residents' requirements more appropriate
9 alternatives should be made available for the residents'
10 occupation in accordance with the relevant condition of
11 the planning permission."

12 What is your answer to that question?

13 A. Yes, the relevant condition was a reference to a
14 statement in the Fluid Report. I picked it up from
15 there. I understand from my enquiries that there is no
16 actual condition that referred to like-for-like, but
17 there were clear commitments early on to a like-for-like
18 replacement. The sort of relocation sites that I have
19 seen do not match the quality of Clays Lane, and I think
20 that is a material consideration.

21 Q. All right. Thank you for that. I want to move you

22 towards the end of this examination-in-chief now, to
23 your conclusions, but there is just one point I wanted
24 to pick up en route.

25 At 4.20, you set out parts of circular 6 of 2004.

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1 You say that the balanced view needs to have a clear
2 view of how the acquiring authority intends to use the
3 land, that it is justified in the public interest, and
4 you spell out, paragraph 19:

5 "If an acquiring authority does not have a clear
6 idea of how it intends to use the land which it is
7 proposing to acquire and cannot show all the necessary
8 resources are likely to be available to achieve that end
9 within a reasonable timescale it will be difficult to
10 show conclusively that the compulsory acquisition of the
11 land included in the order is justified in the public
12 interest, at any rate at the time of its making."

13 I wondered what view you were able to express
14 against that requirement against the background of the
15 jigsaw puzzle that we looked at earlier in your
16 examination-in-chief?

17 A. Yes, well Mr Prior has asserted that there are clear
18 proposals. My examination of that history of redesign
19 of the Olympic Park on a number of occasions suggests
20 that there is perhaps a greater degree of flexibility on
21 the use and requirement for the Clays Lane Estate within
22 that jigsaw. That degree of flexibility would suggest
23 that there is some doubt as to whether it is clearly

24 required within the terms of that paragraph.

25 Q. And as to the necessary resources, are you aware of the

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1 statement made by Lord Coe when questioned by Mr Cheyne?

2 A. Yes, I understand, and of course I was not present at
3 that time, that there is no clear legacy. Though it is
4 hoped there will be legacy benefits, there is no funding
5 as such. One hopes that it will come through and that
6 it will be met with support from the private sector, but
7 my understanding of that evidence is that there is no
8 clear path to legacy.

9 Q. Okay. Thank you for that, Mr Goemans. Mr Prior has
10 produced a rebuttal to the collective case which is
11 effectively ten pages of rebuttal to your evidence.
12 I am not going to take you through each of his points,
13 but are there any general observations you wish to make
14 in response to what Mr Prior says to your evidence? It
15 is REB38. It says at 1.1:

16 "This proof of evidence responds to certain of the
17 points made in the proof of evidence of Mr Goemans."

18 A. Yes.

19 Q. Do you want to make any remarks or comments about those
20 that are made of your evidence by Mr Prior?

21 A. Yes, I would say that he is responding to my point made
22 before about there being no evidence of systematic
23 consideration as to how the requirements for the Olympic
24 Village could be met, and legacy regeneration benefits
25 delivered in these alternative locations. This is where

1 I was proposing or suggesting that there may be some
2 alternative locations for the Olympic Village at
3 Fish Island and West Ham.

4 However, my response to that is that a systematic
5 consideration is required in order to deliver a balanced
6 case for the demolition of the Clays Lane Estate, and
7 that table 5.6 we referred to earlier does not provide
8 that. It refers to demolition and community disruption
9 without giving any weight to the loss of community.

10 We are talking really, in Mr Prior's terms, about
11 the efficient delivery of the Games rather than
12 a discussion as to how the results of the Fluid Survey
13 fed into this overall equation, the value and strength
14 of the community and the contribution that could be made
15 by that community to sustainability and legacy.

16 Q. Anything else on Mr Prior's, before I ask you to just
17 read swiftly through your conclusions at the end of your
18 proof?

19 A. Yes. Mr Prior refers to judgment in paragraph 2.4, the
20 judgment of the masterplanning team.

21 I come back to this point about evidence to support
22 that judgment. Some assessment was made, but it is not
23 clear, it is not explicit. That evidence from the
24 meeting of November 2003 in Poplar was that one of the
25 options was the accommodation of the site within the

1 Olympic Village, the Clays Lane Estate within the
2 Olympic Village. Preliminary plans were referred to.
3 I have not seen that, and I go back to the reference in
4 the letter from Mr Winterbottom to Dr Lynn, which stated
5 that commitment to sustainable communities and the need
6 to handle sensitively the incorporation of the
7 Clays Lane Estate. I really ask what has changed since
8 then. That was always a requirement. That judgment
9 does not seem to have taken on board those requirements.

10 Q. Thank you, Mr Goemans. The barrister for Stagecoach
11 yesterday said that it is always comforting when one's
12 intended conclusions are their eventual conclusions at
13 the end of the Inquiry. I am going to ask you to look
14 at section 6, and are you able to confirm that the
15 conclusions that you drew in July of 2006 still apply at
16 the beginning of August, having heard -- I am conscious
17 you have not heard all of the evidence --

18 A. No. No, I believe those conclusions hold true now.

19 Q. All right. If you could read swiftly through them and
20 then I am sure there will be some questions for you.

21 MR PEREIRA: Do we need to read? I do not mind, but --

22 MR WALD: All right, perhaps not.

23 THE CHAIRMAN: I am happy for them to be read if you would
24 prefer them to be read. If you have them read, that
25 will focus the issue for cross-examination.

1 A. "Issue 1.

2 "The LDA have failed to show that it has completed

3 a sufficiently robust process of consideration f
4 alternatives by cost benefit or other analysis utilising
5 a process of site investigation and selection and
6 incorporating an assessment of the harm arising out of
7 the loss of a valuable community. It has also failed to
8 demonstrate clear criteria against which such a process
9 may be evaluated and has failed to demonstrate that
10 other appropriate options have been fully investigated.

11 On issue 2:

12 "I consider that insufficient consideration has been
13 given to the impact of the proposed CPO on the
14 residents' occupation of the land and the loss of
15 a community of unique character and social importance.
16 The lack of satisfactory alternatives that are being
17 made available for the residents' occupation is
18 a material consideration in the consideration of my
19 overall conclusion whether a proper balance has been
20 struck and whether there is a compelling case in the
21 public interest.

22 "In relation to the location of the Olympic Village,
23 I consider that on a balance of probability of the LDA
24 will be for operational and other reasons
25 notwithstanding the regeneration merits of other options

1 be able to demonstrate that there is a compelling case
2 in the public interest for this site to be acquired by
3 compulsion when this is considered against the wider
4 benefits of regeneration.

5 "However the Authority has failed to demonstrate
6 a robust process of site investigation and selection,
7 including the consideration of the option of retaining
8 the site within a redesign of this part of the Olympic
9 Park; it has failed to demonstrate clear criteria
10 against which such a process can be evaluated and has
11 failed to demonstrate that other appropriate options
12 have been fully investigated. It has also failed to
13 show that it has taken into account the full impact of
14 loss of Clays Lane Estate, the impact on its community
15 and to reflect this in its plan for the relocation of
16 its residents. These are important material
17 considerations requiring proper evaluation before the
18 correct decision can be taken.

19 "No strategy has been approved for the relocation of
20 the Estate as required by the planning permission. In
21 addition no permission has yet been obtained for the
22 intended use as now amended to include back-of-house
23 facilities and that it would be granted for facilities
24 that include important but ancillary back-of-house
25 facilities that would appear to have greater potential

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1 and flexibility for relocation given the number of
2 changes that have been announced over a relatively short
3 period."

4 I then go on to refer to the remediation of the site
5 and the undergrounding of the power lines:

6 "I understand that some undergrounding would take
7 place in any event as part of the proposal for Stratford

8 City."

9 I believe that the housing of Stratford City was
10 within 50 metres of the existing power lines and that
11 those power lines in that part of Stratford City would
12 have to be removed in any event, and that would have
13 a benefit for Clays Lane even without the Olympic
14 scenario.

15 THE CHAIRMAN: I take it you were ad libbing there rather
16 than reading the proof.

17 MR WALD: It was so seamless, Mr Goemans, that I did not
18 notice whether you had gone off piste or not.

19 THE CHAIRMAN: I was just cautious because yesterday there
20 was one witness who was reading his conclusions and it
21 was quite clear that he had a completely different
22 version from everybody else.

23 A. I beg your pardon:

24 "I believe that there are sufficient examples of
25 remediation in situ in similar circumstances to make

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1 this a serious possibility. This would however require
2 further investigation."

3 On issue 3:

4 "I consider that insufficient attention has been
5 given to the type and character of the housing in the
6 Clays Lane Estate when considering the options for the
7 relocation of residents."

8 Finally, issue 4:

9 "In the light of a proper consideration of the

10 residents' requirements more appropriate alternatives
11 should by now have been made available for the
12 residents' occupation in accordance with the relevant
13 condition of the planning permission."

14 Again that has to be corrected --

15 Q. So there is a slight amendment there; it is not as much
16 as a condition.

17 A. Yes.

18 MR WALD: Sir, that is all I propose to deal with in-chief.

19 THE CHAIRMAN: Thank you. There is one document to be
20 copied, I think, in the adjournment, is that right?

21 Yes, Mr Cheyne's notes that you were going to have
22 copied and handed in, is that correct, in terms of his
23 representations to Newham that you were referring to,
24 the UDP?

25 MR WALD: Yes.

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1 THE CHAIRMAN: It is all right, me and your witness know
2 where we are.

3 MR WALD: I am glad someone does.

4 THE CHAIRMAN: Thank you. It is 11.50 am. I will adjourn
5 for 20 minutes and be back at 12.10 pm, please.

6 (11.50 am)

7 (A short break)

8 (12.10 pm)

9 THE CHAIRMAN: The Inquiry is resumed. As far as this
10 session is concerned, it is cross-examination by
11 Mr Pereira of Mr Goemans, and as I indicated earlier on,
12 I would prefer Mr Slavin not to take photographs during

13 this session.

14 Mr Pereira, the indication at the outset of this
15 appearance was about an hour and a half for
16 cross-examination, so clearly we will not get that in
17 before lunch.

18 MR PEREIRA: Yes.

19 THE CHAIRMAN: So if you can indicate round about 1 o'clock
20 a convenient opportunity to adjourn.

21 Cross-examination by MR PEREIRA

22 MR PEREIRA: Mr Goemans, can we turn up first of all,
23 please, section 2 of your proof, which is headed "Scope
24 and nature of evidence".

25 A. Yes.

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1 Q. Okay? This section is intended to do what the title
2 says, which is to set out what your evidence is going to
3 say, what issues it is directed to and so on.

4 A. Yes.

5 Q. And if we can look at paragraph 2.1, please, you say,
6 three lines down:

7 "I will seek to demonstrate that the LDA has failed
8 to strike a proper (and proportionate) balance between
9 ANY public interest in the use of the Clays Lane Estate
10 and the resulting damage to the public interest in the
11 loss of this unique estate and that therefore Order does
12 not meet the requirements of the Act and the guidance in
13 the circulars which states that Compulsory Purchase
14 Orders should only be made where there is a compelling

15 case in the public interest."

16 Do you see that?

17 A. Yes.

18 Q. And that is the nub of your point against the CPO, is it
19 not? Obviously there are arguments that underlie it,
20 but that is the bottom line conclusion that you wish to
21 be drawn from your evidence?

22 A. I do not believe that there is a demonstrated balance.

23 Q. And if we look at paragraph 2.5, you then set out two of
24 your issues there; do you see that?

25 A. Yes.

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1 Q. And then you set out what your conclusions are, and then
2 you go on after 2.6 and 2.7 to set out your issues 3 and
3 4.

4 A. Yes.

5 Q. Right? I just have a number of questions for you,
6 please, on that.

7 What you are putting forward in your proof is a case
8 that rests on a balancing of public interest, is it not?
9 You say at 2.1: public interest in the use of the
10 Clays Lane Housing Estate, on the one hand; and that is
11 the use for the Olympics and Legacy, is it not?

12 A. Yes.

13 Q. That to be balanced against the damage to the public
14 interest in the loss of this unique estate?

15 A. The damage to the estate -- the public interest in this
16 particular case is in the value of the community that
17 would be lost.

18 Q. Yes, but it is at that level, is it not? It is public
19 interest versus public interest; that is the balance?
20 A. In my assessment, yes. There may be other issues, but
21 I have been looking at the public interest, and
22 specifically the public interests that are represented
23 in the value of the existing community.
24 Q. Yes. Of course, people's own homes, those people
25 themselves, not always but quite often will value, will

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1 they not?
2 A. Yes.
3 Q. But so far as your evidence is concerned, the value that
4 people attach to their own homes only enters into the
5 equation insofar as that coincides with public interest,
6 does it not?
7 A. Yes.
8 Q. Thank you. And if we again stay with paragraph 2.1,
9 what I want to be clear about is whether you are saying
10 that in your -- well, as I understand your case, you are
11 saying that you -- this is your issues 1 and 2 --
12 I think you say that you are not persuaded that the
13 process, the reasoning that the LDA has put forward,
14 satisfies the public interest balance in favour of the
15 CPO?
16 A. Yes.
17 Q. Thank you. Now, you say in your 2.1 that --
18 A. Sorry, I have to qualify --
19 Q. Yes.

20 A. -- by reference to paragraph 19 of the circular, which
21 refers to -- or 20 -- the public interest is qualified
22 by reference to the public loss -- sorry, public benefit
23 by reference to the private loss, and the reference to
24 the Human Rights Act. That was my earlier thought on my
25 assessment that it needs to reflect any other legal

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1 issues. The circular clearly does refer to the loss to
2 the private interest as well.

3 Q. The circular does, and of course the Secretary of State
4 will have to be satisfied, or will have to consider
5 those matters, will he not? But in terms of your
6 evidence and the way you describe your evidence in
7 paragraph 2.1, you have already confirmed to me that you
8 are dealing with a balance of public interests, are you
9 not?

10 A. Yes, that is what I say in 2.1.

11 Q. That is what you say in 2.1.

12 A. I am clearly having to look at the private interests
13 affected at the same time.

14 Q. And that is why I asked you the question --

15 A. Yes, I understand your question.

16 Q. -- about coincidence between public interest and private
17 interest.

18 A. Yes.

19 Q. But you say at 2.1: you will seek to demonstrate that
20 the LDA has failed to strike a proper and proportionate
21 balance.

22 You accept the issue at the Inquiry is, is it not,

23 whether the Secretary of State is able to strike
24 a proper and proportionate balance?
25 A. Yes. I will look at that issue from the point of view

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1 of what the Secretary of State needs to look at.

2 Q. Yes, because it is the Secretary of State who makes the
3 decision whether or not to confirm the CPO?

4 A. Yes.

5 Q. And at the end of the day, whatever criticisms you may
6 make of the LDA, if the Secretary of State is persuaded
7 that there is a compelling case in the public interest,
8 he should confirm the CPO, should he not?

9 A. Yes.

10 Q. Now, I want to just ask you, please, to start with some
11 questions about each side of the public interest balance
12 that you set out in your paragraph 2.1. I am not going
13 to ask you at the moment questions about whether the
14 plot is needed. I just want to ask you some questions
15 about what elements go into your balance.

16 Can we turn up, please, Mr Prior's first proof of
17 evidence, that is to say LDA/JP/1.

18 A. Yes, I have that.

19 Q. And could you turn to page 6, please. Just remind
20 yourself about this section. It is section 3, "The
21 regeneration context", and there are a number of points
22 Mr Prior makes. But at 3.2 he summarises what the rest
23 of that section is going to do; do you see that?

24 A. Yes.

25 Q. And what I want to do is just go through these summary

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1 points with you, please. I hope we can agree it quite
2 quickly.

3 Firstly, the Lower Lea Valley is generally
4 characterised by environmental degradation and
5 socio-economic deprivation; do you agree?

6 A. Yes, I agree.

7 Q. Secondly:

8 "Despite a previous spatial planning policy
9 background to promote change in the Valley, little
10 improvement has been evident of any substantial nature
11 apart from Stratford City which has not yet been
12 realised."

13 I am reading the footnote. Do you agree with that?

14 A. Yes.

15 Q. 3.23:

16 "This was recognised by central government, the GLA,
17 LDA and the boroughs who concluded due to the scale of
18 the economic and social problems faced by the Valley as
19 well as the physical issues described above that a new
20 proactive approach to regenerating this part of London
21 was required, so that it made a full contribution to
22 reinforcing London's world status position."

23 Do you accept that?

24 A. Yes.

25 Q. Fourth point:

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1 "As a result the GLA and the boroughs, through the
2 London Plan, the draft Lower Lea Valley Opportunity Area
3 Planning Framework and the emerging LDS, are
4 endeavouring to put in place a proactive spatial
5 planning policy basis for supporting regenerative
6 change."

7 Do you accept that?

8 A. Yes.

9 Q. And 5:

10 "This proactive policy approach is part of a wider
11 public sector initiative to bring forward achievable
12 strategies to regenerate the Valley."

13 Do you accept that?

14 A. Yes.

15 Q. 6:

16 "The scale of intervention required in order to
17 stage the Olympics will provide the catalytic effect
18 that is required to create a greater momentum for change
19 through the speedier achievement of provision for
20 spatial socio-economic regeneration and transformation
21 of the area in a comprehensive fashion as opposed to
22 incremental development."

23 Do you accept that?

24 A. Yes.

25 Q. And finally, 7:

1 "This will result from the scale of social,
2 physical, economic and community outputs that will occur
3 as a direct result of the Olympic delivery process which
4 will establish the development platform for the legacy
5 uses that can be taken forward principally by the
6 private sector."

7 Do you accept that?

8 A. Yes.

9 Q. Thank you very much. And the corollary of this is, is
10 it not, that -- well, let me take it in stages. The
11 legacy is what follows the Olympics.

12 A. Yes, that is certainly the objective.

13 Q. Yes, and it is the legacy that is intended to deliver,
14 is the phrase used, the regeneration benefits?

15 A. Yes, that is justification for the sort of CPO we are
16 talking about.

17 Q. Yes, but it follows from that sequence, does it not,
18 that no Olympics means no legacy?

19 A. It provides a catalyst. If you like, it provides that
20 kick-start to the regeneration that has not otherwise
21 occurred apart from Stratford City. It is a valuable
22 start to the regeneration process, the public process.

23 Q. To achieve the legacy that is set out at this Inquiry,
24 the Olympics is a necessary step, is it not?

25 A. It is a very valuable step towards that regeneration

1 objective but it may not be the only one. In the
2 absence of the Olympics, yes, there is a history of lack
3 of delivery of regeneration projects, but that is not to

4 say that it would not have been brought forward by
5 another public initiative of this scale.

6 Q. The only public initiative of this scale before the
7 Inquiry is the legacy which requires the Olympics, is it
8 not?

9 A. Yes, they run together, clearly, but this refers to the
10 legacy only in terms of the Olympics. The legacy could
11 be generated by another public project with similar
12 funds.

13 Q. That other public project, whatever it might be you have
14 in mind, is not something that you discuss --

15 A. It is not something before us.

16 Q. -- in your evidence as an alternative?

17 A. I have not referred to it because it may be something
18 that could be brought forward. It has not so far.

19 Q. Right. Now, on the other side of your public interest
20 balance, please, I want to ask you some questions about
21 the estate.

22 First of all, when you say, when you use the term
23 "the estate", what do you mean? Do you mean the
24 buildings, the community, certain aspects of it? What
25 do you mean for the purposes of your case?

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1 A. It is a combination of the estate itself, the character
2 of the estate, the design of the estate, the spatial
3 qualities, and the community that has grown up within
4 there, in some instances the long-standing community.
5 Some residents have been there 20 years.

6 Q. I think from that answer that you regard all of the
7 elements -- you regard the estate as being made up of
8 a number of interrelated elements; would that be fair?

9 A. Yes.

10 Q. And you refer to it as being unique in your
11 paragraph 2.1.

12 Again, a related question to one that I asked
13 earlier: its uniqueness, for the purposes of your
14 evidence, must be something which lends itself to
15 a public interest in favour of its preservation, must it
16 not?

17 A. Public interest, yes, there is an element of public
18 interest and there is a consideration of the private
19 loss. The public interest may be served by the
20 consideration of whether it is acceptable to lose an
21 estate of this quality, and in that balance of public
22 interest then obviously, as you have heard earlier, must
23 be weighed in the quality of the relocation. If there
24 were to be a commensurate relocation of the estate, that
25 would be a consideration in the public interest.

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1 Q. Okay. I am going to come back to that later, because
2 I want to examine with you how that form of reasoning
3 fits in with the structure and reasoning that you have
4 presented in your evidence, but I will come back to
5 that. You probably know what I am getting at.

6 Just in terms of the buildings, planning, of course,
7 has a system for safeguarding buildings where they are
8 of a particular historic or architectural interest that

9 merits their preservation; that is the listing system,
10 is it not?
11 A. Indeed, yes.
12 Q. These buildings are not listed, are they?
13 A. No.
14 Q. And no one who has given evidence has suggested that
15 they should be listed, have they?
16 A. No.
17 Q. I do not know, but you might be able to tell me, whether
18 Newham has a system of policy protection which is often
19 known as locally listing of buildings. Do you know if
20 Newham has that?
21 A. I have not come across that at Newham.
22 Q. If it does, it is not a locally listed building either,
23 is it?
24 A. No.
25 Q. Given that background, it would be a fair conclusion to

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1 draw, would it not, that there is no public interest
2 solely in the preservation of the buildings because of
3 their design?
4 A. That would be a narrow view, but no. It has not been
5 formally expressed in a listing, no. So there is no
6 public interest expressed in that way.
7 Q. No, and if we follow this through, of course, you have
8 mentioned in your evidence, as indeed I think Mr Cheyne
9 may have done, policy UR14; is that the correct one?
10 A. Yes.

11 Q. Could we just turn that up. I think the particular part
12 that you and your clients place reliance upon is item C
13 in paragraph 2.1.36, pages 77 going over to 78, is it
14 not?

15 A. Page, sorry?

16 Q. Well it starts on page 77, and it goes over to page 78.
17 Item C, "Residential uses should serve to decrease the
18 isolation of the Clays Lane Estate"; yes?

19 A. Yes.

20 Q. Can you agree with me, please, that as a planning
21 policy, that is to say a tool of development control,
22 there is nothing in this plan that requires or seeks to
23 safeguard the retention of Clays Lane housing estate, is
24 there?

25 A. It does not specifically require the retention of the

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1 estate. The policy is not directed in that way.

2 Q. No.

3 A. It assumes that it remains in accordance with general
4 policy.

5 Q. Yes, it assumes that it is there, because it is there,
6 and the plan, as plans do, takes into account facts on
7 the ground.

8 A. Yes.

9 Q. But it recognises that it is isolated and that
10 therefore, if it remains, something needs to be done to
11 deal with that isolation.

12 A. Yes. It is an issue that had been raised actually by
13 Mr Cheyne in his submissions to the UDP, that there

14 should be some benefit to the Clays Lane Estate. But
15 I have to say, it refers to isolation, I think it is
16 a relative isolation. I have visited the site on
17 a number of occasions and I have walked to Leyton tube
18 station. It has taken me 20 minutes looking around and
19 stopping and noting items of interest. But I think it
20 is probably about a 15-minute fast walk. It is by no
21 means isolated in terms of an urban area. Any measure
22 normally of isolation would have to refer to PPG13 and
23 the normal walk distance seems to be 1.6 kilometres or
24 a mile, I believe.

25 Q. In that respect, perhaps you are not aware of it, but

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1 there has of course been an assessment made --

2 A. I understand that. I have heard evidence of that, or
3 seen evidence on that.

4 Q. And it is a PTAL of 2 that the site has?

5 A. Yes. There is obviously some room for improvement, but
6 I think the qualification of "relative" is justified in
7 this case because there are cycle routes, there are
8 facilities within easy walking distance of the estate.
9 It is isolated in the sense that there is no immediate
10 residential development around it, there is open space,
11 which for many would be a great asset, but in terms of
12 isolation in relation to other residential development
13 and the facilities that go along with it, yes, it is
14 relatively isolated, but it is not so far away to
15 present a problem for the residents. They have access

16 and they have reasonable access to services.

17 The development of Stratford City to the south of
18 that site would obviously provide that perhaps almost
19 contiguous residential development with a commensurate
20 development of services, and its isolation would be
21 reduced by that.

22 Q. You have said a number of things there. Just so that
23 you know, matters of detail to do with planning, not
24 only particular configurations of the Olympic Park but
25 issues to do with -- for example, you said Stratford

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1 City would be contiguous with Clays Lane -- will be
2 dealt with by Mr Prior. I am not going to seek to
3 establish detail like that through cross-examination
4 with you.

