



Pre Inquiry Meeting

For CPO 2 on Edge Lane Liverpool

Points made by Ms Elizabeth S Pascoe On behalf of objectors

(Leader of BEVEL the Objector's group)

Better Environmental Vision for **Edge Lane**

Loosely constituted body of statutory objectors to the CPO (and related planning applications for Edge Lane West) created 21st June 2005

ZEROTH: Allow me to introduce myself, Elizabeth Pascoe, leader of the objectors' group, formed for the previous CPO, originally about 100 of us, in our fight for our properties. Many have since succumbed, mostly entirely against their will. Leader of BEVEL is as high as I perceive my role, I am no advocate, which will be painfully apparent. I do have qualifications and skills, but I hope that it remains obvious to the Inspector that there is obvious inequality of arms. (I am sure any one individual of those facing me would not like to be in my position). There are a number of points that need to be brought to the attention of the Inspector, and the public, for which I have prepared myself in the following way for very good reason. My intention is certainly not to be antagonistic. I hope that by putting it clearly at the outset our position is rather more protected than previously and our stance identified. If the other side have anything to put to me today regarding the Inquiry itself, please do that via the Inspector. Please understand that it is possible I will have to ask what other objectors or witnesses think. In any event, would the Inspector explain any implications that whatever has been said might have.

ONE: I very much hope that within the constraints of the limitlessly resourced proponents, who have made sure they had got their act together to their utmost satisfaction before issuing this second CPO notification, compared to our own rather disadvantaged situation, that **the Inspector intends to ensure this Inquiry be fair**. From previous experience I know that the proponents will use whatever tactics they can think up to give us the **run-around**, sometimes imperceptibly, along the lines of "heads we win, tails you lose". Their lawyers