5 But to go back to the earlier part of the answer you
6 gave, you said "relatively isolated". You brought
7 policy into the answer, Mr Goemans. If one is looking
8 at a PTAL analysis, it is only, in relative terms,
9 better than a site with a PTAL of 1, which is the
10 lowest, is it not?

11 A. Yes, I have seen that.

12 Q. You understand that. Now, I have taken you to this
13 policy, and I asked you a question and you gave me an
14 answer. We know, do we not, that Newham, who are the
15 custodians of the development plan, if you like, granted
16 planning permission for the Olympic Park development,
17 did it not?

18 A. Yes.

19 Q. And that planning permission envisaged the demolition
20 and removal of Clays Lane, did it not?
21 A. Yes.
22 Q. And therefore one can assume, whatever this policy
23 means, and whatever weight a particular party may
24 contend it gives to the retention of Clays Lane, the
25 planning authority considered that the planning balance

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1 fell in favour of its removal?
2 A. Yes.
3 Q. Now, if we can go back to your proof, please. I did not
4 detect actually in any of your evidence that you have
5 given any criticism of the decision that the planning
6 authorities have made. That would be fair, would it
7 not? You do not criticise --
8 A. No, I do not criticise it, no.
9 Q. No. If we go back to your proof, please,
10 paragraph 4.6.7. This is dealing with your issue 1.
11 Again, I am looking at the Clays Lane site, at the
12 public interest balance, if I can put it in terms of
13 your evidence. You talk four lines down about "loss of
14 a valuable community". Do you see that?
15 A. Yes.
16 Q. I want to try and establish, please, two things: one,
17 what you mean by "community", and two, how that relates
18 to your case and your clients' position, all right? The
19 community is not the housing co-operative, is it? We
20 know that because the housing -- well, is it?

21 A. It can be a part of a community, yes. It can be a form
22 of management for a community.
23 Q. But there is not a housing co-operative with any
24 management function in existence?
25 A. Not now, no.

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1 Q. And your answer I think illustrated that the housing
2 co-operative would be something different for
3 the community. It would be, in an ideal world, from
4 your clients' point of view, that which manages the
5 community in some way?
6 A. That would be a facet of the community and the way it is
7 managed, and self-governed, if you like, would be
8 a valuable quality. What I have talked about is the
9 issues of self-supporting communities, how they provide
10 a life line in many cases for people who would otherwise
11 be in very difficult circumstances.
12 Q. Can we agree the community is not the housing
13 co-operative in this particular case?
14 A. No, no, I think a community can survive in many
15 different ways, or can exist in very many different
16 ways.
17 Q. Are you agreeing with me?
18 A. I am agreeing with you.
19 Q. Thank you. Now, we can of course gauge -- one of the
20 ways we can gauge the extent of the community is from
21 the number of people interested in a group move, can we
22 not?
23 A. Yes.

24 Q. And in the light of that, can we turn up the Fluid
25 Report, please, first of all. Okay?

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1 A. Yes.

2 Q. And I think I need to just direct you to one of your
3 paragraphs before I ask you this question. Yes, please.
4 If you could go to page 32 of your evidence at
5 paragraph 5.5, you mention the Fluid Survey there.

6 A. Yes.

7 Q. And the results of that, and the SNU consultation. Yes?

8 A. Yes.

9 Q. Now, if we can turn, please, in the Fluid Survey to
10 page 2, and the executive summary. If you want to go to
11 any larger part of it, please tell me, but I want to
12 start with the summary, please. Okay. We can see on
13 the left hand side, halfway down, "Number of homes: 450.
14 Total number of interviews: 296". And Mr Gaskell has
15 given evidence as to how many people were actually
16 living at the site at various times.

17 A. Yes.

18 Q. Then it says underneath the table:

19 "Following the cut-off date for inclusion in the
20 report, a further ten interviews were carried out. This
21 provides a figure of 306 representing 300 homes, just
22 over 70 per cent of the 425 homes."

23 Okay?

24 A. Yes.

25 Q. We can see, can we not, staying with the co-op, this is

1 the second box on the right-hand side, over half of all
2 interviewees would prefer to be rehoused outside of
3 a co-operative or collective housing arrangement.

4 A. Yes.

5 Q. And so whatever you mean by "community", these are
6 people who do not want to stay in a community associated
7 with Clays Lane, do they?

8 A. Yes. Yes. They are a potential element of that
9 community who would prefer to have housing outside
10 a co-operative or collective housing arrangement. But
11 it goes on to say that a significant number, and they
12 say it could rise to 200, and that is a substantial
13 percentage, also would prefer to stay within
14 a collective housing arrangement.

15 Q. Okay. I want to just examine with you, please, how that
16 figure was reached, and ask you a question about it,
17 perhaps more than one question. Can we go to page 31,
18 please. This is where the detail of the answer is dealt
19 with. There is a pie chart on the top right-hand side
20 of page 31. We can see the numbers there: 151 said they
21 wanted to be rehoused separately; 40 were unsure;
22 93 said yes, within a co-operative. Yes?

23 A. That is the actual numbers, yes.

24 Q. And now Fluid have suggested that by "extraction",
25 I think is the word that they use, the numbers may rise.

1 What they have done is they have said: well, if all the
2 people who were unsure and everyone else who did not
3 answer were to say "yes", there could be as many as 200.

4 A. Yes, some of those who were not interviewed were --
5 could also possibly be added on to that number.

6 Q. It is equally valid, is it not, if one is going to use
7 that form of extraction, to do it the other way around
8 and to say: if all of those who were unsure and all of
9 those who have not replied were to say "no", that would
10 be the number of nos.

11 A. That would be the number of nos, yes.

12 Q. Without doing any further work, one just does not know?

13 A. No, but we do have the results of the later survey
14 carried out by SNU which showed a significant number who
15 remain interested. Despite all of the concerns I have
16 expressed earlier about the process, there are people
17 here in Clays Lane that still wish to be part of the
18 co-operative. That is a significant proportion of the
19 remaining people on the estate. 124. I believe there
20 are still some more interviews to be carried out, so
21 that number could rise. I think that is consistent with
22 Fluid's earlier finding. Their projected 200 was not so
23 far off.

24 Q. Let us just think about that, shall we? Can we go to
25 the SNU report, please. It is in Mr Cheyne's documents

2 A. I do not have that to hand.

3 Q. Hopefully someone can ... I have misread my writing. It
4 actually starts at page 91. (Handed)

5 A. Thank you.

6 Q. All right? We have already had this in evidence and
7 questions have been asked about it, so I am not going to
8 reintroduce it. But we know, do we not, from this
9 document, that there are at least three separate groups
10 interested in a group move. There is the co-op group --
11 I am looking now at page 92. At the foot of the page,
12 page 92, "A total of 93 residents registered an interest
13 in the co-op move". Do you see that?

14 A. Yes.

15 Q. From the table it looks as though it might be 91, but
16 I am not going to argue about the detail of the figures,
17 just to make the general points. There is a co-op
18 group, there is a NLC group -- you do not know what NLC
19 stands for, do you?

20 A. I do not.

21 Q. I do not, either. That is 20 to 25 people. And if you
22 go over to page 93, we can see after the first table
23 there were also 23 tenants included in the figure of
24 120. I think that is the 120 who are listed in the
25 table below. There are also 23 tenants who expressed an

1 interest in setting up their own formalised group.

2 A. Yes.

3 Q. Yes? Now, again, to the extent that there are different
4 groups within Clays Lane who are interested in locating

5 separately, that is an indication that those groups do
6 not want to relocate as part of one big Clays Lane
7 community, do they?

8 A. No.

9 Q. And so when you in your evidence talk about the
10 community of Clays Lane, we have to bear in mind firstly
11 that insofar as relocation is concerned, that excludes
12 those people who do not want any part of a co-op or
13 group move, does it not? Yes?

14 A. The community is made up of those who want to go in
15 a group move and those who are looking for individual
16 accommodation outside of the group, yes.

17 Q. Yes, but let us be frank about it, Mr Goemans: the value
18 that you say should be given to the community, as you
19 put it, arises from this what you described as a kind of
20 mutual self-help and support.

21 A. Yes. That is the most interesting and valuable part of
22 that community. There are other aspects to that
23 community in terms of the private interests, which is
24 served by people who are looking for individual moves.
25 That is something else to be weighed in the balance.

1 But yes, I have referred to the particular value of the
2 group of the community of people who wish to stay as
3 a group.

4 Q. But it is a reasonable inference to draw, is it not,
5 that those people who do not want to stay as a group do
6 not prioritise -- perhaps they do not even recognise --

7 this value of mutual support, because it is not a system
8 that they want to remain in, is it?

9 A. Yes, there may be a number of reasons. I feel you are
10 getting me into areas where I am not really qualified to
11 speak on behalf of the community, because I think some
12 evidence has been given already as to some reasons why
13 people have decided to go it alone who might have
14 preferred to stay within the community, but faced with
15 the difficulties which I have related in some detail,
16 have decided that their interests would be better served
17 by taking an opportunity that is offered rather than
18 await the outcome of a process which is at best
19 uncertain and which certainly will not allow a straight
20 move, it would involve a double move, a double decant.

21 So we cannot -- I feel I cannot give you the level
22 of background that should go to an answer like that.

23 Q. All right. So you are not prepared to say whether it is
24 a reasonable inference that those people who want to
25 relocate separately from any group or co-operative group

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1 or group move are people who do not prioritise the
2 system of mutual support that you --

3 A. I think they may be people who have been totally
4 disenchanted by the whole process; who may have been
5 interested initially in a group move, who may have
6 decided that they had best take what is offered.

7 Q. That does not run, does it, Mr Goemans, because I am
8 asking you these questions on the basis of responses to
9 the Fluid Survey carried out in 2004, before the process

10 had got fully underway, and at a time when even
11 Mr Cheyne says that he thought things were being done in
12 an appropriate manner. So that cannot be the reason
13 explaining those responses in the Fluid Survey, can it?

14 A. The 93 response, the numbers of 93 that expressed an
15 interest from the projected 200, are you referring to
16 that?

17 Q. I am referring to the figures I just took you to. We
18 saw from that that 53 per cent of people wanted to move
19 outside of any group or co-operative structure. The
20 reason for those responses cannot have anything to do
21 with any disenchantment of the relocation process?

22 A. There could be another reason, and I think Mr Cheyne has
23 referred to this on a number of occasions: that many
24 people thought that a group move necessarily meant that
25 they would have to go into shared housing. Now, I mean,

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1 I cannot offer you evidence on that, but there could
2 have been at that stage a level of concern about the
3 level of information that was given, that they thought
4 it meant a move into shared housing. There may have
5 been some concern that they thought that by opting for
6 a group move, they would necessarily have to experience
7 a similar sort of management that the old co-operative
8 represented. There could have been a number of reasons
9 for this. It is difficult for us to speculate on this.
10 I am not a member of that community.

11 Q. All right, I am not going to ask you another question on

12 those people, then. Can I ask you a question about the
13 three groups?
14 A. Yes.
15 Q. After all, you should know something about the three
16 groups, because your clients, so far as I am aware, are
17 interested in group moves.
18 A. Yes.
19 Q. So it is a reasonable inference, is it not, from the
20 fact that there are now three separate groups, that
21 people within those groups are not interested in
22 locating together with the other groups as one
23 community; they want to found a community only with
24 people within their own group, do they not?
25 A. Yes. Yes.

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1 Q. And all of this shows us, broadly speaking, that what
2 you refer to as the community in Clays Lane, like any
3 other community, is fractured and has different groups
4 within it, and different allegiances, different
5 priorities and different values, does it not?
6 A. Yes, indeed.
7 Q. We have been provided with a list of some I think 60
8 clients of Irwin Mitchell who are down as being part of
9 the group case, yes?
10 A. Yes.
11 Q. Do you know whether all of them ascribed to a group move
12 or not?
13 A. I do not know. I do not have that information.
14 Q. Do you know whether all of them attach value and

15 priority to the system of mutual support and so on that
16 you have set out in your evidence?
17 A. No, I do not have the answer to that.
18 Q. Do you know whether or which members of that group are
19 more concerned for example about paying lower rents as
20 opposed to others who may be more concerned about the
21 quality of the accommodation they may get?
22 A. There may be, yes, a number of different issues for
23 different people. I accept that there will be a variety
24 of interests expressed.
25 Q. We can take it from that, can we not, that the Inspector

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1 and the Secretary of State cannot infer from the list of
2 60 clients that all of those 60 people are interested,
3 for example, in a group move?
4 A. No, I do not have that information, but -- unless that
5 information is available, I cannot comment on it. So
6 I do not know the specific wishes, whether they can be
7 summarised in that way, for those objectors.
8 Q. All right. We do not even know, do we, it is the other
9 side of that coin, we do not know how many of those 60
10 are actually people who want to relocate separately, by
11 themselves.
12 A. No, we do not. But we do know that not all of the
13 community is simply represented by a number of formal
14 objectors. The community works in different ways for
15 different people. Some may not wish to formally
16 express -- be an objector. One of the problems of being

17 all through the process is actually the amount of
18 contact the LDA has had with the community, and if this
19 information is not available, perhaps it should be.
20 Perhaps the LDA should be aware of that level of detail.
21 It is something I cannot help you with.

22 Q. Yes, well I am not asking about the LDA; I am asking
23 about you as the professional witness presenting
24 a certain case, on the face of it, on behalf of a group
25 of residents, and I just want to understand what is

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1 underlying that position.

2 A. Yes.

3 Q. Now, you said in your evidence-in-chief that -- you were
4 asked about a meeting and initial meetings, and you said
5 that you had been to the community centre and that there
6 were a number of people at that meeting. Can you tell
7 me approximately how many people were at that meeting?

8 A. I think at various times there may have been eight or
9 nine. We are not talking about a large number.

10 Q. And these were at meetings that you attended, obviously?

11 A. This is a meeting, initial meeting that I attended, yes.

12 Q. And how many meetings on site have you had?

13 A. I have had -- I think it is three now on site, but with
14 individuals rather than a group of people.

15 Q. And were these arranged through your solicitors or
16 through Mr Cheyne, or how was it done?

17 A. They were arranged initially through the solicitor and
18 then later with Mr Cheyne.

19 Q. Can I, before moving on, or perhaps it will be time for

20 a break, ask you this, please: in relation, then, to the
21 group of clients that are listed, apart from the fact
22 that they have all signed up to the group case, you
23 cannot give evidence on what common themes link them in
24 terms of objections that they may have to the CPO?
25 A. No. I cannot help you on that.

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1 Q. Thank you. Sir, I think that will be a convenient time,
2 if it is convenient to you.

3 THE CHAIRMAN: It is, yes. Thank you.

4 MR WALD: Sir, I wonder if I could raise one small matter of
5 housekeeping before we break. As you know, Mr Cheyne
6 struggles in the mornings. It would be extremely
7 advantageous to the residents' case for Mr Cheyne to be
8 present during as much of the evidence of Mr Prior and
9 Mr Gaskell as possible. My initial estimate of an hour
10 and a half for Mr Prior can probably be slightly reduced
11 now to close to an hour of cross-examination.

12 This intervention is in order to establish, sir,
13 whether you would be minded to possibly sit late and
14 have at least the evidence-in-chief of Mr Gaskell today
15 so that Mr Cheyne can hear that, and possibly also
16 a slightly later start in the morning so that Mr Cheyne
17 can attend. You will appreciate from the evidence that
18 has already been submitted that Mr Cheyne has been very
19 closely involved in the processes throughout this
20 matter, and it is of particular importance to the
21 residents that he be present for as much of Mr Gaskell's

22 evidence as possible.

23 So I raise that now. It may be, sir, that you wish
24 to consider it over lunch. I do not know whether any
25 response --

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1 THE CHAIRMAN: I can deal with it now and invite a response
2 first of all.

3 MR PEREIRA: As long as the order is staying the same, and
4 I should say, this is on a personal level, but I ran
5 into difficulties yesterday having to rearrange
6 something because we were sitting late, and it was
7 rearranged for tomorrow evening. I am assuming we can
8 still finish on time, that is to say 4.30 pm or
9 5 o'clock tomorrow, even on that timetable.

10 MR WALD: Sir, I make the same assumption.

11 THE CHAIRMAN: So in terms of today, what is the latest we
12 might sit? Is there any particular time that you would
13 prefer to be away?

14 MR PEREIRA: No, personally I do not mind, except of course
15 both of us need to work on our closings as well.

16 THE CHAIRMAN: We will take the afternoon as it comes. In
17 principle I have no objection to sitting late, because
18 that seems to have become a convention for me over the
19 past two weeks. And again, I have no objections to
20 a later start tomorrow, as long as we can finish the
21 appearance and oral closings by the end of tomorrow
22 afternoon.

23 I have in mind that perhaps if we make a later
24 start, whatever you would lose in terms of this evening

25 you will gain tomorrow morning as part of your

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1 preparation for closings.

2 MR WALD: Sir, yes, I am sure that would be very helpful.

3 THE CHAIRMAN: What sort of time are we looking for tomorrow
4 in terms of a start?

5 MR WALD: Sir, Mr Cheyne is being very Dunkirk about it. He
6 came as early as he could this morning and was not
7 feeling great. I was going to suggest something like
8 11 o'clock.

9 THE CHAIRMAN: There is no difficulty accommodating that.
10 Let us see the progress we make this afternoon, take
11 a time estimate, and work on that basis. I think that
12 is the fairest way to deal with it.

13 MR WALD: Thank you, sir.

14 THE CHAIRMAN: Do we know what NLC stands for? Is it "New
15 Little Co-op"?

16 MR CHEYNE: No, it is "Nice Little Co-op".

17 THE CHAIRMAN: "Nice Little Co-op". I was not far off.

18 Thank you, we will adjourn for an hour and be back at
19 2 o'clock, please.

20 (1.00 pm)

21 (The Luncheon Adjournment)

22 (2.00 pm)

23 THE CHAIRMAN: Welcome back, everyone. The Inquiry is
24 resumed, and cross-examination of Mr Goemans continues.
25 Mr Pereira, please.

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1 MR PEREIRA: Thank you. Good afternoon, Mr Goemans.

2 A. Good afternoon.

3 Q. Now, you will recall, because it was not so long ago,
4 what I was asking you questions about before lunch, and
5 I want to move on now, please, by going back to your
6 section 2, which is where we started. If we go to
7 page 5, we can see that from 2.5 onwards you start to
8 set out the issues; yes?

9 A. Yes.

10 Q. And issues 3 and 4 are concerned with relocation, are
11 they not?

12 A. Yes.

13 Q. I just want to look more closely, please, at the way
14 that you structure your reasoning in your case.

15 Issue 1 is about alternative sites for the Olympic
16 facilities, and the option of retaining the community;
17 yes?

18 A. Yes.

19 Q. And retaining the community where it is at present?

20 A. Yes.

21 Q. Issue 2 is about impact on the residents' occupation of
22 the land and the loss of the community of what you say
23 is a unique character and social importance, and then
24 you say:

25 " ... whether in the event of a CPO satisfactory

1 alternatives are being made available for the residents'
2 occupation."

3 Yes?

4 A. Yes.

5 Q. You then say:

6 "I conclude section 2 with a consideration of
7 whether a proper balance has been struck and that there
8 is a compelling case in the public interest."

9 You then go on to say:

10 "If, however, the Clays Lane Housing Estate is
11 required to meet the requirements of the Olympics 2012
12 I consider that a more appropriate response is required.
13 The following two further issues are therefore of
14 importance."

15 We then feed into issues 3 and 4 about the
16 relocation strategy, do we not?

17 A. Yes.

18 Q. Now, what I want to understand, please, is the
19 relationship between the relocation issues and the
20 question of whether there is a compelling case in the
21 public interest, because if one looks at your 2.7, the
22 tenor of your evidence appears to be, the first part of
23 your analysis is: is the Clays Lane housing estate
24 required; if yes, one then goes on to look at
25 relocation.

1 A. Yes, if it is required to meet the requirements of the
2 Olympics, then, yes, we should be looking at the quality
3 of the relocation. At the same time ...

4 Q. And the quality of relocation is a question that arises
5 once you have determined whether the site is required,
6 is it not, on your analysis?

7 A. Yes. Yes.

8 Q. If the site is required for the Olympics, I think you
9 would accept, would you not, that there is then
10 a compelling case in the public interest?

11 A. For the retention of the -- yes, a compelling case of
12 the acquisition of the land required for the Olympics,
13 yes.

14 Q. Yes.

15 A. If that balance is struck in that favour of the
16 Olympics, yes.

17 Q. Yes, that land including the Clays Lane Housing Estate?

18 A. Yes, which may include the Clays Lane Housing Estate.

19 Q. So to be clear, then, if the Secretary of State were to
20 conclude that there is a need to acquire the Clays Lane
21 Housing Estate for the purposes of the Olympics, you
22 would agree that there would then be a compelling case
23 in the public interest?

24 A. Yes.

25 Q. Thank you. And it would be following on from that that

1 one then got into issues 3 and 4, would it not?

2 A. Yes.

3 Q. Thank you. It follows, does it not, from those answers,
4 that the question of compelling case is to be determined
5 by reference to need for the land, not by reference to

6 the relocation strategy?

7 A. I have made it clear in issue 2 that that is part of the
8 balancing argument, yes. The compelling case may be
9 made for the Olympics, on the one hand, and considered
10 in that in the light of the provision made for the
11 residents' relocation. That is all part of that
12 consideration.

13 If I then move on to the next section, yes, I am
14 then looking at the quality of the relocation in the
15 light of a decision to proceed with an immensely
16 important public project.

17 Q. Well, yes.

18 A. And then I look at what is being provided for the
19 residents.

20 Q. That is why I --

21 A. -- in that context.

22 Q. I did not want to take a point unfairly against you,
23 which is why I put the last question that I did.

24 Can we look in your analysis, please, of your issues
25 1 and 2. They start in section 4, do they not, is that

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1 right? It is page 18, I think.

2 A. Yes. Section 4 starts with compulsory purchase?

3 Q. It does, but then when you get on to the analysis, that
4 starts on page 18.

5 A. Right, 18 for the analysis, yes.

6 Q. And you set out issue 1, and then in the paragraphs that
7 follow, you are talking, are you not, about the need for
8 the site and the extent to which retention of the

9 Clays Lane Estate has been considered; that is right, is
10 it not?
11 A. Sorry, could you repeat that again?
12 Q. Yes. In the paragraphs that follow on issue 1, you are
13 looking at the extent to which the retention of the
14 Clays Lane Estate has been considered --
15 A. Yes.
16 Q. -- and then when we get on to issue 2, you are talking
17 about, as I read it, the qualities of the community and
18 the extent to which the loss of the community has been
19 weighed in the balance.
20 A. Yes.
21 Q. And you conclude -- you do make some remarks at the end
22 of section 4, I am looking at page 30, about the
23 relocation strategy, but you then come on, in your
24 section 5, issues 3 and 4, to deal with relocation
25 issues as a separate topic, all right?

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1 A. Yes, I look at the quality, yes.
2 Q. Can I ask you this question again, please, or perhaps
3 another way?
4 A. I understand your question, yes, the point of your
5 question.
6 Q. Yes. If the Secretary of State concludes that the
7 compulsory purchase of the site is needed for the
8 Olympics, it is not your case, is it, that relocation
9 related issues should nevertheless defeat the CPO?
10 A. My case is that in that consideration as to whether the

11 CPO should be granted, the quality of the relocation
12 should be taken into account. I have looked in the
13 first two issues at the need for the estate, and then
14 I looked at the quality of the estate and the quality of
15 the community. I then conclude on that, but not without
16 reference to location strategy, relocation strategy,
17 I think that is -- it must be part of the consideration
18 for the Secretary of State.

19 Q. Right. What I want to know is what you say to the
20 Secretary of State? In the event that he concludes that
21 the compulsory purchase of the Clays Lane Housing Estate
22 site is required for the Olympics, if he reaches that
23 conclusion, do you say to the Secretary of State:
24 nevertheless, you, Secretary of State, should not
25 confirm the CPO, because of issues arising in relation

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1 to relocation? Or do you accept that --

2 A. I think he will look at the quality of the relocation in
3 arriving at his decision.

4 Q. Well, I am not asking you about what he will look at;
5 I am asking you about what your case is. What do you
6 say to --

7 A. I am saying that he should look at the quality of the
8 relocation in that balancing exercise.

9 Q. All right, having looked at that, then, if he does that,
10 is your professional judgment that having looked at
11 that, those issues should defeat the CPO even if the
12 Secretary of State has concluded that the Clays Lane
13 site is required for the Olympics? What is your

14 judgment?

15 A. My judgment is that there may be an overriding case for
16 the Olympics, but fed into that consideration will be
17 the quality of the relocation.

18 Q. You said there: "My judgment is there may be"?

19 A. Yes.

20 Q. Have you reached a firm judgment on these issues or not?

21 A. I have said that -- I thought you were asking me about
22 the Secretary of State's position on this. My
23 conclusion is that, given all of those points, including
24 the quality of the relocation, then I believe that there
25 is not an overwhelming case; an overwhelming case has

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1 not been made, has not been shown to be made. I have
2 speculated, I think in my conclusions, that overall
3 a judgment may be made that there is an overriding case
4 for the Olympics, but I have not seen the evidence to
5 support that. I cannot reach that balanced judgment.
6 I have seen the quality of the relocation, on the one
7 hand, but I have not seen the quality of the analysis on
8 the other justifying the acquisition of the Clays Lane
9 Estate in the first place.

10 Q. Mr Goemans, I have been almost counting time to the
11 point when you would come to try and qualify what you
12 have said in your conclusions, and that time has now
13 arrived. So can I take you to what you say, please,
14 paragraph 6.3?

15 A. Yes. I thought you might come to that.

16 Q. Because you were asked by Mr Wald to confirm that your
17 conclusions remain the same, and you said that they did
18 remain the same, and you then read them out without
19 qualification. You have now said that some of your
20 conclusions are speculation. You said: "I speculate in
21 my conclusions". I want to take you to 6.3.

22 MR WALD: He did make one qualification.

23 THE CHAIRMAN: While there is a slight lull, Mr Slavin,
24 I did say this morning, please, no photography during
25 cross-examination. We are in cross-examination at the

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1 moment. I am sorry if you have not spotted that.

2 Whilst the witness remains here, I do not want any
3 further photography. Thank you.

4 MR PEREIRA: 6.3, which is a paragraph which you did not
5 clarify --

6 A. At the time I did not, no.

7 Q. Let me read it again:

8 "In relation to the location of the Olympic Village,
9 I consider ..."

10 That is you, is it not, Mr Goemans?

11 A. Yes.

12 Q. "... that on a balance of probability ...", so you have
13 reached a judgment on likelihoods, "... the LDA will for
14 operational and other reasons, notwithstanding the
15 regeneration merits of other options, be able to
16 demonstrate that there is a compelling case in the
17 public interest for this site to be acquired by
18 compulsion when this is considered against the wider

19 benefits of regeneration."
20 A. Yes.
21 Q. There is no typographical error in that paragraph?
22 A. No, that has remained -- when I read it out, I realised
23 it had remained in and it is an editing error.
24 Q. It is an editing error, is it? You say it had remained
25 in. Did you write your proof yourself?

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1 A. I did, yes.
2 Q. What do you mean by: it remained in, and it is an
3 editing error?
4 A. In other words, I did not spot that it had remained in
5 the proof.
6 Q. Remained in from when?
7 A. From an early speculation on my part that that might be
8 a conclusion that would be reached.
9 Q. I am struggling with your use of the word "speculation":
10 "I consider on balance the LDA will be able to
11 demonstrate a compelling case in the public interest."
12 A. Yes --
13 Q. It is a fairly unqualified form of statement of
14 conclusions?
15 A. Yes, but it was a test, a tested hypothesis as to
16 whether that would be the case, and I argued in my
17 evidence at that time, I was arguing around a number of
18 options, and I had looked to see what would be the
19 result if a balance of probability argument were to
20 proceed in my view.

21 Q. You see, Mr Goemans, one does often explore different
22 alternatives in a proOf of evidence but what we have
23 here is a statement of your view, is it not:
24 "I consider"?

25 A. Yes.

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1 Q. It is not: "It might be that", or "One might argue
2 that"; it is, "I consider that". Are you now retracting
3 your --

4 A. Yes, that would have to be my way of expressing it, but
5 it does not necessarily represent my views after having
6 considered the case in detail. It just remained out of
7 an early draft of the proof.

8 Q. So I think what you are saying is that although you were
9 asked to confirm this paragraph and you read it out
10 without qualification, you now wish to change it in some
11 way, do you?

12 A. I have realised the error that has occurred.

13 Q. You did not change it at the time that you now tell us
14 you realised it, did you?

15 A. No, I was reading out, and I have to say that when reads
16 out at times -- the full meaning of the paragraph did
17 not immediately come to mind.

18 Q. So do you wish to change it?

19 A. I would like to say that my conclusion is that the
20 compelling case has not been made. I can still
21 speculate that the Secretary of State will decide that
22 there are overriding reasons for proceeding with the
23 Olympics, but that is not my conclusion.

24 Q. We can at least take it from the explanation that you
25 have given that it was at one time your conclusion, was

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1 it not, Mr Goemans?

2 A. It was speculation that we would have to test that
3 potential outcome.

4 Q. It is not, with respect. I can understand why you might
5 feel a little bit of discomfort answering questions
6 about this, but, with respect, it is not speculation
7 about something that might need to be tested. It is
8 written, you have confirmed written by you, as
9 a statement of conclusion: "I consider".

10 A. Yes, that would have to be expressed in that way if one
11 were to consider that. That would be a conclusion. If
12 the earlier analysis led me to that, that would be my
13 conclusion. But the later analysis has not resulted in
14 that conclusion, so I do not stand by that paragraph.

15 Q. Right. Do you go about writing your evidence by stating
16 your conclusions first and then trying to figure out the
17 reasons for reaching those conclusions, Mr Goemans?

18 A. I have to write my evidence in draft form all the way
19 through, and the conclusions are part of that, and
20 I think I have to write the conclusion and then see how
21 that feeds back into the evidence.

22 Q. Well, there we are. You may or may not know -- well,
23 when were you first instructed, Mr Goemans?

24 A. It was, I think, the -- I heard about the case a little
25 while before but I think it was the end of June.

1 Q. End of June; and when was your proof submitted?

2 A. The proof was finalised very shortly before the
3 deadline, the day after I met with the LDA, or the EDAW
4 representative of the LDA. So it must have been the
5 Wednesday following that.

6 Q. Well, we can check the date anyway. It is rather
7 unfortunate, it is not, that it is only now when you are
8 being cross-examined that you have realised that
9 actually you did not --

10 A. It is a matter of pressure and time.

11 Q. Well, there we are.

12 THE CHAIRMAN: Can I just be absolutely clear where that
13 leaves us in respect of 6.3?

14 A. Shall we take it that it should be deleted?

15 THE CHAIRMAN: I want to know what you are seeking to do.
16 Are you seeking to withdraw 6.3?

17 A. I am seeking to withdraw that paragraph.

18 THE CHAIRMAN: Mr Pereira, any issue arising from my
19 question?

20 MR PEREIRA: Well, there will be submissions made about it.
21 It is the witness' evidence, if he wants to withdraw
22 parts of it, he is entitled to say so.

23 THE CHAIRMAN: I wanted to be completely clear as far as the
24 witness is concerned but I anticipated that you would
25 want to make submissions on it in due course.

1 MR PEREIRA: Yes. I just want to, so that we understand,
2 and really to be fair to you, because I will be making
3 submissions about this, Mr Goemans, 6.3, it is quite
4 carefully worded, is it not, because you say that: on a
5 balance of probability, notwithstanding the merits of
6 other options, you consider that a compelling case in
7 the public interest would be shown by the LDA. So you
8 have clearly within the formulation of these words
9 carried out yourself some balancing exercise, have you
10 not?

11 A. Yes, I had to test that hypothesis for the purposes of
12 the case that I was researching for the objectors.

13 Q. And 6.4 --

14 A. It led on from there.

15 Q. Yes, but look at 6.4:

16 "The authority has however failed to demonstrate
17 a robust process ..."

18 You are contrasting --

19 A. Yes, "however", I accept that that links to 6.3.

20 Q. Yes. So read in context in your conclusions, the
21 paragraph sits comfortably with what follows after it,
22 does it not, because you draw a contrast?

23 A. Yes.

24 Q. I assume that that "however" should not be there either,
25 should it?

1 A. Correct.

2 Q. I suppose I should ask you, before I carry on, are there
3 any other parts of your evidence that you want to
4 change?

5 A. Not so far as I am aware, no.

6 Q. Be sure to tell me if we get to them.

7 A. Indeed.

8 Q. Now, if we can carry on, please, section 3 of your
9 proof. You have a heading, "Planning considerations".

10 A. Yes.

11 Q. And you make a number of points there. Can I ask you
12 about variety of housing types. There are only really
13 two types of housing, are there not, one is shared
14 single person accommodation and the other is
15 self-contained single person accommodation?

16 A. Self-contained and bungalows, yes. It is a variety of
17 self-contained accommodation.

18 Q. The variety is a variety of two, is it not?

19 A. In terms of accommodation, there are a variety of
20 designs as well, but, yes, mainly shared accommodation
21 and self-contained accommodation.

22 Q. Thank you. You say it is the second largest
23 purpose-built housing co-op in Europe. Of course, I do
24 not know about the second largest, but the "is" should
25 be a "was", should it not, obviously?

1 A. Indeed, yes. Well, yes, it was purpose-built as a co-op
2 at the time. I think that might still stand, actually.

3 Q. All right, because of the purpose.

4 A. Yes, purpose-built.

5 Q. And the bus routes that you talk about in your third
6 from last bullet point: there is a 308, is there not,
7 and a night bus?

8 A. Yes.

9 Q. And you have accepted the PTAL of 2 as being the
10 relevant --

11 A. Sorry, which --

12 Q. You have accepted that it is a PTAL of 2, and you have
13 no evidence to dispute that?

14 A. Yes, I have not -- no, I have seen that assessment in
15 the evidence.

16 Q. Now, again, staying on the planning, please, can we just
17 turn to your 4.46. You say there:

18 "It is noted from the evidence of Mr Jones that some
19 of the revisions to the masterplans are within the
20 existing parameters and principles of extant permissions
21 but that others will require revisions to existing
22 permissions or new planning permissions."

23 Do you see that?

24 A. Yes. Sorry, which paragraph are we looking at?

25 Q. 4.46.

1 A. Yes.

2 Q. You seem to be suggesting there that any revised
3 planning permission would go outside existing parameters
4 and principles. Is that what you mean? Because that is
5 not what Mr Jones says, you see?

6 A. That was my reading of Mr Jones's evidence.

7 Q. Well, can I just take you to the relevant bit. I do not
8 know if you have it there. Maybe I can read it to you.
9 It is page 55 of his evidence. He says -- I am reading
10 from 8.8:

11 "Across the areas of the five Olympic planning
12 permissions the land uses, scope of development and
13 means of access are likely to be substantially the same
14 as those granted planning permission but on a more
15 compact area."

16 Then 8.11, second sentence:

17 "Whilst the revised masterplan proposals will
18 require new permissions and revisions to the existing
19 permissions the scope and nature of uses proposed is
20 similar to that for which permission is granted at this
21 time."

22 Is that the evidence you are referring to?

23 A. Yes.

24 Q. Fine, I will leave it as Mr Jones has said it.

25 A. Yes, it was meant to be a summary of --

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1 Q. Now, can we go on to your issue 1. 4.67 is your
2 conclusion on issue 1. You say there has not been
3 a robust enough assessment and that the LDA has failed
4 to demonstrate clear criteria.

5 A. Yes.

6 Q. All right? Now, can you point me actually to any
7 paragraph in your proof where you reach a conclusion on
8 whether there is a compelling case in the public
9 interest other than paragraph 6.3? You say it should

10 not have stayed in your proof. What I am looking for is
11 the paragraph in the main body of your proof that will
12 help us understand your view. Because, you see, 6.3 is
13 in your conclusions. Can you show us in your analysis
14 where you do actually talk about whether there is
15 a compelling case? Because, unless I have missed it,
16 I think the only paragraph where you stated a conclusion
17 on whether there was a compelling case is the paragraph
18 that you have now retracted.

19 A. I will not have taken it in isolation. It would have
20 been part of my earlier conclusion. It would have been
21 taken from an earlier part of my proof.

22 Q. Can you just point us to that earlier part of your
23 proof? I know that there are criticisms that you make
24 of the process and so on.

25 Well, let us not take time up with it now. I am

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1 sure if someone in your legal team spots it, you will be
2 taken to it in re-examination, and if you spot it, you
3 will doubtless let me know. But just to be clear, what
4 I am looking for is a statement in the analysis section
5 of your proof where you reach the conclusion that there
6 is not a compelling case in the public interest for
7 whatever reason, all right?

8 A. Yes.

9 Q. So issue 1; I have taken you to 4.67. What we are
10 concerned with here under issue 1 is, is it not, the
11 design of the Olympic Park, and in particular the

12 location of the Olympic Village, back-of-house for
13 Village and some sports facilities and the link road,
14 because that is what is on the Clays Lane site?

15 A. Yes.

16 Q. So as I read your 4.67, your criticism is that the LDA
17 have failed to demonstrate clear criteria to show the
18 process by which it has reached its design conclusions.

19 A. Yes.

20 Q. Is that right?

21 A. That is right.

22 Q. Can you turn up Mr Prior's main proof, please. Can you
23 turn to page 44.

24 A. Yes.

25 Q. Have you read this evidence?

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1 A. Yes.

2 Q. Because we can see, can we not, I will refer you to
3 particular bits of it, but it is there generally, 5.6,
4 for example, principles of the legacy masterplan; 5.7
5 onwards, how lessons have been learnt from other Games;
6 5.10 onwards, Olympic and Paralympic game requirements.
7 At 5.12 there are various requirements for the stadia
8 and the aquatic centre, and it goes on: 5.13, 5.14,
9 5.15, 5.16, security, and so on. Then we can see there
10 is an explanation of the principles applied for the
11 location of the Park, the layout. At pages 48 to 49,
12 there are various considerations.

13 A. Yes.

14 Q. There is then some reasoning about how these

15 considerations were applied, and it goes on, and it goes
16 on. Different parts of the Olympic Park, the aquatic
17 centre, indoor arenas, all of that. It is fairly plain,
18 is it not, from Mr Prior's proof, that you have there
19 set out a list of criteria and considerations that were
20 considered relevant and applied in the design of the
21 Olympic Park?

22 A. Yes, that is right, it does in purely Olympic terms,
23 yes, in design terms it makes that clear, what the
24 criteria are for the Olympics.

25 Q. Sorry?

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1 A. Yes, it makes it clear.

2 Q. Yes, you say in purely Olympic terms, but of course his
3 proof deals with the relationship between the Olympic
4 design and how that ties in with legacy, does it not?

5 A. Yes, it does, yes.

6 Q. So it would be fairer to say, would it not, in Olympic
7 and Legacy terms --

8 A. And legacy, yes.

9 Q. -- it does set out criteria that have been applied, does
10 it not?

11 A. Yes.

12 Q. And it sets out not only the criteria but it sets out
13 the reasoning process which has led the LDA to its
14 conclusions about the layout, does it not?

15 A. Yes.

16 Q. You told us that you had read this proof, and the

17 criteria it sets out. Are there any criteria or
18 considerations that you take issue with as being
19 irrelevant or inappropriate?
20 A. No, what I have submitted in my evidence is the way in
21 which that relates to the existing land uses, including
22 the Clays Lane Estate, how that is balanced against the
23 requirements of the Olympics and legacy. And I have
24 previously referred to the requirements of the compact
25 park, and the degree of flexibility that might have

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1 arisen had the decision been made to allow a greater
2 degree of flexibility in the land availability around
3 the Clays Lane Estate.

4 Q. The first part of that analysis, Mr Goemans, is the
5 question of what is required for the Olympic Park and
6 legacy, is it not?

7 A. Yes.

8 Q. And you accept that --

9 A. I accept that that is a description of what is required
10 for the Olympic Park and the legacy.

11 Q. Thank you. And it is a description that is clearly set
12 out in the evidence, is it not?

13 A. Yes.

14 Q. Thank you. The second part of your analysis is: well,
15 even if it is required, how does that balance with the
16 loss of Clays Lane?

17 A. Yes.

18 Q. Is that fair? I am not going to debate with you in
19 cross-examination what you say should or should not have

20 been done. What I want to ask you is this: you are here
21 representing the residents of Clays Lane, some of whom
22 have given oral evidence and others have produced
23 statements.

24 A. Yes.

25 Q. And to the extent that you and your team consider that

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1 there are relevant matters for the Secretary of State to
2 take into account as flowing from the loss of
3 Clays Lane, that is the case that you have put, is it
4 not?

5 A. It is in relation to Clays Lane, yes.

6 Q. Yes. And so that material -- you criticise the LDA, you
7 see, for not striking that balance, but the material
8 necessary to strike that balance has been provided, if
9 not through other routes, through your clients' case,
10 has it not?

11 A. I have considered that evidence which has been given,
12 I have considered it against the value of what has been
13 lost.

14 Q. Yes, but for the purposes of the Secretary of State's
15 consideration, your clients and this case have provided
16 the evidence that you say the LDA has not properly taken
17 into account; that is right, is it not?

18 A. Yes.

19 Q. Thank you. I only took you to Mr Prior's main proof in
20 relation to the criteria for planning for the Olympic
21 Park and legacy, but you will also have seen, will you

22 not, LDA 14 that sets out the changes to the Olympic
23 Park?
24 A. Yes.
25 Q. Have you read that document?

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1 A. That was the June revisions?
2 Q. Yes.
3 A. Yes. I have not got it to hand.
4 Q. And that again, you will agree with me, please, sets out
5 clearly the criteria and the considerations that went
6 into those changes, does it not?
7 A. Yes. Yes.
8 Q. Similarly, Mr Prior, we know, has produced a rebuttal to
9 Mr Cheyne's initial proof of evidence. This is
10 LDA/REB12; yes?
11 A. Yes.
12 Q. And again, whether you agree with his conclusions or
13 not, you will agree, will you not, that his proof sets
14 out clearly the criteria and the reasoning that has led
15 to the design of the Olympic Park as it relates to the
16 Clays Lane Housing Estate?
17 A. Yes. I have seen his reasoning, I have read his
18 reasoning. What I have said previously is that I have
19 not seen the way in which the Clays Lane Estate has been
20 weighed in the balance, and I have not seen the evidence
21 of the tested option of the retention of the Clays Lane
22 Estate. Yes, it is argued cogently in Olympic and
23 Legacy terms, I have accepted that. But what I have not
24 seen is tested options where the Clays Lane Estate is

1 that. I have seen a lot of assertion that it would not
2 work. I have seen table 5.6. I have seen it referring
3 to demolition of the Clays Lane Estate and consequent
4 community disruption, but I have not seen the way in
5 which that has been weighed in that balance to favour
6 Stratford City.

7 Q. Can I come back to your proof, please, at page 20,
8 paragraph 4.56. In 4.56, you talk about the benefits of
9 the legacy being greater. The way you put it is:

10 "... if the Clays Lane Estate and its community
11 could remain in place to take advantage of them."

12 A. Yes.

13 Q. I suppose it is a fair point from your clients' point of
14 view; you are talking there about Clays Lane taking
15 advantage of the benefits of legacy rather than being
16 a benefit of legacy, are you not?

17 A. Indeed, yes. But obviously Clays Lane Estate will
18 contribute something to legacy. I think I have already
19 said this. It is a valuable community, it provides
20 opportunities that might otherwise not be available.

21 Q. Well, I have already asked you questions about community
22 and so on, so I am not going to go back there. When you
23 talk about other options -- I am looking at your 4.57:

24 "It is not clear however that the feasibility of the
25 retention ... has been examined."

1 And you gave some evidence-in-chief about this. As
2 I understand your evidence, you are not putting anything
3 forward as a clear alternative. You are just suggesting
4 possibilities that you feel have not been adequately
5 explored.

6 A. Yes, that is correct.

7 Q. So your case to the Secretary of State is not: look,
8 this can be achieved in a different way. Your case
9 is: it might possibly be achieved in a different way;
10 the point is that the LDA has not shown why it cannot be
11 achieved in a different way?

12 A. Yes, it has not shown in any explicit way how the
13 Clays Lane Estate could not be retained.

14 Q. In all of your analysis, you accept the need, do you
15 not, for the athletes' village?

16 A. Yes.

17 Q. And you have already told me that you do not dispute the
18 relevance of the criteria that had been applied in
19 designing the Olympic Park. What I want to do, please,
20 is just ask you what the consequences of your case are,
21 because you do, do you not, invite the Secretary of
22 State to consider in effect excluding Clays Lane Housing
23 Estate from the CPO?

24 A. Yes.

25 Q. And you do that with no firm proposal as to how and

1 where the Olympic Village would be satisfactorily
2 accommodated?

3 A. I have said in my evidence that there were a number of
4 options, including West Ham and Fish Island. I think in
5 my examination-in-chief, my conclusion was that
6 Stratford City is likely to be the best location for the
7 Olympic Village, and that certain developments that
8 recently had taken place would suggest that an
9 adjustment of the Stratford City proposal could actually
10 provide a location in the city development site for the
11 athletes' village, which would enable the retention of
12 Clays Lane Estate.

13 Q. Yes, but you have already confirmed to me, I think I am
14 being fair in saying, Mr Goemans, that these
15 alternatives you have put forward, you put forward as
16 possibilities that you say the LDA have not properly
17 discounted?

18 A. Exactly. I have put forward a number of possibilities
19 that I suggest should be tested.

20 Q. Yes, so I will ask my question again, please: you invite
21 the Secretary of State to consider excluding Clays Lane
22 Housing Estate from the CPO, but you do that with no
23 firm proposal --

24 A. No.

25 Q. -- as to how and where the Olympic Village would be

1 satisfactorily accommodated? That is right, is it not?

2 A. But to justify --

3 Q. Sorry, Mr Goemans, that is right, is it not?

4 A. I have no alternative proposal.

5 Q. Yes.

6 A. That is correct.

7 Q. Thank you.

8 THE CHAIRMAN: Did you wish to clarify?

9 A. I was going to clarify by saying that in order to
10 justify the taking of a community of 450 units, with up
11 to a population of 500, there needs to be clear
12 justification for that. Here we have the Olympic Park,
13 which is clearly justified in Olympic Park and legacy
14 terms, but every square inch and square metre of the
15 land acquired has to be justified and balanced against
16 the loss. That is out there clearly in the circular.

17 I am suggesting, although I have not the resources
18 or the time to put an alternative, that that is
19 something that is reasonably required to be
20 demonstrated. I suggest that it has not been
21 demonstrated in this case, and that that should be
22 a reason why the site should be excluded.

23 MR PEREIRA: Did you take up the opportunity to meet with
24 consultants from EDAW.

25 A. I did.

1 Q. You have given various options in evidence-in-chief and
2 in your proof, or suggestions. Did you discuss any of
3 those with them?

4 A. I did, yes, and I was simply referred to the evidence.
5 I was given no new material.

6 Q. Okay.

7 A. I concluded from that that perhaps there was not
8 a tested option of retention of the Clays Lane Estate.

9 Q. And you had seen the criteria that had fed into the
10 design of the Olympic Park and the legacy but you have
11 not, have you, tested even one of your options against
12 those criteria?

13 A. I have not. No, I have not.

14 Q. Now, can I ask you some questions about relocation,
15 please. We have obviously had a lot of evidence from
16 the residents on this issue and you deal with some of
17 this in your proof. In relation to group moves, we know
18 that a survey has been carried out by SNU, do we not,
19 specifically to look at the support for the group move,
20 and we have looked at that?

21 A. Yes.

22 Q. And we also know that the LDA is putting forward options
23 to try and accommodate the various groups, do we not?

24 A. Yes.

25 Q. You have talked about a double decant, but Mr Gaskell

1 makes it clear, does he not, that one of the options,
2 Nag's Head Estate, could be refurbished in time?

3 A. That is a refurbishment of -- yes, that is
4 a possibility. I think I mentioned that something at
5 that stage might provide an option but it would not
6 provide an option for everybody. I think the double
7 decant is likely for the majority.

8 Q. Now, can you turn up the Fluid Report, please, because
9 the Fluid Report notes, does it not, that John Lynn, who
10 was the chair of the co-op, made representations to the
11 planning committee. Have you seen that bit in the
12 report?

13 A. Can you point me to that?

14 Q. If you go to page 14, I am looking in the full report,
15 which is in Mr Gaskell's appendices.

16 A. Yes.

17 Q. There is a heading there, "Planning committee,
18 9th September 2004", and it says:

19 "CLHC [that is the co-op] subsequently submitted an
20 affidavit to the London Borough of Newham representing
21 the official position of the committee in terms of their
22 relocation desires. The committee chair, John Lynn,
23 read out an excerpt of the affidavit at the committee
24 meeting, requesting that the condition relating to the
25 Clays Lane relocation be amended to allow for double

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1 decanting, ie that residents be moved to temporary
2 accommodation until such time as they could be moved
3 back to the original site."

4 Do you see that?

5 A. Yes, that was, I suspect, considered as a necessary
6 requirement if they were to be moved back into the
7 original site.

8 Q. And if we go to page 81, we can see the mission
9 statement from Clays Lane, okay?

10 A. Yes.

11 Q. And we can see from the last paragraph of that that what
12 Clays Lane were asking for, the co-operative were asking
13 for, is that the strategy should ensure -- they wanted
14 an amendment to the condition so that the strategy
15 should ensure that:

16 "During the Olympic construction and Olympic Games
17 phases, CLHC is provided with accommodation equivalent
18 to its present 450 units in such configuration that it
19 can continue to operate as a housing co-operative. The
20 strategy shall also ensure that during the legacy phase,
21 CLHC is restored to 450 units in the Clays Lane area
22 with equivalent amenities to its present
23 accommodation."?

24 A. Yes.

25 Q. Now, those representations were made, were they not, to

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1 the committee?

2 A. Yes.

3 Q. But they were not successful, were they, in securing an
4 amendment to the condition or to the requirements of the
5 strategy?

6 A. Yes.

7 Q. And it would be fair then to say, would it not, that
8 Clays Lane, or at least their co-operative, has had
9 every opportunity of persuading the planning authority
10 that its strategy should require like-for-like and the
11 provision of an equivalent to Clays Lane, and that the
12 planning authority did not accept that submission, did

13 it?

14 A. No. No, but it goes back, I think, to the point I have
15 already put: that the quality of that relocation, the
16 promises that were earlier made, upon the quality of
17 that relocation, are a material consideration, and even
18 if the planning authority did not accept that as
19 a requirement, it is still relevant to the consideration
20 that I am putting forward, whether there is sufficient
21 argument for the loss of this community.

22 Q. You and your clients have given evidence about the
23 relocation strategy that was submitted.

24 A. Yes.

25 Q. And it is your case, is it not, that the key concern or

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1 the planning authority with that related to monitoring?

2 A. Yes.

3 Q. Now, that strategy was consulted upon by JPAT, was it
4 not?

5 A. Yes.

6 Q. And it was also publicised in one of the Clays Lane
7 letters that the LDA sent out, was it not, the
8 newsletters?

9 A. Yes, I believe it was.

10 Q. Let us turn it up, please, if we can. It is
11 Mr Gaskell's rebuttal to Mr Cheyne, I think.

12 THE CHAIRMAN: Is this REB13?

13 MR PEREIRA: It is REB13, sir, yes. It is appendix 1, and
14 it is three pages in from appendix 1. It is
15 the January 2006 newsletter; yes?

16 A. Yes.

17 Q. And we can see there in the blue box:

18 "Residential relocation strategy. Residents should
19 have received a letter from JPAT informing them that the
20 relocation strategy is available for consultation."

21 It tells you what the strategy does:

22 "As part of the consultation process officers from
23 JPAT will be available to meet with residents."

24 A. Yes.

25 Q. And if you look next to the box:

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1 "Drop-in session. The LDA, CBHA and the joint
2 planning authorities team will be holding a drop-in
3 session in the community centre."

4 And it gives a date.

5 A. Yes.

6 Q. Can you see that?

7 A. Yes.

8 Q. Can you help, please, with what the level of
9 consultation response from residents was on the
10 strategy?

11 A. Yes, to that very formal approach, I believe two or
12 maybe three responses were received, including one from
13 Mr Cheyne. I think that is correct. But I have to say,
14 that sort of approach is a very formal one. Yes, it
15 announces the relocation strategy, but there is not
16 a lot of information here, as Mr Cheyne has pointed out.
17 Its relevance to residents is not very clear. A lot of

18 residents will wonder what that involves, what the
19 implications are, and will not appreciate the need to
20 make a comment and representation.

21 If it worked as well as I think it was intended to
22 work, in Mr Winterbottom's letter, the LDA would have
23 been a lot more proactive in getting out and meeting
24 residents and explaining the importance of making
25 representations of this kind. From my experience of

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1 planning, that sort of circular very rarely gets a very
2 good response.

3 Q. A number of points you have made there, Mr Goemans, but
4 let us be clear about this. Part of your case -- I am
5 paraphrasing, but part of your case is that in order to
6 have an effective relocation strategy, it is essential
7 that residents have had an input into it.

8 A. Yes.

9 Q. I am struggling with the idea that this is somehow
10 overly formal. What about a drop-in session in the
11 community centre? Do you think that is too formal?

12 A. Yes, I -- I still think, and again, I have been involved
13 in numerous public consultations, just announcing that
14 there will be a drop-in session at the community centre
15 without the follow-up or the back-up, really does not
16 produce the result.

17 Q. Perhaps different people have different experiences, but
18 normally, if there is a lot of public concern over a
19 development proposal, one at an Inquiry is faced with a
20 whole wodge of consultation responses which have been

21 elicited through the normal process of consultation.
22 Here we have not only the normal process, we have
23 newsletters being sent around, we have officers on site,
24 we have drop-in sessions being publicised in bold
25 writing, and we get two or three responses?

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1 A. Yes, and I have done, I have seen similar approaches
2 produce similar results. It does need a more proactive
3 approach, a focus group approach, if you like, where LDA
4 representatives arrange to meet residents individually,
5 or in groups. If they really want to know what
6 residents think, that is the approach.

7 Q. Would you agree that because this would be a public
8 document, any approach would have to be transparent?

9 A. Yes.

10 Q. Finally, please, your issue 4. You say:

11 "Whether in the light of proper consideration of the
12 residents' requirements more appropriate alternatives
13 should be made available for the residents' occupation
14 in accordance with the relevant condition of the
15 planning permission."

16 A. Yes.

17 Q. We know, because of the wording of the condition, it is
18 no part of your case, is it, that the LDA are somehow in
19 breach of any planning condition?

20 A. No, that is correct.

21 Q. And you would accept, would you not, that the LDA did
22 not wait to obtain a final approved residents'
23 relocation strategy before it put into place steps to

24 relocate the residents?

25 A. Yes, it has gone ahead with a draft strategy, and

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1 implemented it.

2 Q. And you know from the chronology, I think the Olympic
3 bid succeeded in 2005, and we know from Mr Gaskell's
4 evidence that from at least September 2005, there were
5 presentations being held by the LDA at the Clays Lane
6 site where information was being given about relocation?

7 A. Yes. From September 2005, recorded from my notes of
8 Mr Cheyne's evidence, there was a great deal of
9 disillusion about that meeting. It was not a successful
10 meeting, and it was only much later in -- I think it
11 is January the following year, 2006, was a start made on
12 the search for relocation sites. It does not seem to
13 have been a very successful process.

14 Q. I am not going to debate with you things that Mr Cheyne
15 has said. Mr Gaskell refers to a number of meetings
16 rather than a single meeting and I am not going to go
17 into that detail. Mr Cheyne's concerns there relate to
18 finding sites for a group move, do they not?

19 A. Yes, but also he makes a general point about the level
20 of contact with residents, not just for those concerned
21 with relocating in groups, but individual moves as well.
22 He makes a great deal of comment about the failures of
23 that consultation process.

24 Q. Can you refer, please, in the evidence, to one statement
25 from anyone who has been relocated who is not satisfied

1 with their relocation?

2 A. I believe there are. I cannot point to them
3 immediately, but I believe there are examples of people
4 who have moved who are unhappy, certainly initially.
5 I think Mr Cheyne has referred to that.

6 Q. You see, I would not want the Inquiry to proceed on the
7 basis of anecdotal evidence, would you, Mr Goemans?

8 A. Sometimes that is all that is available, but you are
9 asking for an example. I think we may be able to turn
10 up one. I cannot put my hand on it straight away.

11 Q. Sometimes it is all that is available but would you not
12 have expected, if there genuinely were people seriously
13 aggrieved at the relocation they have participated in
14 and at the flat they are now living in that you would
15 have been able to bring forward or your clients would
16 have been able to bring forward a statement from them,
17 do you not think, Mr Goemans?

18 A. Well, I think that we may be able to do that.

19 Q. Now, what is it you say should have happened in relation
20 to relocation? Because we know that the LDA started
21 their process, depending on when one takes the time
22 from, but from September they were holding meetings. We
23 know that the relocation strategies were submitted at
24 the end of 2005.

25 A. Yes.

1 Q. Consulted on to 2006.

2 A. Yes.

3 Q. Given that time frame, do you say that the LDA should
4 have waited to see if it got an approved relocation
5 strategy, or that it should have got on with the process
6 of relocation?

7 A. I think it should have got on with the process of
8 relocation much earlier than that, and if that had been
9 proceeding in accordance with the timetable in the Fluid
10 Survey, then there would have been a great deal more
11 information and feedback from residents that would have
12 fed into the relocation strategy and we would have had
13 an effective relocation strategy that everybody could
14 sign up to.

15 Q. So your point is one of timing, is it not?

16 A. It is, very largely. It is particularly relevant for a
17 large proportion of the Clays Lane Estate interested in
18 a group move. Timing is of great importance if they are
19 to be moved in time. The target date is July 2007.

20 I think I worked back from there to suggest that there
21 could be up to three years to find a purpose-built site.
22 If the process had been planned on the worst assumption,
23 which was a worst case from the LDA's point of view,
24 that a site was required for up to 200 people, then the
25 planning should have started from there, that date,

1 three years back from 2007.

2 Q. So it should have started in 2004?

3 A. It should have started from 2004, the early days, yes.

4 Q. Thank you.

5 A. That is stated in Mr Winterbottom's letter,
6 I believe, June 2004.

7 Q. If you just wait, Mr Goemans, I am just going to check
8 my notes. (Pause).

9 Yes, one other matter. You said in-chief, you were
10 asked the question: "Did the initial promise of
11 like-for-like, if not better, have an effect on whether
12 residents became objectors to the CPO?" Or it was
13 a question along those lines, and I know it might be
14 wrong, and you said: yes, it did?

15 A. Sorry, could you repeat that?

16 Q. Yes, you were asked about whether the initial promise of
17 like-for-like, if not better, would have an effect on
18 whether residents became objectors to the CPO.

19 A. I think they might have felt at that stage confidence in
20 the process, that they would be treated fairly, and that
21 some might take the view that in those circumstances,
22 they can trust the LDA and there would be no need to
23 make a formal objection. There are a lot of people on
24 the estate perhaps who just believe that it will happen,
25 and I believe that quite possibly that is still the

1 case.

2 Q. Let us just look at the chronology, please, Mr Goemans,
3 because that letter of Mr Winterbottom is written in
4 2004, I believe, is it not?

5 A. I have it as June 2004.

6 Q. June 2004. The statement that has the words "as far as
7 practicable" appears in Fluid in January 2005, does it
8 not?

9 A. Yes. Yes.

10 Q. And the CPO was made at the end of 2005.

11 A. Yes.

12 Q. And so if this point of yours is going to have any
13 influence on objectors, it is going to stimulate more --

14 A. It is --

15 Q. Can you let me finish? It is going to stimulate more
16 objection rather than less, is it not?

17 A. It may result in more objections if that point is picked
18 up.

19 MR PEREIRA: Thank you very much, Mr Goemans. Thank you.

20 THE CHAIRMAN: Thank you, Mr Pereira. Mr Wald, do you have
21 some indication of how long you will be in
22 re-examination?

23 MR WALD: Sir, I am afraid I will be at least half an hour
24 in re-examination.

25 THE CHAIRMAN: I am just wondering whether it is sensible to

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1 take the break or go straight into re-examination. Do
2 you have a preference?

3 MR WALD: I am probably in favour of having a break now
4 rather than carrying on through.

5 THE CHAIRMAN: We will take a short break now, Mr Goemans.
6 I need to remind you and everybody in the room they

7 cannot speak to you. I will adjourn for 15 minutes so
8 be back for 3.20 pm, please.

9 (3.05 pm)

10 (A short break)

11 (3.20 pm)

12 THE CHAIRMAN: The Inquiry is resumed. Mr Wald, I would
13 invite you to begin your re-examination, please.

14 Re-examination by MR WALD

15 MR WALD: Thank you, sir. Mr Goemans, I do have some
16 questions for you. In the spirit of Mr Winterbottom's
17 2004 letter, I am going to give you as much information
18 as early as possible. I will take my questions in
19 reverse order from the matters that arose that need
20 clarification.

21 I am starting, then, with the remark that was made
22 by Mr Pereira, "I am not going to debate with you things
23 that Mr Cheyne was said". Now, you were asked a number
24 of questions relating to meetings, drop-ins,
25 the September meetings in particular. Were you present

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1 at any of those meetings?

2 A. No.

3 Q. Was Mr Cheyne?

4 A. Yes, I believe so, yes.

5 Q. Would Mr Cheyne have been able to supply fuller
6 responses to those questions than you were able to?

7 A. Yes, it is a point I made earlier that I do not have the
8 particular degree of knowledge on that particular part
9 of the evidence that Mr Cheyne has.

10 Q. You were asked about discontented relocated tenants.
11 A. Yes.
12 Q. Do you have a copy of Mr Cheyne's proof of evidence in
13 front of you?
14 A. No, I am sorry, I do not.
15 Q. I wonder if you can be supplied with that. (Handed)
16 Here it is. It is very marked up, but I do not think
17 the section I am going to is at all marked up. I hope
18 there will be no objection to that. It is at page 31,
19 please, as paginated. 24 of the --
20 A. Yes, I have that.
21 Q. Do you see that; 57.5?
22 A. Yes. This is the one I recalled. I did not know all of
23 the detail but I remember one particular tenant had damp
24 in her flat:
25 "A number of tenants said they were unhappy about

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1 the size of their flats, they were in bad condition or
2 too expensive."
3 We have heard a lot about the cost of new
4 accommodation from Mr Hammoud, of course.
5 Q. You do not know the names of those people who are
6 alluded to in 57.5?
7 A. No, I do not.
8 Q. But is it fair to say that Mr Cheyne might have been
9 able to supply that if asked?
10 A. Yes.
11 Q. If you can leave Mr Cheyne's evidence now, please, and

12 perhaps hand it back to me. (Handed)

13 You were asked about the drop-in sessions and the
14 fact that there were only two written responses?

15 A. Yes.

16 Q. Were views expressed in other ways other than writing?

17 A. I am sure so, yes.

18 Q. How would that have happened?

19 A. Through meetings with the ITA or SNU, and -- yes.

20 Q. When did those meetings take place?

21 A. I do not have a date to hand.

22 Q. You have been calling them the September meetings.

23 September of which year?

24 A. That was September 2005, I think.

25 Q. When was the Mr Winterbottom letter that promised to

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1 supply information as early as possible --

2 A. Yes, I think that dates from June 2004.

3 Q. What is the delay between the letter and those meetings?

4 A. Over a year.

5 THE CHAIRMAN: Can I just be clear on one of the answers
6 that has been given, and that was in relation to the
7 drop-in centre, the two responses in writing, as to
8 whether there would have been informal responses, if you
9 like?

10 A. Yes.

11 THE CHAIRMAN: And I think you said, "I am sure there would
12 have been so".

13 A. Yes.

14 THE CHAIRMAN: Sure or you know?

15 A. I cannot say I know as a matter of fact.
16 THE CHAIRMAN: I am grateful for the clarification.
17 MR WALD: Thank you for that, sir. Perhaps to follow up on
18 that, do you know whether more than just two people
19 attended those sessions?
20 A. I believe -- yes, I understand there were more than two
21 people but I do not know the exact number.
22 Q. Okay, and where do you gain that understanding from?
23 A. From Mr Cheyne's evidence.
24 Q. Right. You were asked about alternative options, and
25 the extent to which you had worked those up. In

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1 compulsory purchase, who has the burden of proof in
2 showing a compelling case in the public interest?
3 A. It is, of course, the acquiring authority.
4 Q. Is it usual that an objector should be expected to have
5 conducted an examination of the type you were asked
6 about?
7 A. No, not at all. No.
8 Q. I think I will go straight to this point: you were taken
9 to a section of your conclusion that you now wish to
10 revise?
11 A. Yes.
12 Q. It was the one that relates to the compelling case in
13 the public interest.
14 A. Yes.
15 Q. It is struck through, and I think you have now made
16 clear that your view is that that case has not been

17 shown.

18 A. That is right.

19 Q. You were asked to identify aspects of your main proof
20 that consider this question.

21 A. Yes.

22 Q. Where an expert has concluded that there is no
23 demonstrated case in the public interest, would one
24 expect to find in that proof a consideration of it?

25 A. Yes.

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1 Q. Do you have a copy of the statement of case in front of
2 you? This is the collective statement of case.

3 A. This is ... I do not know if there is a document number
4 for it: Statement of case, London Development Agency?

5 Q. No, no, for the properties at the Clays Lane
6 Estate: statement of case of the objectors at the Clays
7 Lane Housing Estate?

8 A. Yes.

9 Q. Do you have a copy of that?

10 A. No, I do not, to hand. That was the original statement
11 of case that we made, and I think it may be on my file.

12 Q. You were involved in the production of that document?

13 A. Yes.

14 Q. Albeit quite soon after you became involved in the case
15 generally?

16 A. Yes.

17 Q. Perhaps we can use this opportunity to assist with dates
18 of instructions and so forth.

19 A. Yes.

20 Q. There was an application to adjourn the residents'
21 objection on Thursday 15th June.
22 A. Yes.
23 Q. I believe that you were instructed, you became involved
24 on Friday 23rd June?
25 A. Yes.

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1 Q. And on 26th June, the statement of case was submitted?
2 A. Yes.
3 Q. Your proof of evidence was submitted on 5th July.
4 A. Yes.
5 Q. Was this all a bit of a rush for you?
6 A. Indeed, it was, yes.
7 Q. Do you have the statement of case now in front of you?
8 A. I have an early draft. I have not got the final
9 version. It is very similar to the final version.
10 THE CHAIRMAN: So that there is no possibility of
11 a misunderstanding, I think you need the up-to-date one
12 rather than a draft.
13 A. It does not say "Final" on it, although it may be the
14 final version.
15 MR WALD: Does 3.2 of it say that:
16 "The objectors will question the scale and need of
17 the proposals for the Clays Lane site and seek to
18 demonstrate that in respect of this site the Order does
19 not meet the requirements of the Act and the guidance in
20 the circular that states that compulsory purchase orders
21 should only be made where there is a compelling case in

22 the public interest"?

23 A. Yes.

24 Q. Does your 3.24 say that:

25 "The objectors will contend that the proposal

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1 conflicts with their human rights and that the
2 compulsory purchase scheme is not proportionate when
3 both public and private interests are taken into
4 account"?

5 A. Yes.

6 Q. Does your 3.26 say that:

7 "In all the circumstances the objectors will seek
8 to demonstrate that there is an insufficiently
9 compelling case in the public interest for the
10 compulsory acquisition of the CLHC site and its
11 inclusion in the Order Lands"?

12 A. That is right.

13 Q. And at (iii) of 3.28, that is repeated?

14 A. Yes.

15 Q. Your proof itself, and the body of the proof does not
16 contain references to a compelling case in the public
17 interest, or does it?

18 A. I was not able to find it at the time.

19 Q. Is that supportive of your current conclusion at 6.4?

20 A. It does not support the current conclusion, no.

21 Q. What is the current conclusion at 6.4?

22 A. That there is no compelling case.

23 Q. No, the current conclusion?

24 A. Oh, as it is written? The authority has, taking up,

1 Q. Sorry, 6.3. What is your current conclusion in relation
2 to 6.3?

3 A. That on balance, there is no compelling case to
4 demonstrate that there is a compelling case in the
5 public interest for the site to be acquired by
6 compulsion.

7 Q. Can I understand, you have explained it a little bit,
8 but how you go about the process of drafting and
9 redrafting your proof? I mean, different people have
10 different ways of doing these things.

11 A. Yes, I look at the robustness of the case, I look at the
12 evidence early on, and one possibility, I thought, was
13 that the LDA would be able to demonstrate a compelling
14 case, and I looked at the implications for that. But
15 when I looked at it and did my research, and found out
16 a great deal more about the Clays Lane Estate, looked at
17 all the evidence that goes with that and the submissions
18 of the residents, I concluded that on balance there was
19 not that compelling case. But it was something that an
20 expert has to look at, to consider the implications of
21 that compelling case being the likelihood that it will
22 be proved. In my consideration, and it was always based
23 on my consideration, I had to face the possibility that
24 evidence did support the LDA.

25 Q. You were open to that, were you, as a possibility?

1 A. I was open, because an expert has to look at both sides
2 and test all of the options to see whether the evidence
3 supports one side or the other. But I came down firmly,
4 on balance, in support of the residents.

5 Q. Can you remember what or when it was that you decided
6 against there being a compelling case in the public
7 interest?

8 A. That was probably halfway through the process. We were
9 talking about mid-June, having been instructed on
10 15th June, fairly early on, having looked at all --
11 appraised the evidence, I felt that the Clays Lane
12 Estate has not been properly weighed in the balance,
13 that there was a great deal in favour of their case.

14 Q. All right.

15 THE CHAIRMAN: Just on dates, there does appear to be an
16 issue there, because I think you said, having been
17 instructed on 15th June, whereas I understand that the
18 actual request for the adjournment was 15th June and the
19 instruction was later, which was given earlier on.

20 A. Yes, that is right. The objection was -- I am looking
21 at the time line here without a note on it. I was just
22 saying it must have been, but I think it must have been
23 later than that.

24 MR PEREIRA: Sir, I have written down: instructed 23rd June.

25 A. Yes, it must have been fairly soon after that.

1 MR WALD: Sir, that is my understanding, with which

2 Mr Goemans agreed with earlier. I have the benefit of
3 a calendar in front of me.

4 THE CHAIRMAN: I picked it up because I know we have an
5 earlier answer and I was anticipating that we would
6 revert to the earlier date, that those were the dates
7 that have been agreed.

8 MR WALD: Okay. Mr Goemans, on the basis of those last
9 answers, did you grow more confident of the lack of
10 a compelling case as time went on?

11 A. Yes.

12 Q. You said in answer to one of the questions in
13 cross-examination that your judgment is that there may
14 have been an overriding case for the Olympics, but
15 relocation should defeat it -- or the issue of
16 relocation should defeat it. Am I right that your
17 objection is limited to a site specific objection?

18 A. Yes.

19 Q. So that when you say that there is an overriding case
20 for the Olympics, do you intend that there is an
21 overriding case for the use of the Clays Lane Estate
22 land?

23 A. No, I do not think there is an overriding case there.

24 Q. I think you have now made it clear that the quality of
25 relocation should be taken into account by the Secretary

1 of State. It must be part of the considerations. Can
2 you, just in case it assists, explain why the relocation

3 process is relevant to the Secretary of State's
4 considerations?

5 A. Well, he has to compare the quality of the Clays Lane
6 Estate, the value of that community, the amount of
7 social capital tied up in that community, he has to
8 compare that with what is being reprovided, the quality
9 of the moves individually, where they are requested, and
10 the quality of the opportunities being provided for
11 those who are interested in a group move. It embraces
12 the opportunity and the location.

13 Q. You were asked to look at the numbers that had signed up
14 to group moves, and you were referred to the Fluid
15 Report.

16 A. Yes.

17 Q. Is 47 per cent a large degree of intended continued
18 community living, in your view?

19 A. I think it is a very significant vote in favour, against
20 the background of the problems with the co-operative at
21 that time. Nevertheless --

22 THE CHAIRMAN: Sorry, your answer was tailing off. I think
23 it is because you are facing slightly away from me.

24 A. Yes, sorry.

25 THE CHAIRMAN: You said it was a very significant vote in

1 favour?

2 A. A significant vote in favour, notwithstanding the
3 problems that there had been with the co-operative
4 management, it had not led to a complete disillusionment
5 with the group form of living.

6 MR WALD: Perhaps this is another question that Mr Cheyne
7 would have been able to assist us with, but you were
8 asked about the three groups, subgroups.

9 A. Yes.

10 Q. Including the "Nice Little Co-op".

11 A. Yes.

12 Q. Do you know how recently formed those groups have been?

13 A. No, I do not. I know they are fairly recently formed
14 but I do not know the detail.

15 Q. In terms of the answers to Fluid, are we able to test
16 the groupings that are -- or the preferences that are
17 expressed in Fluid by reference to practical steps
18 taken? Can we see the effect of the answers given to
19 Fluid?

20 A. Yes, we see it expressed in the interest -- the forming
21 of the groups of those interested in the co-operative,
22 those interested in the group move.

23 Q. Yes. On this question of public versus public, the
24 balance, can I turn you to your own proof, 4.18, please.
25 You cite paragraph 17 of the circular.

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1 A. Yes.

2 Q. "A compulsory purchase order should only be made where
3 there is a compelling case in the public interest. An
4 acquiring authority should be sure that the purpose for
5 which it is making a compulsory purchase order
6 sufficiently justify interfering with the human rights
7 of those with an interest in the land."

8 A. Yes.

9 Q. Is that related to public or private interests?

10 A. Those are related to the private interests of the
11 individuals concerned.

12 Q. Are the private interests of those affected
13 a consideration for the Secretary of State?

14 A. Yes.

15 Q. You were asked about the design of the estate, and
16 whether it merited listing and so on, or whether it was
17 indeed listed, or locally listed. You answered all of
18 those in the negative.

19 A. That is right, that is what I thought I understood to be
20 the situation.

21 Q. You have emphasised the design features and in
22 examination-in-chief you have related those features to
23 the degree of community life at the estate.

24 A. Yes.

25 Q. Is it your case that the design on its own, those

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1 matters aside, merits special protection?

2 A. I do not know. I do not know whether the distinct
3 criteria would allow that. I think it is of special
4 interest -- it is one of those rare situations where
5 high density living really works. It is an early
6 example of that specially designed co-operative housing
7 estate that was designed specifically for that purpose.
8 It is a very interesting -- perhaps a social experiment
9 at that time. Whether or not it is worthy of listing,
10 I do not know, but modern estates have been listed where

11 they have some special features and unique qualities. I
12 would not rule it out, but I have no information that it
13 has been listed.

14 Q. Do you know of other estates where buildings are listed,
15 or where 47 per cent of residents would have wished to
16 continue living together, in your own experience?

17 A. No, as I said earlier, I have not come across that
18 before, and I have had contact with a large number of
19 similar affordable housing estates.

20 Q. In your view, is the 47 per cent a fair reflection of
21 the degree of community life at Clays Lane Estate?

22 A. Possibly not. I think it ought to be -- it might be an
23 under-representation of the true interest.

24 Q. Why?

25 A. Because I think there was a great deal of disillusion

1 about the management at the time. There was also a lot
2 of information, perhaps misinformation, about what was
3 involved in a group move. Some thought it would involve
4 shared housing, and as we know, the majority of people
5 were not interested in the shared housing option. It
6 might have under-represented the situation in actual
7 fact.

8 Q. The estate's PTAL of 2. Do you know of other estates
9 that have two bus routes to their front door?

10 A. No. No, it is a point I did make, and I think it does
11 hold true, that whatever the assessment on that scale,
12 the site has the benefit of two bus routes, it is very

13 close to Leyton tube and shops, and in terms of its
14 isolation, it is no worse than any outlying estate
15 within Leyton, which may not be on a bus route, which
16 may be a similar distance from shops and amenities.
17 Q. You were taken to various of the criteria of Mr Prior in
18 his main evidence.
19 A. Yes.
20 Q. Did any of them relate specifically to the Clays Lane
21 Estate site?
22 A. No, I did not see any reference to Clays Lane.
23 Q. And behind those general aspirations, have you found any
24 specific analysis of the need for the Clays Lane Estate
25 site?

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1 A. Not particularly, no. There has been a reference to
2 what is proposed for the Clays Lane Estate, but it is
3 not tested against the option of not acquiring the
4 Clays Lane Estate.
5 Q. Is that a necessary step in the process?
6 A. I think it is a very important step. It shows the
7 degree to which the Clays Lane Estate is or is not
8 essential to meet the objectives of the order.
9 Q. 6.2.6 of Mr Jones, please. You were taken to Mr Jones'
10 evidence.
11 MR PEREIRA: Sorry, what is the reference again?
12 MR WALD: It relates to questions asked about Stratford City
13 and legacy benefits. The reference is at Mr Jones'
14 evidence --
15 MR PEREIRA: I asked about what was on page 55, if that is

16 what you are re-examining on.

17 MR WALD: Sorry, I may have confused Mr Jones with Mr Prior.

18 Apologies to both of them. Yes, you were asked about

19 legacy benefits. The Stratford City regeneration is

20 independent of the Olympic scheme; yes?

21 A. Yes.

22 Q. Mr Prior states that, at 6.2.6, 34,000 new jobs are

23 likely to be created in the context of the Stratford

24 City regeneration.

25 A. Yes.

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1 Q. Yes? Beyond Stratford City, is it likely that that

2 would give rise to spin-off regeneration in the

3 vicinity?

4 A. Yes, it will. It will have some benefits.

5 MR PEREIRA: Sir, I am letting it go, but ...

6 THE CHAIRMAN: I was sort of waiting.

7 MR PEREIRA: For good reason, sir, because you probably saw,

8 as I did, that that, if it does have a connection with

9 anything in cross-examination, it is rather esoteric and

10 tangential.

11 MR WALD: Sir, I am bound to say I agree with that, and I am

12 happy to retract it.

13 MR PEREIRA: Mr Wald is changing his mind as well.

14 MR WALD: Well, all part of achieving a balanced view.

15 THE CHAIRMAN: I am grateful for that, thank you.

16 MR WALD: Mr Goemans, thank you. That is all I have for

17 you.

18 THE CHAIRMAN: No additional questions, just a point of
19 clarification in relation to one of the answers to
20 Mr Wald's questions when he was looking at the design
21 and community life of Clays Lane, and inviting you to
22 ignore the community life element and focus on the
23 design, and you referred to the possible special
24 interest of Clays Lane as a social experiment and the
25 like.

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1 A. Yes.

2 THE CHAIRMAN: I just want to take that question a stage
3 further and break it down like this: if we were to say,
4 if there were no community attributes, perhaps as an
5 empty estate, just the buildings --

6 A. Yes.

7 THE CHAIRMAN: -- does the design represent a material
8 consideration, design and layout, and if so, what weight
9 should be apportioned?

10 A. I think it of value because I think it was recognised in
11 Fluid as well that the design of the estate has been
12 contributory to the formation of community life. The
13 courtyard design has encouraged a higher level of social
14 interaction than one would normally expect to see in
15 that type of living, that number of people, on
16 a relatively small site, and even if one was left with
17 an empty estate, one might conceive of a situation where
18 that design is still of value to whoever moved in, that
19 there is an intrinsic value in the design of the estate.
20 The amount of weight? Well, a significant amount.

21 THE CHAIRMAN: Thank you. The only reason I was seeking to
22 put it on the basis of it being an empty estate was so
23 that we could really focus in terms of design and
24 layout.

25 Mr Wald, anything arising from that?

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1 MR WALD: No, thank you, sir.

2 THE CHAIRMAN: Thank you. Thank you, Mr Goemans, I have
3 nothing further.

4 So, Mr Wald, I take it that that completes the case
5 for the collective group of Clays Lane residents.

6 MR WALD: Indeed, sir, it does.

7 THE CHAIRMAN: Thank you.

8 (The witness withdrew)

9 THE CHAIRMAN: Mr Pereira, are we going on to Mr Prior, was
10 it?

11 MR PEREIRA: Yes, sir, we are. As we indicated on the first
12 day, Mr Roots is calling Mr Prior, so could we have
13 a moment or two?

14 THE CHAIRMAN: Yes, we will take another short break and
15 then move on to that. A ten-minute adjournment and then
16 back at 4 o'clock, please.

17 (3.52 pm)

18 (A short break)

19 (4.00 pm)

20 THE CHAIRMAN: Welcome back, everyone, the Inquiry is
21 resumed. Good afternoon, Mr Roots.

22 MR ROOTS: Good afternoon.

23 THE CHAIRMAN: You are calling Mr Prior. Before we start
24 can I check whether there any core documents I need to
25 hand.

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1 MR ROOTS: Sir, you will need Mr Prior's three
2 proofs: LDA/JP/1, LDA/REB/12 and 38. You need CD25 and
3 CD11, the Newham UDP.

4 THE CHAIRMAN: Thank you. I have those to hand.

5 MR JASON PRIOR (called)

6 Examination-in-chief by MR ROOTS

7 MR ROOTS: Sir, Mr Prior has been introduced to the Inquiry
8 on more than one occasion. His full name and
9 qualifications and experience are set out at the
10 beginning of his main proof LDA/JP/1, and I do not think
11 we need to go to them again. He produced a proof in
12 response to Mr Cheyne earlier in the Inquiry which is
13 LDA/REB/12, which does cover many of the matters now
14 being raised, and he produced a specific, relatively
15 short rebuttal proof in response to Mr Goemans and the
16 issues being raised since the residents became
17 a collective.

18 I am not proposing to ask Mr Prior to go back over
19 any of that ground, although if you would wish any of it
20 to be read out, obviously it can be.

21 THE CHAIRMAN: I do not require any of it to be read out.

22 I will leave it to you to pick out anything you wish to
23 do so.

24 MR ROOTS: Sir, one or two points have arisen. First of
25 all, questions put to Mr Jones and also points today,

1 that I would like to ask Mr Prior to say a little about,
2 which I hope will not take more than about 20 minutes.

3 First of all, Mr Prior, could you go to CD25, which
4 is that bundle of plans, and go to plan 15. I would
5 like to ask you a little bit about deprivation indices.
6 Mr Jones was asked a few questions about these and I
7 would like to have your answers as well.

8 The first point is, what is this plan telling us
9 about the existing situation?

10 A. Well, it tells us through the colour coding that there
11 are greater or lesser degrees of deprivation, multiple
12 deprivation in the Lea Valley. The darker the colour,
13 the greater the level of deprivation is measured, and as
14 we see, the boroughs exhibit deprivation levels down in
15 the bottom 5 per cent in terms of national ranking,
16 which makes these communities in need of much change,
17 and that most of the colouring has us in the bottom 10
18 to 20 per cent as we look up into the main core of the
19 Lea Valley.

20 Q. Can you just explain briefly, when it says "multiple
21 deprivation index", what does that mean?

22 A. Well, it is not here before any Inquiry -- but basically
23 it is a compounded set of measurements that make up --
24 as it says, multiple indices are used -- health,
25 unemployment, access to jobs, access to health

1 facilities, general state of the environment. So the
2 indices in any one area may be contributed to by
3 slightly different factors, but they are aggregated out
4 to give these rankings.

5 Q. Now, the point that was put to Mr Jones was that there
6 are darker areas outside the Olympic Park area, which is
7 outlined in red on the plan, and that it would have been
8 more in the interests of regeneration to direct the
9 LDA's efforts further to the south, for example to
10 West Ham. What do you say about that?

11 A. Well, there are a couple of points here. I think it has
12 now been widely agreed that broader area base
13 regeneration is the way to look at the well-being of
14 communities, so we are looking at this as a sort of
15 strategic aggregated response. The LDA, the UDC and the
16 boroughs have of course taken a Valley-wide approach
17 through the OAPF and are tackling these issues on
18 a broader scale. The role of the Olympics in terms of
19 tackling this -- this is the point about where we should
20 locate the Olympics -- well, the Olympics is
21 a land-hungry development, requiring specific
22 conditions, most substantially of which is of course the
23 transport links, so its ability to deliver against these
24 indices is defined to some extent by the operational
25 needs of the Olympics.

2 catalytic effects of the Olympics roll out across the
3 broader area, and I believe those will be substantial.
4 For instance the employment numbers that we talked about
5 during the Inquiry, whilst the Olympics and the Olympic
6 sites in Stratford may deliver those jobs, we would
7 expect those to have an impact on unemployment levels in
8 the adjacent boroughs or maybe over quite a large area
9 of London. The environmental improvements, for instance
10 the undergrounding of the power lines, are triggered by
11 the Olympic and Legacy process but they extend to far
12 beyond the Olympic site itself.

13 The Olympics, of course, I suppose, is not the right
14 solution for some of these indices either, so, for
15 instance, the provision of, say, wider health services,
16 are obviously best delivered by other strategies, part
17 of which the Olympics in legacy might address, but also
18 are clearly covered in the OAPF strategies.

19 Q. Thank you very much. That is all on multiple
20 deprivation. Can we move to a different topic.

21 Several references have been made to a policy in the
22 Newham UDP, which is CD11, policy UR14, which I am sure
23 you will remember well. I can pass you a copy if you
24 need to look at it, but you may recall that it was
25 a policy concerning redevelopment of the Stratford rail

1 lands, and it says:

2 "The range of uses will include ... (d) residential
3 uses which serve to reduce the isolation of the

4 Clays Lane Estate."

5 A. Yes.

6 Q. Now, the question I wanted to ask you is, in the absence
7 of the Olympic development, in what way could that
8 policy have been implemented, having regard to the
9 physical features and the nature of the Stratford City
10 proposals?

11 A. Well, I think the ability to deliver against that policy
12 was relatively limited. The potential of the Clays Lane
13 Estate at the -- for instance the current topographic
14 levels, would make integration of the urban form between
15 Stratford and the Clays Lane Estate very difficult. The
16 Stratford development proposed, I think it was an
17 ecological area on its northern boundary which lay
18 between the Stratford residential development and the
19 Clays Lane Estate. So whilst undoubtedly additional
20 residential development would be brought, as it were
21 nearer to the Clays Lane Estate, the principal means of
22 connection and access would have been via the roads
23 systems linking Stratford up to the north.

24 So I think the Stratford/Clays Lane integration as
25 described by that policy could only ever be partially

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1 successful as a result of the Stratford proposals.

2 Q. Thank you. Can I move to another topic. A number of
3 points have been made about the preparation of the
4 Olympic and Legacy masterplan and the revisions to the
5 Olympic and Legacy masterplan that the Inquiry has been
6 told about, and questions have been raised as to whether

7 or not at any stage along that process, proper
8 consideration had been given to the retention of Clays
9 Lane.

10 I think perhaps the best way of approaching it is to
11 ask you to explain briefly chronologically, from the
12 time that your firm was instructed, which I think was in
13 mid-2003 --

14 A. Yes, August.

15 Q. -- how these proposals emerged and the extent to which
16 Clays Lane was given consideration.

17 A. Well, it was an interesting project to kick off. Our
18 brief was to look at the whole of the Lea Valley, not
19 just the northern end of the Lower Lea Valley. So
20 multiple options were discussed in terms of where we
21 made the facilities, multiple options for instance on
22 the Olympic Village were discussed, public meetings were
23 held with those options presented.

24 So we were planning both for the Games in terms of
25 where those options might take us; we were also planning

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1 for legacy. As I have said many times in this Inquiry,
2 the driver for the London Olympic bid was the legacy
3 result that we might derive from the holding of the
4 Games. So we were running multiple options in parallel,
5 looking at both their Games position and their legacy
6 contribution.

7 I think Mr Goemans has made mention of the meetings,
8 I think in November of 2003, where I was making

9 statements about the potential to keep Clays Lane, the
10 potential to keep Clays Lane as an entity engaged within
11 the Stratford development. I think that is just
12 indicative of the approaches that were being taken. At
13 the same time, we were having a closer and closer
14 relationship with those who were putting the bid
15 documents together in terms of where London needed to
16 position itself for the bid that we would eventually
17 submit to the IOC.

18 So we were running through the process, legacy and
19 going into development, looking at options and having to
20 narrow those down. My proof talks about the three major
21 options for the Village that emerged from that, and
22 eventually we had to make the decision about where was
23 the right place to go, another valuation I touch on in
24 my proofs of evidence.

25 I think the key thing to remember, though, is that

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1 the bid process for the Olympics and as it were deciding
2 that the Olympics is your major regeneration instrument,
3 winning the bid becomes an important component of how
4 you do the planning. Our view was that, as I have said,
5 on balance within my evidence that Clays Lane was the
6 right location for the Olympic Village, and therefore
7 everything else that flowed from it in terms of our
8 engagement with the Stratford scheme.

9 So it is a complex process. I take issue slightly
10 with Mr Goemans' approach of a series of very staged
11 prescribed moves, which I think he described in -- I may

12 be misinterpreting the point, but I think he said in
13 relation to, say, a hospital planning scheme or
14 a hospital re-use scheme. I think this is quite
15 different both in terms of the complexity that we are
16 having to deal with, and also recognising that our
17 update briefing with clients, planners, the LDA, LOCOG,
18 or 2012 as they were then, was probably running on
19 a weekly basis, so it was a process that was adapted to
20 both the programme and the nature of the project we were
21 pursuing.

22 Q. And did there come a time at which, as the Inquiry has
23 been told, planning permission was granted for
24 a masterplan which your firm had drawn up?

25 A. The planning permissions were granted. Again,

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1 a relatively unusual process; the joint planning team
2 that was put together between the boroughs, we had a
3 very close consultation and working relationship with
4 that group in the pre-application phase, and then after
5 the application had gone in, and in the processing of
6 that. As you know, we had an extraordinary planning
7 event with the four boroughs present at the GLA to
8 decide on the Olympic outcome, and they approved the
9 scheme that we put before them.

10 Q. Now, following the grant of planning permission, was
11 anything further done to review the masterplan and the
12 layout prior to the bid formally being put to the IOC?

13 A. Well, as I have said in JP1, there is a bid book phase

14 of the masterplan which lies between where we are now
15 and the planning permissions that we gained in 2004.
16 The continued engagement of 2012 with the IOC, the
17 short-listing of the City as one of the final five
18 candidates and our greater integration with the IOC
19 planners led to some fairly substantial revisions in the
20 layout of the Olympic Games itself. A lot of that
21 related to the technical and operational nature of how
22 the Games would be run, and I touch on some of those in
23 my proof in terms of what that impacted.

24 Q. But with particular reference to the Olympic Village,
25 the athletes' village, did you understand importance was

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1 attached to the nature and quality of that, from the
2 point of view of those promoting the Olympics and
3 promoting the bid?

4 A. Well, I think two major components won London the bid,
5 with maybe supporting elements. This is a personal
6 view, but having been at it for a long time: (1) the
7 fact that we put a compact Olympic Park together with
8 a majority of the venues in there; secondly that we put
9 the Village in the Olympic Park. If we think back
10 a year or so, our major competitor was Paris. They had
11 set their stall out in terms of how they were going to
12 bid for the Olympics. We knew what we had to beat, and
13 the identifiable weakness in the Paris bid as far as
14 I was concerned from a planning perspective was the
15 location of the Olympic Village. We were the only ones
16 that could deliver the Olympic Village within the

17 Olympic Park.

18 Other issues that flowed around the Village is that
19 the bid book significantly increases the back-of-house
20 facilities around the Village. It takes the whole area
21 up to about 30 hectares, which of course is about where
22 we are now, so those components were largely established
23 in the bid book phase.

24 Q. And is there a security consideration as well? I know
25 it is always difficult to say too much about security,

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1 but is it relevant to the location of the athletes'
2 village?

3 A. The security of the village is -- well, it is
4 a fundamental component of the Games. The security
5 strategy is like an onion, I suppose; it is the country,
6 it is the City, it is this part of London, it is the
7 Lea Valley, it is the Park and then it is the components
8 within the Park. At the heart of that process, at the
9 heart of the security ring is the Olympic Village. It
10 sits right in the middle of that. So you notice how the
11 Village is laid out on the site, it lies within
12 a surrounding ring of secure space. To the north, east
13 and south of that is the back-of-house facilities, to
14 the west that is the back-of-house facilities for
15 Olympic venues. It lays within a cordon sanitaire, as
16 it were, of protected space, and that has been an
17 operating principle on the design of the Village all the
18 way through.

19 There are no permanent built structures anywhere
20 near the Village in both construction mode or
21 operational mode which might pose a security threat to
22 the Village.

23 Since then, of course, on July 7th we had the bomb
24 attacks in London and the security requirements on this
25 project have gone up exponentially, and we would have

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1 heard Ministers and others talking in the press about,
2 for instance, things like security budgets and our
3 increasing focus on the security issue of the Park
4 itself.

5 Q. Now, a number of questions have arisen about the Olympic
6 Village and the back-of-house facilities. For example
7 it has been suggested that the back-of-house facilities
8 could be moved to some extent further south-west. Some
9 of them could be moved off-site. The option plans that
10 you included in your proof in respect of Mr Cheyne's
11 evidence, in particular option 4, have been commented
12 upon, and attention has been drawn to an application
13 made by Stratford City to increase the density in zone 1
14 of the Stratford City development. Can we try and sort
15 of compendiously look at all of those points, please?

16 A. Okay. I do not believe option 4 presents a satisfactory
17 solution for the Olympic Village and I have said
18 elsewhere in this Inquiry that my approach to Stratford,
19 and it is set out in that report, is that that was
20 a well designed, well thought through, carefully
21 negotiated urban proposition for the residential area of

22 Stratford, and that I did not wish to see an increase in
23 the density or the allocation of residential units
24 within that site.

25 You can see that we took the option extremely

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1 seriously of moving the Village wholly within the
2 landholding of Stratford, and I am sure that would have
3 made our lives a lot easier, but the reality is that you
4 cannot fit the Olympic Village in that urban form, and
5 increasing the density of it I think would reduce the
6 long-term legacy benefits of the Stratford residential
7 proposition.

8 The comment has been made that -- I think it is
9 a section 73 letter that has been submitted by Newham --
10 the increase in residential density refers to zone 1 of
11 Stratford. That is the retail quarter of Stratford, and
12 is a proposal by the Stratford developers to put more
13 residential accommodation above the shopping centre and
14 in the office area of Stratford. I have to say,
15 I support that proposition. That would bring life and
16 animation and more residential uses to something that is
17 closer to a shopping mall than a town centre, and
18 I think the more people we can get living there, the
19 better it would be as a lively town centre function, but
20 in no way impacts the density in the proposition for
21 density at the main Stratford site.

22 So the position is maintained of our commitment to
23 retain the planned densities and layouts of the

24 Stratford site, and then things flow from that. If that
25 forms the core of our development then the relationships

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1 for back-of-house flow from that. I have said before,
2 I will say it again, I see no additional space in the
3 area around the Village to either remove areas at the
4 back-of-house or to retain Clays Lane. We need every
5 square inch of that space to make the Village work. And
6 I think the point I have always made is that we must see
7 the back-of-house components in the Village as
8 absolutely an integral part to the Village.

9 That relationship -- because we are building the
10 equivalent of a small town, and we have to put the
11 servicing facilities for those people close up against
12 the Olympic Village, and because they are disinterred
13 from a normal residential area and put around the
14 outside, and that there is a sort of hotel servicing
15 function that goes with that back-of-house, which is
16 just-in-time, then there can be no diminution of the
17 back-of-house facilities servicing the Village, nor a
18 reduction in that operational relationship.

19 Q. Thank you. Still on the athletes' village, but moving
20 to a different location, the suggestion has been put
21 forward that it could go to West Ham and the
22 Parcel Force site. Is there anything you want to say
23 about that?

24 A. I think there were a couple of points, really. Let us
25 be clear: West Ham is a very poor location in terms of

1 its relationship with the Olympic Park. It has poor
2 transport links in terms of road-based transport up to
3 the Olympic Park. It has a railway line, undoubtedly it
4 has good communications by rail; we cannot move any of
5 the athletes or the Olympic family by rail. It is not
6 secure enough. They will travel on public buses and in
7 cars and nothing else. Public transport as an option to
8 move athletes around is not an option.

9 The Greenway has been put forward as a link from
10 West Ham up to the Olympic Park. Well, of course, we
11 are relying on that; we are relying on that to move
12 I think 18 per cent of our visitors. We cannot mix
13 athletes and visitors on the Greenway to get to the
14 Olympic Park and neither can we move athletes in buses
15 on the Greenway, because the loadings on the Greenway
16 are highly restricted.

17 Currently there is a major survey going on by
18 Thames Water on that structure. We are working on the
19 basis that we can put nothing heavier than an ambulance
20 on the Greenway. There are a series of Victorian pipes
21 but they are brick construction piping tunnels. They
22 are not capable of taking any form of loading, and
23 I have explained earlier in the Inquiry the need to
24 remove structures from that Greenway to this point.

25 So as an operational position, I think West Ham is

1 a very weak link to the Olympic Park.

2 If I can go on to the second point, which I think
3 was the point that was made about West Ham as
4 a regeneration site and the need for housing there and
5 the benefits that the Olympic housing may have brought.

6 I agree that it is a major opportunity site for
7 housing. Masterplans have been prepared for West Ham,
8 supplementary planning guidance is in place for
9 developments at West Ham. That scheme talks about 2,000
10 residential units plus, but the most important component
11 of that scheme, as I read it, is the town centre
12 function that would be provided to the west side of the
13 railway by the West Ham development. That town centre
14 function is needed to allow the rest of the residential
15 to the west of the Jubilee Line to have I think
16 a central focus.

17 The recent OAPF talks about a search area for social
18 facilities. That masterplan scheme, included, for
19 instance, a school site. My view on putting the Olympic
20 Village there was that: (a) it did not work
21 operationally, but secondly, if you were to try and cram
22 the Olympic Village into that site, you would remove the
23 ability to deliver the town centre functions, because
24 you would need all the space for residential. I also do
25 not believe we would have got anywhere near the

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1 back-of-house facilities that we require.

2 So West Ham we looked at very seriously. We also

3 looked at it very seriously because the LDA had an
4 option on the land at the time and it would have been
5 a very simple process of delivery through those options
6 that were being exercised, through the Parcel Force
7 site, but we could not make it work as the Olympic
8 Village.

9 Sorry, that was a very long monologue answer but
10 there were a few issues about that one.

11 Q. Mr Prior, I think I may have caused a little confusion
12 by referring first of all to the Parcel Force site.
13 Just can we be quite clear what you were talking about
14 at any time in your answer. There are two sites
15 separated by the railway. The Parcel Force site, as the
16 Inspector will know from other objectors, is the one
17 that lies to the south of the railway.

18 A. Yes.

19 Q. The West Ham site, which has been suggested as
20 a possible location for the athletes' village, is the
21 one on the north side of the railway, not Parcel Force.
22 That is my understanding.

23 A. My understanding is that it is -- we looked at the whole
24 area in terms of that. The area to the north is the RTZ
25 site, which Mr Goemans referred to. That, of course,

1 has applications coming forward for a major mosque
2 facility. I think the last size I remember for that
3 mosque was a mosque for, I think 30,000 attendees, so
4 a very, very large facility, and there is currently

5 a mosque operating on the site, with an expectation of
6 that being removed and a major development coming
7 forward.

8 MR ROOTS: Mr Prior, I think that is all that I need ask you
9 about. Thank you very much. Sir, I am sorry it has
10 taken a little bit longer than I suggested, but it is
11 important that you should hear.

12 THE CHAIRMAN: Indeed. Thank you, Mr Roots. Mr Wald, are
13 you ready to cross-examine?

14 Cross-examination by MR WALD

15 MR WALD: Thank you, sir. Good afternoon, Mr Prior.

16 A. Good afternoon.

17 Q. Mr Prior, you had the lead role in designing the Park,
18 is that right?

19 A. That is correct.

20 Q. And in so doing you were careful to ensure that every
21 square inch of taken land amounted to a compelling case
22 in the public interest; yes?

23 A. That is right.

24 Q. Including the Clays Lane Estate?

25 A. That is correct.

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1 Q. Until your rebuttal, we do not see any detailed
2 explanation of the taking of that land. Is there any
3 particular reason for that?

4 A. No. In my main proof of evidence I just dealt with
5 issues in general. The rebuttal really picks up on the
6 detail that was effectively contained in the bid books
7 that went to the IOC.

8 Q. It is an unusual site within the Park, is it not, the
9 Clays Lane Estate?
10 A. Yes.
11 Q. It is the most densely populated residential site within
12 the Park, is it not?
13 A. It is the only residential site within the Park.
14 Q. Thank you. It is the only residential site within the
15 Park?
16 A. Yes.
17 Q. There is no land taking that has such an effect on the
18 lives of people as this one?
19 A. I agree.
20 Q. Against that background, might it have been prudent to
21 include a detailed explanation of why it was that that
22 particular site was needed to be acquired for the
23 purpose of the Olympics within your main proof?
24 A. Well, my approach in the main proof was to set out
25 matters in general. I think I have gone there in detail

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1 in my rebuttal proofs. I was trying to strike a balance
2 in my main proof as to the depth we went into. I was
3 worried when we started this process that it would be
4 the size of a telephone directory, and therefore that
5 was the approach I took.
6 Q. Well, let us leave your main proof then and look at --
7 it is table 5.6 that you reveal your analysis; is that
8 correct?
9 A. That is correct. It is an extract from the

10 environmental assessment.

11 Q. And that is the LDA assessing the pros and cons of
12 taking the Clays Lane Estate?

13 A. That is correct. This is a summary, yes, of that
14 process.

15 Q. I am bound to say, it is all that the residents of the
16 Clays Lane Estate have seen. Is there more detailed
17 analysis than this available?

18 A. This -- well, we have covered in several areas. There
19 is this table. There is the conversation I think we had
20 in the round table. The only other public documents
21 where I think it has probably been seen in a lot more
22 detail would be the bid book, which details extensively
23 the needs of the Village and the allocations of space
24 around it, but I know that is not a core document and
25 has not been put before the Inquiry.

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1 Q. No, and the round table was at quite a late stage in the
2 process, was it not? I think it was 14th June; it was
3 a Wednesday.

4 A. Yes. Yes.

5 Q. And am I right in saying that it was the following day
6 that a further revision was made or modification to the
7 masterplan?

8 A. That is correct, that was the June release of the
9 masterplan, yes.

10 Q. Which, amongst other things, resulted in a move of the
11 media centre?

12 A. Yes, that is correct.

13 Q. Which during the round table sessions you had said
14 needed to be centrally located?
15 A. That is correct.
16 Q. And it has been moved to a location that is not central,
17 has it not?
18 A. Well, what I meant by central was it needed to be in the
19 Olympic Park.
20 Q. Ah. My understanding, I am working on transcripts,
21 I was not there --
22 A. Yes.
23 Q. -- was that you had indicated that it needed to be at
24 the Park Village site because of its central location
25 within the overall Park.

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1 A. Sorry, I did not say anything about -- did you say
2 I said it had to be at Clays --
3 Q. No, that it should be central -- it is not at Clays
4 Lane; it is at the Park Village site, it is not?
5 A. No, my position on the IBC was that it had to be within
6 the Olympic Park, central to the Olympic concourse.
7 I knew about the work on the new masterplans, so I would
8 not have misled anyone in that conversation about the
9 need for the location of the IBC.
10 Q. Right. That is reassuring to hear. But you were also
11 aware, were you not, that the media centre was destined
12 to move?
13 A. That is correct.
14 Q. During those round table discussions?

15 A. That is correct.

16 Q. You did not reveal that imminent move to the other
17 participants in the round table sessions, did you?

18 A. That is correct, but I was careful in my answers not to
19 either prejudice that position or I hoped say anything
20 in my answers about the relative location and impact of
21 the Village on the Clays Lane Estate that might be
22 ultimately affected by the relocation of the IBC and the
23 MPC.

24 There is a very difficult issue of timing in terms
25 of getting final sign-off on those plans when elements

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1 were being discussed at the Inquiry and we endeavoured
2 to get that information to the Inquiry at the earliest
3 opportunity.

4 Q. You have seen Mr Winterbottom's letter that makes the
5 same promise: supply of information as early as
6 possible?

7 A. Yes, and we did just that.

8 Q. Mr Roots very kindly described the residents as having
9 done a good job with the round table sessions, but as
10 far as the media centre location was concerned, that was
11 a waste of their time, was it not, those discussions?
12 It was predicated on a change that you already knew
13 about?

14 A. I do not think it was a waste of time, because we were
15 talking about the principles as to why we had moved it
16 in from the south, why we had put it in the Park, and
17 I think we touched on issues of legacy uses, the role

18 that the press would play. So I was trying to be very
19 careful in those conversations not to say anything that
20 would be later impacted by the move of the IBC, MPC.

21 Q. Sorry, maybe I missed it. What was the particular
22 reason why that imminent change could not have been
23 revealed at that stage?

24 A. Because we were trying to get sign-off from the multiple
25 stakeholders who are our client on this project. That

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1 requires us to get sign-off from the ODA, from LOCOG,
2 from DCMS and then ultimately the IOC.

3 Q. And that happened on the following day?

4 A. Well, these things -- the timing is the timing.

5 Q. You understand, of course, the importance to residents
6 of knowing what is to be located and where; yes?

7 A. Yes, as it impacts their village, yes.

8 Q. How was that modification eventually communicated to
9 residents?

10 A. I do not know. I put evidence in to the Inquiry,
11 LDA/14.

12 Q. I am told that there was a newsletter supplied a couple
13 of weeks later with a bare plan attached to it.

14 A. That may be the case. I play no role as it were in the
15 interface --

16 Q. But it would have been desirable, would it not,
17 especially after having spent a day's worth of round
18 table sessions discussing the location of this
19 particular facility, to inform the other attendants of

20 that change?

21 A. Well, we put evidence into the Inquiry, there was
22 substantial press coverage the night of the launch of
23 that material into the public realm, there were press
24 conferences given, I think it was covered on most
25 television -- I would be surprised if people did not

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1 know about it.

2 Q. Were you aware of requests made by Mr Cheyne of the LDA
3 for cost/benefit analyses in relation to Clays Lane
4 Estate?

5 A. I do not think I am aware of that, no.

6 Q. It is contained in his document request. You have not
7 seen that?

8 A. I cannot remember seeing it, no.

9 Q. Okay. What I am trying to establish is whether -- you
10 said it is the only residential site, it has a dense
11 residential community within it; yes?

12 A. Yes.

13 Q. You will be aware of the contended special features of
14 the Clays Lane Estate?

15 A. Yes.

16 Q. And presumably you accept that it is at least an
17 unusual, if not unique, housing estate and community?

18 A. I agree with much of what Mr Goemans has said about
19 this. I think, you know, it is unique because of the
20 people who live there, it is unique because of the way
21 that community exists together. I think actually it
22 exhibits the physical and spatial layout of many closed,

23 sheltered or protected residential schemes, and we see
24 this type of layout in many of those schemes up and down
25 the country. So I do not think it is unique in terms of

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1 its relationship between housing, courtyard, et cetera.
2 That is the type of physical layout that you apply when
3 you are creating sheltered communities.

4 Q. If it were possible to do so, it would be desirable to
5 retain this community, would it not?

6 A. Yes.

7 Q. Yes, and it is therefore desirable at each modification
8 stage to consider carefully whether that could be
9 achieved?

10 A. That is correct.

11 Q. And what we have at table 5.6 is a fairly rudimentary
12 assessment of the pros and cons of taking the Clays Lane
13 Estate away; is that not fair?

14 A. Well, it is a summary of a process which I have
15 described has actually been very intense, looked at
16 a lot of options, a lot of work done, and that
17 summarises where we have got to.

18 Q. What is the date of that process?

19 A. This would have been the process leading up to the
20 planning applications.

21 Q. So can you put a date on this table?

22 A. We submitted the planning applications just before
23 Christmas 2003 -- yes.

24 Q. And we have modifications in January and June of this

1 A. Yes.

2 Q. Do we have any evidence of a return to considerations of
3 pros and cons and whether it is possible to retain it at
4 those stages?

5 A. Well, we do not have evidence here. I think there are
6 two points on this. (1) I certainly looked at the
7 potential to keep Clays Lane Estate when we moved the
8 Village south-east into Stratford. But it became
9 apparent extremely quickly that that was not going to
10 work in terms of the layout of the Olympic Village, and
11 the interrelationship with back-of-house facilities.
12 And ultimately, by the time we were producing reports at
13 the end of 2005, which I appended to my rebuttal to
14 Mr Cheyne, it was not under consideration at that point.
15 By that -- you know, we were well into an assessment of
16 different layouts where the Clays Lane Estate does not
17 work in retained form as part of the Olympic Village or
18 the associated back-of-house facilities.

19 Q. Well, that is an assertion, but --

20 A. It is an assertion and I make it very strongly. I do
21 not think it works at all.

22 Q. No, I understand that. But it requires to be tested,
23 does it not? In the context of a large number of
24 residents losing their home and community, it is an
25 assertion, no matter how strongly you assert it today,

1 that should be tested along the way; is that not fair?

2 A. Yes, that is correct.

3 Q. And we do not find it tested at the later stages. We
4 find this table back in 2003 which makes no mention at
5 all of disruption, does it?

6 A. Well, let me come back a stage. The position on the
7 Village was fixed in January of 2006. We have not
8 changed the Village layouts since our releases -- our
9 most recent release of the masterplan does not alter our
10 approach to the Village. The bounding, loop roads,
11 et cetera, all stay the same. We have moved sports
12 facilities, IBC, MPC which we have touched upon.

13 So the revisions that were taking place were
14 contained within those documents appended to my rebuttal
15 to Mr Cheyne and I think they show a clear analysis of
16 our work and approach to what we were doing to the
17 Olympic Village.

18 The fact that the retention of Clays Lane did not
19 even make it, as it were, into those final options,
20 I think points to the fact that we could not get it to
21 work in terms of retaining it, both in terms of its
22 spatial relationship to the Village, its use in the
23 Village and its impact on the back-of-house facilities.

24 Q. Perhaps, Mr Prior, I am not being sufficiently clear.
25 It is one thing to say that now. What I am looking for

1 is evidence of that being undertaken at the relevant
2 time in the past. I take it, from the fact that you
3 have not pointed me to anything, that there is no such
4 evidence. It was taken as a fait accompli, the removal
5 of the Clays Lane Estate, and that proposition was not
6 challenged at each stage; is that fair?

7 A. It certainly was not challenged between the January
8 and June fixes. My point is that we reviewed the
9 Clays Lane -- you will have to take my word for it, but
10 you can see, I hope, from the work that we were doing in
11 the work that I have appended to my rebuttal that we
12 were looking at options at that stage. But even before
13 that option, our assessment of the technical position on
14 this was that you could not retain the Clays Lane
15 Estate. I do not put any evidence before you of that
16 fact, but I am just pointing to an evolving design
17 process in which we looked at everything.

18 Q. All right. You say that after January 2006, it was
19 regarded as something set in stone, effectively?

20 A. That is right.

21 Q. But before that, not so?

22 A. That is correct.

23 Q. You have referred to your table of 2003.

24 A. Yes.

25 Q. In the intervening three years, you say there is no

1 document you can point to, but is there --

2 A. It is not three years, it is --

3 Q. Is it two and a half or?

4 A. Well, this is the planning permissions that then went
5 through in 2004, so nothing changed, that was the
6 evaluation point, through to our permissions, which
7 I think were granted in October 2004. So there was the
8 work but also the approvals process associated with
9 this. So from the end of 2004 through to 2005, when the
10 decision was made on the Games, we were not revisiting
11 any of this stuff.

12 Q. You were not?

13 A. No. So from mid-2005, the Games decision, was when we
14 started to look at redesigning major components such as
15 this.

16 Q. Did you take the grant of permission in October 2004 as
17 an endorsement of your view that the Clays Lane Estate
18 should go?

19 A. Yes.

20 Q. Do you recognise that different tests are to be applied
21 in the grant of planning permission by a local planning
22 authority and the compulsory acquisition of land as
23 confirmed by the Secretary of State?

24 A. Well, I may not have known it before, but I am realising
25 it now, in terms of what people have been saying about

1 applying those tests. But I still think that the test
2 we applied -- and I think I said this at the round
3 table -- we considered the moving or the demolition of
4 the Clays Lane Estate as being a very serious issue.
5 You know, we started this process looking at options of

6 retention -- I refer to the November meeting that
7 Mr Goemans talked about -- we had multiple options on
8 the table. We got to a position pretty quickly, in
9 terms of those assessments, that the Clays Lane Estate
10 was required for the Olympic development, for the
11 Olympic process. But that is not to say that we did not
12 understand the impact of that, the consequences of that,
13 and that we do not understand all the issues that the
14 residents have raised about the nature of their
15 community and what it brings to them.

16 Q. In relation to the different tests to be applied, one by
17 the Secretary of State in confirming an order that
18 results in the demolition of a community and the
19 associated buildings, and the grant of permission by
20 a planning authority, or in this case more than one, it
21 is now understood, as I take it from your last response
22 to me, that different tests are to be applied?

23 A. That is correct.

24 Q. And you have recently come to understand that; is that
25 fair?

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1 A. Well, I have understood that through this process, but
2 I think it makes no difference to the process which we
3 applied in terms of designing and promoting use of this
4 site as part of the Olympic Village. I feel that, both
5 through the planning application process, the
6 assessments that we did and the subsequent planning work
7 that we have done, that I still see no option other than
8 to take the Clays Lane Estate as part of the Olympic

9 Village for 2012.

10 Q. Okay, I am sorry if this sounds pedestrian, but can
11 I come back to that matter in a moment.

12 First of all, it has recently come to your attention
13 that different tests are to be applied by the Secretary
14 of State in confirming the order and by a local planning
15 authority or authorities in granting a permission?

16 A. That is correct.

17 Q. And that was not apparent to you at earlier stages such
18 as after the grant of the permission itself?

19 A. Well, I am not a planner --

20 Q. No, I make no criticism of you; I am just trying to
21 understand the events.

22 A. Yes.

23 Q. I asked you earlier whether the grant of permission was
24 in your view an endorsement of the LDA's conclusion that
25 the Clays Lane Estate would have to go and you said:

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1 yes, you did view it in that way.

2 A. Yes.

3 Q. It is fair, is it not, that after that what was viewed,
4 rightly or wrongly, as an endorsement, the quest to omit
5 the Clays Lane Estate was either abandoned or
6 significantly reduced?

7 A. No, I do not agree. I said earlier that we relooked at
8 it when the opportunity came to move the Village to the
9 south-east.

10 Q. I have heard you say that. What we do not have is

11 documents -- and I am not challenging your credibility
12 in any way, but I would suggest to you that if there was
13 a serious quest to avoid the use of the Clays Lane
14 Estate, one would find minutes of meetings, documents,
15 proposals, methods of avoiding its inclusion in the red
16 line, and that at least we do not have; is that fair?

17 A. You do not have that before you, no.

18 Q. And that is as a result of the false sense of security
19 that was achieved following the grant of permission back
20 in October 2004; is that fair?

21 A. No. I do not agree that that gave us a false sense of
22 security. I think we thought our approach was correct,
23 that there was robustness in the approach that we were
24 taking, that we had the right answer. I do not think
25 any false sense of security was set by what we had

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1 achieved. We went for the planning on something we
2 thought was the correct --

3 THE CHAIRMAN: I can hear the phone so I am sure the person
4 who has it can hear it. Can it be switched off
5 immediately, please?

6 MR WALD: Mr Prior, I am sorry.

7 A. I believe the scheme we put forward was correct.
8 I believe it was the right answer. I have revisited it
9 where I have had the potential to, when the window of
10 opportunity opened with the relocation of the Village,
11 but at each stage I do not think it was the right
12 solution. It would not be the right solution to retain
13 it. I do not think it has given us any false sense of

14 security. You know, I have acknowledged earlier that
15 the removal of people's homes for a process such as this
16 needs to be considered very seriously.

17 Q. So that those people are notified as soon as possible of
18 any changes?

19 A. Well, yes.

20 Q. Such as by the posting of displays at the Clays Lane
21 Estate, as Mr Winterbottom promised?

22 A. That would be fair, yes.

23 Q. None has ever been posted, has it?

24 A. I do not know, I am not involved in that end of the
25 process at all.

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1 Q. You do not know. All right, before I leave this
2 difference of tests to be applied by local planning
3 authorities and the Secretary of State, you said that
4 you feel that you had reached the right view, and no
5 matter how the permissions themselves were interpreted,
6 you stick to your guns on that; yes?

7 A. Yes.

8 Q. You very candidly explained that you had recently come
9 to understand that the compulsory purchase test is
10 different from the planning test.

11 A. That is correct.

12 Q. Now that you understand it, I am conscious that much of
13 this goes back in time quite a long way, are any
14 revisions to be made to your evidence, written or oral,
15 here today?

16 A. No, because this evidence has been written in the light

17 of that knowledge. That knowledge came to me, I say
18 recently, as a part of this CPO process.

19 Q. All right. The northern part of the Park has been
20 a area of considerable flux in terms of the comings and
21 goings of facilities, has it not?

22 A. That is correct.

23 Q. More than other areas?

24 A. Yes.

25 Q. Is that fair? Paralympic tennis, fencing centre?

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1 A. Yes.

2 Q. Some facilities have come in from outside of the Park
3 and been included in the Park?

4 A. Yes.

5 Q. You have been asked whether consideration was given to
6 the retention of the Clays Lane Estate at each stage.
7 Where a facility is brought in from outside the Park and
8 included in the northern sector, it raises a presumption
9 at least that its move could be avoided, it could be
10 maintained outside of the Park; is that fair?

11 A. No.

12 Q. Why not?

13 A. Well, let us take the IBC, MPC. That has come inboard
14 to the Park for a number of reasons, which I think
15 I have explained in LDA 14. We moved the IBC, MPC in
16 because we were looking for improved legacy uses, we
17 were looking for better operational capability, we were
18 looking for significantly increased -- or significantly

19 better security arrangements, and ultimately we were
20 looking for use of the entire building in legacy. All
21 of those decisions were made that those could not be
22 achieved to a greater or lesser extent by leaving that
23 building outside of the Park, so bringing it inboard
24 I think is the route we have gone down and there is no
25 option to take it out again.

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1 Q. You have used the word "compact" in your main proof.

2 A. Yes.

3 Q. An attempt is made to use as little land as possible.

4 A. That is correct.

5 Q. And one method of achieving that is by including such
6 facilities as one can outside, say at Earl's Court or
7 wherever else they might be?

8 A. That is correct.

9 Q. Again, what we do not have is any analysis of how that
10 approach might result in the retention of the Clays Lane
11 Estate. Was such an analysis done?

12 A. In relationship to supporting venues, no, it was not,
13 because the sporting venues operate as effectively
14 a closed cell in their relationship to the main
15 pedestrian concourse, the way we get the public into
16 that concourse, the relationship to venue forecourt,
17 venue back-of-house and loop road, and we have carefully
18 isolated the Village outside that network. So you are
19 really dealing with subsets of the plan that do not
20 interrelate with each other and do not share common
21 facilities.

22 So I think the process of the design around this is
23 that you have to start getting your main building blocks
24 to work and make certain that the interrelationship with
25 them actually works, and you will see within the changes

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1 that we have made that there are degrees of fixity that
2 are then carried through and we start to build around
3 that.

4 It is a complex process in terms of getting the
5 Olympics to work. I have already talked about the
6 multiple stakeholders that you have to confer with. It
7 is even more complex when you are trying to line those
8 components up as a successful legacy scheme. My view is
9 the best way to handle that is to see them in their
10 subsets.

11 Q. The location of sports facilities affects land take,
12 does it not?

13 A. Yes.

14 Q. In case there is any lingering confusion about the
15 West Ham possibility that has been mooted, I think the
16 intention there was for sports facilities to be located
17 north of the Parcel Force site?

18 A. On the mosque site, I think is what was talked about,
19 yes.

20 Q. That is right, and Mill Meads?

21 A. Yes.

22 Q. That, of course, would enable the freeing up of land to
23 the north, including Clays Lane Estate?

24 A. Yes, but then let us take into consideration some of the
25 other things that are running in the background. One, a

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1 separate security zone around that facility. I cannot
2 off the top of my head remember how big the site was,
3 and therefore how it related to venues, but I seem to
4 remember it is very tight in terms of venue and
5 back-of-house relationship. Remember, as I said in
6 earlier evidence, we get a 30 per cent reduction in
7 back-of-house requirements by aggregating venues
8 together in the main Olympic Park.

9 Another consideration might be that having taken
10 that venue out, the Paralympic Games rely on their
11 organisational strength from being located in two
12 places; one is the main Olympic Park, and the rest is
13 ExCel. And the ticketing process for the Paralympics --
14 remember we are mainly talking about an audience of
15 schoolchildren to this event -- means we want
16 a two-centre operation. One of the things that counts
17 against distributing venues wider outside the main
18 security zone, outside our main transport mouths,
19 particularly buses, is the inefficiencies that then get
20 generated by the Paralympic event. You cannot get the
21 ticketing to work, you cannot have single point Park
22 entry, you cannot have a ticket for two zones. It
23 starts to look very messy.

24 We took the volley ball out but managed to plan it
25 in such a way that the volley ball no longer had to

1 contribute to the Paralympic Games so that will not form
2 part of that core facility.

3 Q. You said yourself earlier that the West Ham site has
4 excellent public transport access, does it not?

5 A. That is right.

6 Q. That would be an advantage in terms of facilities moved
7 down to West Ham in order to free up space in the north?

8 A. It might be unless you were trying to move a party of 50
9 schoolchildren. Just putting them on at one end and
10 getting them off at ExCel might be fine, having
11 intermediary stops is not a good position to be in. So
12 what I am trying to say to you is all that through this
13 we are balancing the needs of the Games, the needs of
14 the security, the needs of the operation of the Games
15 and the ultimate legacy output. For instance, while
16 planning the Games we have a very powerful proposition
17 that has been put forward to build an enormous mosque on
18 the RTZ site. The LDA actually supported that community
19 in drawing up the designs for that process. I am not
20 aware that it has actually gone in for planning yet. It
21 was certainly brought up at the CPO for the power lines
22 inquiry and there is a balance to be struck about how
23 things are put together for the Games and how we
24 anticipate legacy development coming forward with the
25 facilities that are important to that.

1 Q. Mr Prior, so that we understand each other, I do not
2 underestimate the balancing challenge of achieving the
3 results that the LDA wishes to achieve.

4 A. Okay.

5 Q. One needs the skills of a trapeze artist. But the
6 balancing act must be performed; that is right, is it
7 not?

8 A. That is right, and what I am hoping you are taking from
9 this is that the balancing act has been going on, both
10 in relationship to the Olympic Park and in relationship
11 to Clays Lane.

12 Q. I am bound to say, on an important site, the only
13 residential one, with the features that have been now
14 already been closely explained, I personally would have
15 expected to see a paper trail to show that act having
16 been conducted.

17 A. Right.

18 Q. Would you?

19 A. And what I am saying is that I think your own witnesses
20 referred to public events, public presentations where we
21 were talking about those options. We have a paper trail
22 that leads up as far as the submission of the planning
23 applications that shows we were looking at options.
24 What you are not seeing is the work that went on
25 between July 2005 and the rerelease of the plans

1 in January of this year, which I have said, I am sorry
2 to say it again, you will have to take my word for it.

3 Q. All right. So you are saying that you would not, with
4 the benefit of hindsight, have conducted this balancing
5 act in any different way?

6 A. That is correct.

7 Q. And that is despite the misunderstanding that arose
8 about the permission in 2004?

9 A. Absolutely.

10 Q. All right. Densities; you have seen the recent letter,
11 the Newham letter?

12 A. Yes.

13 Q. An application to increase residential density in
14 Stratford City.

15 A. Zone 1.

16 Q. Zone 1. Incorporating the Olympic Village within
17 Stratford City in many ways would be quite desirable?

18 A. We have.

19 Q. The entirety of it?

20 A. Yes, and we tried, as you can see from the reports.

21 Q. It is not too late, is it?

22 A. It does not work.

23 Q. Well --

24 A. I mean, I have written a report, I have put the summary
25 of those options here, I have taken that whole process

1 through the Stratford development team, I have taken it
2 through our own architectural team, I have taken it
3 through chef de mission for LOCOG, who will look after
4 the Village, I have taken it through IOC consideration,

5 I have gone back and lobbied for development above eight
6 storeys and got a position on that --

7 Q. Did you contact the IOC about that?

8 A. Yes.

9 Q. What was the response?

10 A. After some lengthy discussions they accepted a measure
11 of development above eight storeys, subject to security
12 arrangements, lifting capacity and room standards.

13 Q. How many storeys?

14 A. We get 14, I think 18 in one area. We build to the
15 limits of the Stratford City planning application. We
16 take up their height allocations; we do not increase the
17 density.

18 Q. But your analysis that you have just described does not
19 enter into the brave new world of increased densities at
20 Stratford City, does it?

21 A. That is correct, and I have explained -- I cannot
22 exactly remember where -- several times in this Inquiry
23 why we chose not to do that.

24 Q. This latest development opens up that possibility, does
25 it not?

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1 A. No. I will try and explain this carefully. The 600
2 units additional in zone 1 has absolutely nothing to do
3 with the Olympic Village. The Olympic Village has been
4 designed around the matrix established for the Stratford
5 City residential quarter, which lies to the north of the
6 Stratford box. We have taken that, we agree with it, it
7 has been through planning, it has been through design

8 review, it works. It has its schools, it has its
9 poly-clinics, it has everything that works to make that
10 I believe a very successful urban quarter in the future.
11 We are not going to change the densities in that part of
12 Stratford.

13 The 600 units applies to tower block developments
14 over the retail sector in zone 1 of Stratford, and
15 I said earlier, I entirely support that, because that
16 will put a base load of people into the town centre
17 function at Stratford. It has nothing to do with
18 impacting what is going to go on in the residential
19 quarter north of the Stratford box.

20 Q. It is a matter of choices to be made. Like the bus that
21 could be run from West Ham up to the northern part of
22 the Park, these are choices --

23 A. It is a matter of choice but it is my professional
24 opinion that you do not want to be putting any more
25 development into Stratford. That was a clearly

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1 negotiated position on that Stratford planning
2 application. It went through years of work. It is
3 a good piece of work. Let us not throw the baby out
4 with the bathwater to try and shoehorn in an Olympic
5 Village which was never designed to go into that site in
6 the first place. It is absolutely remarkable,
7 I believe, that we got such a close fit between the
8 requirements of the Olympic Village, which were not even
9 a twinkle in Stratford's eye when they designed their

10 Village and got it so close a fit between Stratford and
11 the Olympic Village. To only be 600 units out is
12 a remarkable serendipitous moment in this whole scheme.

13 Q. Did the January modification result in an increase in
14 accommodation at Stratford City, for the Olympic
15 Village?

16 A. Yes. The January modification took the Olympic Village
17 into Stratford and took the Stratford planning
18 permission up to its maximum capacity.

19 Q. It took most of the housing off Clays Lane and just left
20 a little corner on Clays Lane?

21 A. It left 600 units on Clays Lane, 600 plus.

22 Q. So already in January the principle of increasing
23 density of accommodation was established?

24 A. No, no. Sorry, let us go back through this again. The
25 density in the Stratford application was fixed. We just

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1 chose to occupy more of that density. Let us go right
2 back to the beginning. The Olympic Village, when it was
3 put to the IOC the first time around, where it was
4 overlapping with the Stratford development, did not go
5 above eight storeys. There were 14 storey buildings in
6 Stratford occupied by the Olympic Village where we left
7 void space above those apartments occupied by athletes.
8 In subsequent negotiations with the IOC we negotiated
9 our ability to expand up into that void space. That
10 allows us to do two things: (1) put more of the Olympic
11 Village on to Stratford and maximise the build volume
12 that was already predicated on the Stratford site. We

13 have not increased the density at Stratford or relied on
14 the increase in density. We have increased the density
15 of the Olympic Village as an operational unit but within
16 the established concept that had already been published
17 for Stratford.

18 Q. Is there any reason why the housing on Clays Lane could
19 not be shifted west off the Clays Lane site?

20 A. Yes.

21 Q. What is that?

22 A. Because it would impact on the depth of operational area
23 we have between the river, the public concourse and the
24 sports venues in the north-east corner of the Olympic
25 Park.

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1 Q. Would it have a great impact?

2 A. A huge impact.

3 Q. Mr Prior, rather like Mr Goemans, I am in the invidious
4 position of having to make proposals without the
5 possession of all the information and resources. There
6 is not a paper trail of such considerations having been
7 conducted, is there, by the LDA?

8 A. There is an account of a process in my proofs. There is
9 references and the appending of documents that show that
10 process; there are design statements that accompany the
11 planning applications; there have been public meetings
12 where these issues were debated. I think you have
13 acknowledged yourself that it is a careful craft and
14 a careful balancing act to pull all of those components

15 together. How else could it have been that we were not
16 testing lots of different options? Many of those
17 options to do with sports and facilities and security
18 are laid out through the Inquiry. There were multiple
19 approaches being tested and multiple approaches being
20 taken to how we deliver this.

21 Q. Mr Prior, just so it is clear, my position was that it
22 should be, in certain cases it has not been, the full
23 balancing act that it might have been, and as far as
24 Clays Lane Estate is concerned it has not been.

25 A. That is your position, that is Mr Goemans position, it

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1 is most certainly not my position.

2 Q. All right. You had a section in your main proof on
3 regeneration.

4 A. Yes.

5 Q. You will stop me if I am encroaching into matters of
6 planning to which you do not wish to speak or are not
7 able to speak.

8 A. All right.

9 Q. But there are aspects of Clays Lane which, if retained,
10 would contribute to the issue of regeneration and
11 sustainability, are there not?

12 A. I think on a minor scale, as I think I have said in my
13 evidence, on balance that retention of the Clays Lane
14 Estate does not support the broader ambitions of
15 regeneration.

16 Q. Have you considered the ways in which the retention of
17 the Clays Lane Estate would contribute in regeneration

18 and sustainability terms?

19 A. Well, the re-use of existing buildings is of course
20 sustainable.

21 Q. Yes. Anything else?

22 A. I think there could be a view taken as to the nature of
23 the community that it houses, and how that contributes
24 to broader community ambitions. I say that on the one
25 hand because I see some -- I am trying to be frank with

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1 you -- I see some merits in that, but I also see, as
2 I have said, greater disagreement with this -- in effect
3 this form of housing and this form of operation which is
4 ultimately relatively monoculture in what it provides
5 for, and exclusive in terms of the type of people that
6 live there. So, therefore, by its retention it limits
7 the opportunity to deliver on behalf of I think
8 a broader, mixed community.

9 Q. When you say relatively monoculture, are you aware of
10 the range of nationalities, for example, that live --

11 A. Yes, my reference to monoculture is really the fact that
12 it is single young people. We have seen the ethnic and
13 cultural mix, I completely accept that. This is, you
14 know, no children, we have no teenagers, it is a large
15 community geared up towards the needs of a select group
16 of society.

17 Q. Mr Prior, are you able to help us on the issue of
18 relocation?

19 A. No.

20 Q. The relocation strategy, not at all?
21 A. No, not at all, I am afraid.
22 Q. And in terms of the permission, the Grampian condition
23 that was attached to the permission that relates to
24 relocation?
25 A. No.

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1 Q. Nor even?
2 A. No.
3 MR WALD: Mr Prior, thank you very much.
4 A. Thank you.
5 THE CHAIRMAN: Thank you, Mr Wald. Mr Roots, any matters of
6 re-examination?
7 Re-examination by MR ROOTS
8 MR ROOTS: Just one matter, sir. Mr Prior, you were asked
9 a number of questions about the compactness of the
10 Olympic Park, and you agreed with the proposition that
11 you would set out to use as little land as possible, and
12 it was suggested to you that use could be made of venues
13 such as Earl's Court, if you remember that question. In
14 designing the Olympic Park, to what extent did you see
15 it as important to bring together as many sports venues
16 as possible?
17 A. It was a major part of the brief we received; an Olympic
18 Park, where you can truly gather large numbers of people
19 together -- in this case I think we can handle about
20 a quarter of a million people -- you are trying to
21 create a festival atmosphere, and therefore multiple
22 sports in one area certainly supports that.

23 Secondly, though, bringing multiple sports together
24 in one location adjacent to the Olympic Village, I may
25 slightly misquote Sebastian Coe here, but I think he

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1 said: the athletes are coming to compete, not commute,
2 and by, of course, bringing venues closer together to
3 the Olympic Village we would reduce the travel time and
4 therefore improve the experience of the athletes at the
5 event.

6 MR ROOTS: Thank you very much. That is all I need ask you.

7 THE CHAIRMAN: Thank you Mr Roots. Thank you Mr Prior.

8 I have nothing else that I would wish to ask you. Thank
9 you.

10 It is 5.15 pm. I just want to look at whether we
11 are going to do anything else this afternoon or leave
12 things over to tomorrow. We have Mr Gaskell to come
13 next, which I think was about 15 minutes in-chief, and
14 your original estimate, was that about two hours?

15 MR WALD: Sir, it was. It may be able to go down overnight,
16 I do not know. The suggestion that was mooted earlier
17 was that we would hear Mr Gaskell's evidence-in-chief,
18 and then I can give you a revised estimate when we come
19 back in the morning.

20 THE CHAIRMAN: That is fine, thank you. I will take a very
21 short break of five minutes and then we will hear
22 Mr Gaskell in-chief. That will just give an opportunity
23 for a changeover.

24 (5.16 pm)

1 THE CHAIRMAN:

2 (5.23 pm)

3 THE CHAIRMAN: The Inquiry is resumed. Mr Pereira, please.

4 MR PEREIRA: Thank you, if I can call Mr Gaskell.

5 MR ANDREW GASKELL (called)

6 Examination-in-chief by MR PEREIRA

7 MR PEREIRA: Mr Gaskell, can you introduce yourself, please,

8 to those present here.

9 A. My name is Andrew Gaskell, I am a senior development
10 manager at the London Development Agency. I am
11 responsible, in this context, for the relocation of
12 residents from Clays Lane. Prior to that I have worked
13 for the London Development Agency for six years on
14 a number of development projects largely within East
15 London and Newham.

16 Q. You produced a rebuttal proof specifically for this
17 formal session, a rebuttal to Mr Cheyne, and your first
18 proof of evidence, JG1?

19 A. That is right, yes.

20 MR PEREIRA: Let us take all of those as read, please, sir?

21 THE CHAIRMAN: Yes, please, there is nothing that I require
22 to be read.

23 MR PEREIRA: There are some additional points. Sir, I did
24 indicate that if points arose in the course of evidence
25 I might want to ask Mr Gaskell about them. That has now

1 come to pass, so I do have a list of points to go
2 through.

3 THE CHAIRMAN: Yes.

4 MR PEREIRA: Can we deal first of all, please, with the
5 appendices to the rebuttal for this session. You have
6 produced two reports, survey reports of Clays Lane. If
7 I can take you to appendix 3, first of all?

8 A. Yes.

9 Q. Headed "Survey report on Clays Lane, inspection
10 undertaken, 3rd January 2002". Can you just inform the
11 Inquiry, please, of who carried out this survey?

12 A. Yes, certainly. This was carried out by the Peabody
13 Trust when they first came to take over responsibility
14 for the site. It was carried out by their internal
15 building surveying team, so all the surveyors in that
16 team would be either Members of the Chartered Institute
17 of Building or the Royal Institute of Chartered
18 Surveyors with building surveying expertise.

19 Q. Thank you. Then the report that is at tab 2,
20 Paul Brown, Housing Director, can you just say anything
21 about Paul Brown and his role that might be relevant to
22 his name being at the end of this report?

23 A. Yes, the reason that this report is produced by
24 Paul Brown, Housing Director at CBHA, is that he is the
25 director with responsibility for their Decent Homes

1 compliance, so this is the area that he is responsible
2 for.

3 Q. Thank you. Now, I have some questions for you about
4 Fluid, please. If we can turn up in Mr Cheyne's
5 documents, page 260?

6 A. Mine is organised by document numbers.

7 Q. I will tell you what it is.

8 A. Thank you.

9 Q. It is 248/1/55. It is Clays Lane residents' meeting.

10 A. Cooper and Crabtree?

11 Q. Yes.

12 A. Yes.

13 Q. This is a note of a meeting. We have the date,
14 27th September 2005; yes?

15 A. Yes.

16 Q. And if we look at section 6 --

17 A. Yes.

18 Q. -- there are points raised about the yellow housing
19 form. Is that the CBHA survey form?

20 A. That is the CBHA survey, yes.

21 Q. And then 6.3, it notes there, that is over the page:
22 "Due to confidential reasons LDA have not released
23 the Fluid questionnaire forms to CBHA. Residents would
24 like these forms to be given to CBHA."

25 A. Yes.

1 Q. What I would just like to trace through, please, is how
2 that concern or issue that was raised then fed into
3 information provided to the residents.

4 If you can turn up, please, page 13 of Mr Cheyne's
5 bundle, it is the November 2005 newsletter, it is
6 248/1/35?

7 A. Yes.

8 Q. If you look, please, that meeting was in September. We
9 are now in the November newsletter. If you look at the
10 second column and the second paragraph, there is mention
11 made of the yellow rehousing forms and it says:

12 "Although information had already been supplied to
13 the Fluid consultants who had provided a summary of
14 residents' views in their report, this information has
15 been supplied on a confidential basis to Fluid and they
16 were reluctant to pass it on without individual
17 residents' consent."

18 A. Yes.

19 Q. Can you confirm please, was this newsletter sent to
20 residents? Perhaps you can say generally how the
21 newsletters are distributed?

22 A. Yes, the newsletters are distributed to all residents.
23 They are sent via the site office at Clays Lane to make
24 sure that they reach people. So all of the newsletters
25 that are appended to my work and to Mr Cheyne's proof of

1 evidence would have been received by residents, having
2 been sent out. A number of copies are kept in the site
3 office as well for the people that call in there.

4 Q. The issue was mentioned there; how many requests for the
5 release of Fluid surveys have the LDA received?

6 A. The LDA have received two requests for the release of
7 those forms.

8 Q. I think from the evidence we have heard, would that be
9 Mr Cheyne and Mr Sandison?

10 A. That is right, yes.

11 Q. It had been suggested that the CBHA survey was somehow
12 a replacement or a substitute survey for Fluid. You
13 have dealt with this in your evidence, but what I want
14 to take you to, please, is the e-mail from Jeff Forbes
15 that was put in in Mr Goemans's examination-in-chief.

16 A. Yes, I have that.

17 Q. It is from Jeff Forbes of Fluid to -- it says "Dear John
18 and Steve". I think Steve is Steve at Fluid and John, I
19 think would be John Lynn who was chair of the co-op?

20 A. That is right, that is my understanding.

21 Q. And we can see that all those people are addressees one
22 way or another on the e-mail. Is there any comment that
23 you would make about this e-mail in relation to the way
24 that you have explained the role of the Fluid Report?

25 A. Yes. I have tried to make clear in my previous evidence

1 that I have submitted to the Inquiry that we saw the
2 Fluid Report as a very crucial document in terms of
3 providing a general understanding of where residents'
4 aspirations were heading, what individuals wanted to
5 actually achieve from the relocation process, and we
6 used that survey as a way of steering our relocation
7 strategy, and the rehousing process generally.

8 So that is the kind of background to it. Clearly,

9 what we did not have at that point were any concrete
10 options and it was recognised at the point that we
11 instigated that work that there would be further surveys
12 required as more options developed. I think that is
13 encapsulated by the comments from Jeff Forbes where he
14 says:

15 "I think we need to make it clear, especially in
16 these early stages, that any resident's view or
17 standpoint is not a final answer and does not constitute
18 a commitment to anything other than helping us to start
19 to understand housing aspirations. The positive reasons
20 for answering, better understanding and getting views
21 across, need to override a fear of commitment."

22 So I think what you see there is, from
23 1st March 2004, an understanding, exactly as we have set
24 it, out what the purpose of the Fluid Report was for,
25 and similarly the fact that that was actually in many

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1 ways a response to residents' concerns in respect of the
2 level of information inevitably that they had at that
3 time when they were trying to make those comments.

4 THE CHAIRMAN: Can I just ask for a slower delivery, please?

5 A. Sorry, as ever.

6 THE CHAIRMAN: Mr Cheyne has competition.

7 MR PEREIRA: Next, please, can I deal with East London
8 rentals. If we stay on the same page that we are on in
9 Mr Cheyne's bundle, we can see on the left hand side
10 there is a column of text headed "Rehousing process".

11 A. Yes.

12 Q. I may have the reference wrong, actually. There is
13 a reference, is there not, to the LDA investigating
14 levels of rent in East London; do you recall that?

15 A. Yes, I recall that has been referred to previously.
16 I think that is on page 304.

17 Q. Yes, sorry, it is on the same newsletter, November 2005.
18 It is on the third page, "Housing costs", the last part
19 of that section:

20 "It was explained by the LDA that it could not
21 provide a rent subsidy but would investigate further
22 what housing costs in the East London currently are."

23 A. Yes.

24 Q. Can I turn up, please, again in this bundle, page 257.
25 That was November. Page 257 --

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1 A. Do you have a document number?

2 Q. Yes, it is 248/1/6.

3 A. Yes, notes of an LDA, CBHA and SNU meeting.

4 Q. Yes, and SNU, we know, are the independent tenants --

5 A. Yes.

6 Q. -- association. If we go to the second page of that
7 minute, under "Compensation" it says:

8 "A copy of Tribal's report was given to SNU."

9 A. Yes.

10 Q. Can you explain what Tribal's report does, please?

11 A. Tribal's report was something that the LDA commissioned,
12 Tribal having experience in the social housing sector,
13 Tribal HCH, the report was carried out by, which was

14 intended to understand two things. Firstly, the LDA was
15 looking to put in place, in order to minimise disruption
16 for residents was looking to put in place a de minimis
17 level of disturbance, so a level below which any
18 resident leaving the estate would not have to submit
19 receipts or otherwise for their disturbance costs. So
20 what we are looking to do there is bench mark costs
21 incurred by people decanting from other residential
22 properties in a similar situation. So that was the
23 first piece of work that that report was intended to
24 achieve. The second thing that that report was intended
25 to achieve was the benchmarking of other rental in the

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1 East London area as discussed in that newsletter.

2 Q. Now, it was given to SNU, there is another body
3 sometimes known as CLOM, Clays Lane On The Move.

4 A. Yes.

5 Q. Are you able to say anything else about the Tribal
6 report and who it was given to?

7 A. Yes, the Tribal report was also issued to residents at
8 Clays Lane On The Move. I think there were five
9 residents in attendance at that time, so each of those
10 people received a copy. A copy was also made available
11 in March 2006 for residents to view as part of the
12 information that the LDA provides on site in the site
13 office, so that was held in the reception area there for
14 people to view, and remains for inspection there.

15 That was also publicised in one of the newsletters,

16 the availability of the benchmarking study, and the fact
17 that it was in the housing office was publicised in
18 the March newsletter as well, and that figure is
19 obviously something that most of the residents that
20 I spoke to are aware of, that came out of that report.

21 Q. Thank you. You mentioned this report I think when
22 Mr Ojar came, there were extracts of it that were
23 produced?

24 A. There were some limited -- primarily he focused on the
25 SNU report, but there were some elements of the

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1 Tribal --

2 Q. What I wanted to ask you was, how have the results of
3 the Tribal report fed into information or debate that
4 has taken place about rental levels?

5 A. Well, I think the Tribal report was obviously the
6 document -- the review carried out by the LDA was the
7 document that went to Clays Lane On The Move. On the
8 back of that document, the decision was taken by the LDA
9 and Clays Lane On The Move to set up the Compensation
10 Working Party. What you have then, produced through the
11 independent tenant liaison adviser, is a further
12 assessment of their view on where rentals are likely to
13 go for residents relocating from the estate. In
14 response to that, you have my interim response, and
15 I think both the SNU report and my interim response are
16 before the Inquiry.

17 Q. And as you say, that has been informed by the Tribal --

18 A. Yes, that entire process was initiated by the receipt of

19 Clays Lane On The Move by the Tribal report, the work
20 that they have done on East London rents.
21 Q. Next, please, if we can, move to the relocation
22 strategy. We know there are strategies required by
23 negative conditions attached to the planning permission?
24 A. That is right.
25 Q. We also know that at least by September, I am looking at

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1 the period now after the bid was successful,
2 by September, the LDA were already having meetings on
3 site discussing relocation?
4 A. Yes, that is right.
5 Q. What I want to understand from you, please, to start
6 with, is how you saw the relationship between what you
7 were doing actually on the ground by way of relocation,
8 and the formal process of submitting strategies to JPAT?
9 A. I think -- I mean, my understanding of the discussion
10 that has been had here and elsewhere is that there was
11 confusion between the LDA's relocation strategy, that is
12 the strategy that we are employing to relocate people,
13 so the umbrella under which our actions are being
14 undertaken, and the Relocation Strategy with a capital R
15 and S that is the requirement under the planning
16 conditions. What we were looking to do is clearly to
17 initiate things as quickly as possible.
18 Once we had a positive decision from the IOC, we
19 looked to get out to people in September, talk through
20 with them the various housing options that were being

21 developed, we had, as I have said, a useful background
22 information from the Fluid Survey that steered us, as
23 I laid out in my first proof of evidence, in terms of
24 the routes for rehousing that we were seeking to secure,
25 and you had a period then where we were looking to

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1 develop -- in I think it was March of 2005 we produced
2 what was basically a sort of skeletal(?), as it was
3 referred to at the time, but a summary of where we
4 wanted to get to in terms of our rehousing strategy.
5 Then we had a period where we were working with partners
6 in discussion with the key partners to try and secure
7 the various routes that we were aiming to get to for
8 residents' rehousing, the routes that we have now
9 secured. Clearly, what we were looking to do was to put
10 that in place. So that period which is sort of shown in
11 the Fluid time line was a period to develop the options
12 so that you had something to report.

13 The relocation strategy as such is a written summary
14 of those processes that were ongoing and were expected
15 to be ongoing at the point when we submitted the
16 relocation strategy to the authorities.

17 So I think there are two separate things there: one
18 is intended to encapsulate at a strategical level,
19 because clearly it is a relocation strategy, but to
20 encapsulate at that strategical level the actions that
21 are being undertaken by the LDA.

22 Q. Was it envisaged ever that the -- when you say "the
23 strategic level", is that the Relocation Strategy,

24 capital R, capital S?

25 A. Yes, that the Relocation Strategy, capital R, capital S,

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1 would be a strategic document, an overarching document
2 that sort of captured the overlying routes to rehousing
3 and responded to the Grampian conditions and the
4 parameters and principles set out in our original
5 consent.

6 Q. So how so far as you see it would the Relocation
7 Strategy, capital R, capital S, provide details to
8 individual residents on their particular needs and their
9 particular choices that might be offered to them?

10 A. I think that that document would provide no more detail
11 in terms of the individual choices and specifics than
12 would be presented to them in the September workshops
13 that we held, the courtyard workshops. I think clearly
14 they were another important part in developing our
15 relocation strategy, small R, small S.

16 But I think it is an important point, the feedback
17 that we were getting after those sessions were that
18 people were not interested in talking about the sort of
19 overarching strategical thrust of the LDA's work. The
20 vast majority of residents that were coming up to me and
21 were feeding back to their case officer were very
22 interested to find out specifically how things would go
23 for them. So a lot of the discussions that we were
24 having with residents about their individual
25 circumstances after that moved on to a one to one with

1 them and their case officer, or at the drop in centres
2 that we held regularly at Clays Lane, and looked at the
3 specific issues.

4 I think there was a feeling that a lot of the larger
5 consultation events were being hijacked by issues that
6 were not relevant to necessarily all of the people, that
7 there were only a very few voices being heard. So
8 I think the relocation strategy, coming back to your
9 question, was a general document, but it was not
10 a document that the vast majority of people out there --
11 that responded to what they were asking for. There were
12 other mechanisms that did that.

13 Q. Thank you. I just want to ask you a number of questions
14 about timing. We know that there were a number of
15 strategies required by the conditions. What was the
16 approach of JPAT concerning the submission by the LDA of
17 strategies?

18 A. JPAT and the LDA obviously in the period from the
19 consents of our planning permissions were meeting
20 regularly, were in regular liaison, and the decision was
21 taken to submit together all of those strategies dealing
22 with key relocations, so that first area of work being
23 the relocation work. Those documents were submitted and
24 consulted on in January and February of this year.

25 It became apparent for a number of reasons,

1 particularly with the open space strategies, that there
2 was a significant amount of detail linked to
3 legislation, legislative changes and things like that,
4 that would not have been able at the time these were due
5 to be considered, and the decision was taken to postpone
6 their consideration. The response from JPAT was that
7 they would want to consider all of these strategies at
8 the same time. That was the decision that was taken
9 therefore to hold those in abeyance and not to consider
10 those strategies.

11 Q. A point has been made by the objectors that the planning
12 authority had concerns about monitoring, I think, and
13 review in relation to the residents' relocation
14 strategy. Is there anything else so far as you are
15 aware that was a significant concern to the planning
16 authority?

17 A. Well, I think the first point to make, when you say, "Is
18 there anything else that was a significant concern", is
19 that monitoring and review, clearly the strategy
20 documents in front of them, the approach that the LDA
21 adopted in respect of monitoring and review was to say:
22 what we would like to do is set up the monitoring body
23 and have them set their own terms of reference, so that
24 everyone within the monitoring body was comfortable with
25 what they were proposing, therefore not to set within

2 and review. That was the approach that we were in
3 discussion with the planning authorities about.

4 We felt that monitoring could effectively be done by
5 a range of parties, not just the joint planning
6 authorities. They were obviously looking at whether or
7 not they could set the parameters for that to more
8 tightly restrict it.

9 That links into the second concern that I was in
10 discussion with people about, which comes back again to
11 the sort of incentivisation of boroughs. I believe
12 Julian Cheyne in his submissions has included the
13 e-mails from Simon Rees -- certainly has referred to the
14 e-mail from Simon Rees -- as a response to the
15 relocation strategy, they had talked about
16 incentivisation for the boroughs to contribute housing
17 stock. That is an issue that was very much the main
18 thrust of any discussion ongoing with the local
19 authorities at that time, in terms of the relocation
20 strategy. That was by far the dominant issue in our
21 discussions with them.

22 Q. You say that was the dominant issue. So far as Newham
23 is concerned, has that issue been resolved yet or not?

24 A. Yes, and so far as all the boroughs have been concerned,
25 it has been resolved. It has been resolved at a very

1 late date. We now have agreed with them at East London
2 Housing Partnership earlier this month an
3 incentivisation programme that they are happy with, and
4 on the back of that, we now have a signed agreement with

5 London Borough of Newham in regard of that
6 incentivisation that was exchanged today. So clearly,
7 if we had waited for that to be completed before getting
8 the relocation strategy considered by Newham and the
9 other joint planning authority teams, that would have
10 been a significant delay on the programme.

11 Q. That is what I was going to ask you. Given the history
12 now, having worked up the strategies and seeing what the
13 sticking points or discussion points were with the
14 authorities, could the LDA have simply waited to see
15 whether and in what form a relocation strategy was
16 approved?

17 A. Certainly the LDA could have done in terms of, you know,
18 taking a strict planning approach. I do not think that
19 that would have been a responsible approach for the LDA
20 to take.

21 What we tried to do, you know, when we went out
22 in September, there were a number of people saying to us
23 that they wanted to relocate as soon as possible, that
24 they were not happy on Clays Lane Estate and were
25 looking to relocate, and we have responded to that.

1 That has enabled us to manage this process. People have
2 started relocating. As my evidence suggests, by the end
3 of June, more than 100 people will have been relocated
4 by the processes set in train by the LDA, and I think
5 that is an important -- you know, that is a response to
6 demand from people to relocate. It is an important part

7 of the relocation process that we are able to move those
8 people now.

9 Q. Thank you. You said you now have a signed agreement
10 exchanged. Does that have a bearing on prioritisation
11 and what is I think sometimes referred to as decant
12 status?

13 A. That is right. That agreement captures a number of
14 things from the London Borough of Newham in return for
15 the incentivised arrangements that I have mentioned.
16 The London Borough of Newham will be providing members
17 of staff to work with residents of Clays Lane, to help
18 them to bid for the properties under the East London
19 Choice Homes Scheme, to help them with their
20 applications to make sure that they are prioritised in
21 that, and specifically it includes recognition from
22 London Borough of Newham which they have sought and
23 obtained from their Mayor and Cabinet that residents
24 from Clays Lane will be treated as decant priorities
25 within that relocation process, therefore giving them

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1 the ability to bid for properties and be awarded them.

2 Q. Thank you. Now, while we are on this particular issue,
3 can you say something about people who want to move to
4 a different borough outside of Newham? Because it has
5 been said in the evidence: well, a lot of people are not
6 moving to Newham at all, so what is the relevance of
7 this choice-based letting scheme, which is
8 a Newham-based scheme? How does it work if people want
9 to move outside of Newham?

10 A. I mean, the first and important -- there are two routes
11 for people to find properties outside of Newham, and
12 they are set out in my various proofs of evidence. We
13 obviously have properties being offered to us by
14 registered social landlords that are not covered by
15 local authority nominations. We have contacted
16 a variety of Housing Associations, and that is set out
17 in my evidence, who are offering properties, and those
18 properties are across London. We heard yesterday of
19 properties in Westminster; Mr Hammoud in his evidence
20 has talked about properties in Bow, Acton, all outside
21 of Newham.

22 So there is that route that enables residents to
23 access a certain number of properties, those that are
24 not covered by local authority nominations. The other
25 route is for residents to register with London Borough

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1 of Newham, to have their decant status recognised by
2 London Borough of Newham. As part of the agreement
3 I have already referred to, London Borough of Newham is
4 required to help facilitate moves out of the Borough.
5 Now, within London, there are reciprocal arrangements to
6 enable them to do that, so all of the boroughs have
7 reciprocal arrangements whereby they take residents from
8 each others' local areas to move.

9 Then, as I have mentioned before, there is the Move
10 UK scheme, which Newham are a partner in, which is
11 a government assisted scheme which forms partnerships

12 and protocols between councils in London where there is
13 high demand for property and those within areas where
14 there is not high demand for property. So that is the
15 primary scheme. But in order to access that scheme,
16 people will need to be registered with the London
17 Borough of Newham.

18 Q. Thank you. Next, please, vulnerable tenants. Quite
19 a bit has been said about that by the objectors.
20 Mr Rodgers for example said that he thought he would
21 have been aware of it if there had been some assessment
22 of vulnerable tenants and what their needs were. Can
23 you just explain how the LDA is going about this,
24 please?

25 A. Yes. The LDA in itself is not directly doing the

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1 assessment of vulnerable residents. As has been made
2 clear on a number of occasions, the LDA is not a Housing
3 Association, it is not a local authority, it has no role
4 within this. What we are doing is working with CBHA who
5 have an extensive history of working with vulnerable
6 residents.

7 As I mentioned yesterday, what CBHA have done is to
8 do first of all a file-based assessment on various
9 residents, then to do interviews with those residents
10 potentially vulnerable to understand their requirements.
11 Where residents are identified as vulnerable, what we
12 look to do -- and it is standard practice for any RSL
13 and carried out by CBHA as well as anyone else -- is to
14 put in place a care package with a statutory provider

15 such as the Mental Health Team, the Local NHS Trust, and
16 non-statutory providers such as charities, depending on
17 the individual's needs. The idea of that care package
18 is to enable those who are vulnerable to live within
19 standard housing such as any RSL might provide within
20 the social rented sector, in this case within Clays Lane
21 itself.

22 In terms of a relocation, therefore, what CBHA have
23 looked to do is where there is a recognised vulnerable
24 resident, to ensure that where they are moving beyond
25 the band, say, of their existing carers, that they are

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1 given support by their existing care package within the
2 relocation process, but then they are moved on to a care
3 package in the receiving area to ensure that they are
4 not left in a vacuum where they go to. So there are
5 these established mechanisms by which vulnerable tenants
6 are receiving support, and as I said yesterday, I think
7 CBHA's assessment is that there are probably 24
8 residents falling within the vulnerable category on the
9 estate.

10 Q. Is there any reason why this work should have been
11 shared with Mr Rodgers or anyone else who has come to
12 give evidence?

13 A. No, I cannot understand why Mr Rodgers would suggest
14 that he would have been aware of that.

15 Q. Just for the record, and so my learned friends are aware
16 of it, we know, do we not, that there is a rehousing

17 policy in draft that has been drawn up that is at
18 page 84 of Mr Cheyne's evidence, is it not, and that
19 sets out the prioritisation that is being employed?

20 A. Yes, there is.

21 Q. Thank you. Getting towards the end of the list now,
22 some comments have been made about perhaps adverse
23 inferences which should be drawn because the LDA has not
24 produced information on rents that people who have
25 already been located are paying. Do you have any

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1 comment to make on that?

2 A. I think there are two points to make in respect of those
3 rents. Firstly, clearly those who are relocated to
4 there are made aware of the rents that they will be
5 paying and are choosing to relocate there. We are not
6 yet in a situation where residents are being made direct
7 offers of property. At the moment we are in --
8 whichever route residents go down, we are in
9 a choice-based system where it is for residents to
10 select the property that they feel both best suits their
11 needs and suits their actual requirements.

12 So the first point I would make is that clearly the
13 affordability or otherwise of these properties is
14 something that residents are assessing before they
15 actually make that move. The second point I would make
16 on that is the focus of Mr Hammoud's proof, quite
17 rightly in my estimation, and obviously my rebuttal to
18 Mr Hammoud's proof has been about what the experience
19 will be for the vast majority of residents at

20 Clays Lane, and in particular those who are being made
21 direct offers; therefore, when we get to the three
22 direct and reasonable offers, the rents that people
23 are(?) necessarily going to have to pay.

24 I think the situation there is that we would expect
25 the vast majority of people having to be rehoused

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1 through direct offers will be rehoused within the London
2 Borough of Newham through properties currently available
3 on the Choice Homes Scheme, and that is the rental
4 figure that we are providing to the Inquiry. That is
5 the assessment that we have done. So where a resident
6 is particularly concerned in terms of the affordability
7 of future properties and are worried about the
8 availability of, say, housing benefit, because of their
9 own income or capital that they hold, then they are able
10 to select a property within the Choice Homes system, and
11 the figure that we are quoting is that figure.

12 Q. Just related to that, there has been some evidence given
13 about someone who was offered an assured short hold
14 tenancy, and it has been suggested that something
15 improper may have happened there. Have you managed to
16 look into that?

17 A. Yes, I have. That was raised with me directly and
18 obviously with any sort of complaint -- sorry, I will
19 start again. That was raised with me indirectly by
20 another resident, not by the resident who had taken the
21 assured short hold tenancy, but with any complaint

22 raised with myself, I looked into that; I looked into
23 that with CBHA. I am satisfied that the resident who
24 took that property was aware of the change in tenure
25 that would ensue with that; that they had the ability to

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1 discuss that with friends and family before making that
2 decision, and they had the ability to discuss that with
3 the independent advisory service before they took that
4 decision. I am happy that they took that decision in
5 full knowledge of the change in tenure.

6 Q. Thank you. On changes of tenure, we know that people
7 were given assured tenancies when Clays Lane became
8 administered by Peabody. It has been suggested that the
9 tenancies that the residents had under the co-op were
10 somehow protected or had some hard(?) status. Are you
11 able to shed light on that?

12 A. Yes, that is absolutely not the case. I have seen those
13 tenancies, and they make very clear across the top of
14 the tenancy itself that they are not assured and they
15 are not secure. And the other point I would make on
16 that is that whilst we are talking about short hold
17 tenancies and change of tenure, again, what we are doing
18 through the relocation process is ensuring that nobody
19 will be forced to take a property that is not on
20 a secured tenancy. So residents who through the change
21 in landlord to Peabody have moved on to secured
22 tenancies will remain within secured tenancies unless
23 they choose otherwise.

24 Q. Thank you. It came up recently, I think in Mr Prior's

1 recent changes to the Olympic Park layout have been
2 communicated to residents, and you said it had been in
3 a newsletter.

4 A. The suggestion from the other side was it was a bare
5 plan and newsletter.

6 Q. Yes. I was handed a newsletter, it was the June 2006
7 newsletter. Is that the --

8 A. That is my understanding of what they were referring to,
9 yes.

10 Q. I will not make any points about it, but, sir, I will
11 hand that up and hand it to the other side just so that
12 it is there in front of you.

13 THE CHAIRMAN: Yes, please.

14 MR PEREIRA: Next, please, it has been suggested that people
15 have been put off relocating or sticking with a group
16 move because they have become disenchanted with the
17 process. Are you able to give any comment on that?

18 A. Yes. I do not think that is the case. I think that as
19 I make clear in my evidence, I think consistently, every
20 time we have gone out to talk about these issues, the
21 number of people interested in a group move has been
22 about 100, 95, at the highest estimate. That is what
23 Fluid found.

24 As I said before to the Inquiry, I do not accept the
25 extrapolation they used to get to 200, which includes a

1 percentage of those people who were not even residents,
2 so they have counted in that empty properties to get to
3 200, which I think is not a sound approach to this.

4 The discussions I have had with those promoting
5 group moves, going back to November last year, have
6 always centred around, on estimate, with the co-op, of
7 around 40 residents; NLC varied in their numbers, but
8 around about ten to 15; the third group, about ten
9 residents. The SNU survey itself highlights the 120,
10 but makes it clear within that that they feel
11 a significant percentage of those are keeping options
12 open, and I think if I turn that up -- I am not quite
13 sure what the reference for that is. But I think it
14 also makes clear within that that there are
15 a significant number of that 120 -- I think about 20
16 from memory, but I can look it up -- even if offered
17 a group move would not be prepared -- would still want
18 to receive other offers of individual properties.

19 So I think the idea that there has been any shift
20 away from a group move as time has passed I do not think
21 is the case. I think there is a consistent core of
22 people that we recognise and are looking to work with.
23 There are a consistent number. I think that we have yet
24 to get a sort of body together, and that is obviously
25 the challenge, not only for ourselves but those that are

1 promoting this, to try and get a body together with whom
2 we can effectively engage to discuss the options. We
3 have that now with NLC, I am happy with the way that
4 that process is moving forward. We need to get that in
5 place with the large groups. I understand that by their
6 very nature, a large group is obviously harder to pull
7 together.

8 But I think -- this goes right back to the first
9 time we started talking about group moves where it
10 quickly became apparent that we were not talking about
11 a single group move, we are not talking about a single
12 community. As soon as you get into the discussions
13 around the table, it quickly becomes apparent that those
14 promoting one move will refuse to live with -- for their
15 own reasons, will not want to live hand in glove, even
16 within separate property types, with those who are
17 promoting another kind of group. So that makes it very
18 complex in trying to meet and address their
19 requirements.

20 Q. Can I just pause you there and ask you this: we have
21 seen there have been various surveys carried out now, at
22 least three, Fluid, CBHA and the SNU survey. We have
23 heard evidence from residents about their perceptions of
24 what various statements meant, and what their desires
25 and aspirations and what they say their needs are. How

1 easy is it for you -- you are there trying to manage
2 this process. How easy is it to actually accommodate

3 what everyone wants? How easy is it to identify what
4 everyone wants?

5 A. I think I would go back to a comment that Mr Sandison
6 made: he suggested that for 56 residents, you get 57
7 different opinions, and I think that is certainly my
8 experience of that. I think that we have been working
9 on the studies from Fluid, from SNU, from CBHA, they
10 give us a good feel of the broad options.

11 I think the first point I would make, that people's
12 opinions in general terms -- I think this is a well
13 established principle, but people's opinions when asked
14 in general terms what they would like are largely
15 different to those opinions when you actually put
16 concrete examples of what that means forward. The
17 example I would give is the NLC who produced a brief
18 looking at -- I think Julian referred to it, from the
19 transcripts -- of terraced housing with some amenity
20 space. A property was found in Poplar that was exactly
21 that, terraced housing with amenity space, but when you
22 look at the specifics of it, it was not necessarily what
23 they had in mind and it was not necessarily suitable.
24 But on the face of it, it responded exactly to the
25 requirements that they had set for us. So that is the

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1 first issue.

2 The second issue that we have had in this respect is
3 trying to find a way to effectively engage with
4 residents, and I think that to a large extent goes back
5 to distrust of the former Clays Lane property

6 management, who were obviously the first people we
7 sought to engage with; difficulties in open sessions, as
8 referred to earlier, in terms of actually reaching the
9 majority of people rather than having a few voices
10 dominating those sessions. I think again, I would say
11 that that situation has been vastly improved by the way
12 that SNU have come in and created the Clays Lane On The
13 Move body as a representative body; the work that we
14 have done on the one to one sessions; keeping the case
15 officer available to people has allowed us to get
16 a response; having people out on site acting on our
17 behalf has enabled us to do that.

18 But it is a difficult process to engage in, there
19 are a lot of politics out on the site, which has been
20 mentioned by a number of the witnesses coming forward,
21 and I think you have to -- to pick up Mr Wald's
22 phrase -- act like a trapeze artist to get your way
23 along that minefield. I hope that is not mixing too
24 many metaphors.

25 Q. That brings me to my last question, which is this:

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1 The Winterbottom letter -- I will not ask you about the
2 at least as good, if not better, because we have gone
3 over that in evidence several times, but it also says:

4 "The LDA is committed to providing you with as much
5 information as possible throughout the process."

6 I suppose at one extreme, "as much information as
7 possible" means every single piece of information as and

8 when it arises. Would that as an approach be
9 appropriate when dealing with the Clays Lane residents
10 or not?

11 A. No, I do not think that necessarily would be a proper
12 approach when dealing with the vast majority of
13 residents out there. I think clearly people want to
14 know what is relevant to them. That is a very clear
15 message that comes back: that there was across the
16 board -- and I referred to it in my original evidence
17 way back in week 1 -- I think at the point that I came
18 into the project, the clear feeling that I got from
19 people was that there was an element of consultation
20 overload, there was an element of information overload,
21 and that people were very much wanting to get away from
22 the general presentations and understand what was going
23 to happen with their specific situation, which is what
24 we have tried to respond to.

25 For example, I think a good example is something

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1 that the Inquiry has discussed a lot, which is the
2 announcement of the January changes. I think it would
3 have been -- for example, the LDA could have done full
4 briefings on exactly what had moved where, that the
5 Olympic Village was still on Clays Lane, had been
6 realigned slightly, but you have to remember that the
7 thrust of the announcements made in January were about
8 changes to the red line boundary. They were the key
9 issues in the press pick up; that residents responded to
10 Aaron, their case officer on; they were what residents

11 were interested in, and I think if we had suggested that
12 the situation had changed with respect to Clays Lane, I
13 think that would have sent more hares running than
14 otherwise, because clearly the red line boundary had not
15 changed, and that -- people were not interested.

16 The vast majority of residents out there who spoke
17 to their case officer, people were not interested in
18 what was going to be built once they had gone. They
19 were interested in whether or not they were going to be
20 going.

21 Q. Thank you. Of course, we are in an Inquiry, and in
22 a sense there is an artificiality about the process
23 because one inevitably gives evidence on the documents
24 and what has been printed. But what I want to ask you
25 is what the Clays Lane resident who wants to know about

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1 things, who is concerned to find out information about
2 rents or wants advice, where do they go?

3 A. The Clays Lane resident who is concerned about things
4 can contact their case officer, they have had the
5 details of their case officer for a period
6 since November when that was put in place; they can go
7 to their representatives within the Clays Lane On The
8 Move Committee who meet regularly with not only the LDA
9 but also the CBHA; they can go to the on-site office
10 where CBHA have a dedicated relocation staff who feed
11 back issues raised by them to the LDA as appropriate or
12 deal with them as it is appropriate for CBHA to deal

13 with them; they can contact obviously now the Newham
14 officers if they have concerns regarding the East London
15 Letting Company issues.

16 They have obviously received the residents'
17 newsletters that make clear what information is being
18 made available within the site office as part of the
19 information stands there, or they have the ability to
20 contact their assembly member, John Biggs, who has been
21 involved, responded, as Julian points out, to his own
22 requests, who has been involved in the process and
23 remains involved in the process. Those issues such as
24 that which came up recently on radiation within the
25 estate; John has responded to that. That is outside of

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1 the process, but John still has the ability to raise
2 those directly with the LDA on their behalf acting as
3 the local advocate.

4 Q. Thank you. I think some of the newsletters, I am
5 looking at the June one, but they mention also the
6 contact details for SNU, a telephone number and --

7 A. Yes, SNU have their regular drop in session; they also
8 have a specific phone line and e-mail address.

9 Q. Thank you very much, Mr Gaskell. It has taken me
10 a little while to go through those points, but I have
11 finished, unless there is anything you have a burning
12 desire to add?

13 A. I am content.

14 THE CHAIRMAN: Thank you both very much. So we have come to
15 a timetable for tomorrow. On the basis of the

16 evidence-in-chief, are you still fairly confident,
17 Mr Wald, of less than two hours in cross-examination?
18 MR WALD: I am confident in coming in at less than two
19 hours. I hope to be able to cross-examine in less than
20 an hour and a half. It may go slightly over an hour,
21 but with a following wind, perhaps an hour.
22 THE CHAIRMAN: Perhaps it depends on the speed of the
23 answers. The programme officer put it to you that we
24 start after an early lunch tomorrow at 12.30 pm. Is
25 that agreeable to you both?

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1 MR WALD: More than agreeable. Thank you and Mr Pereira for
2 your flexibility on that.
3 THE CHAIRMAN: I am just grateful that the programme officer
4 has gone home, because now he knows we have agreed on
5 a 12.30 pm start, he may have been tempted to fit
6 somebody else into the programme tomorrow morning.
7 Any procedural housekeeping matters before I adjourn
8 for the day?
9 MR PEREIRA: Sir, just housekeeping, I have the residents'
10 newsletter of June 2006 just to hand out.
11 THE CHAIRMAN: Do you have copies of that now?
12 MR PEREIRA: Yes. (Handed)
13 THE CHAIRMAN: Thank you. Anything further for today?
14 MR PEREIRA: No, sir.
15 THE CHAIRMAN: Thank you all for your attendance. The
16 Inquiry is now adjourned until 12.30 pm tomorrow.
17 (6.15 pm)

18 (The Inquiry adjourned until 12.30 pm on Wednesday,
19 2nd August 2006)

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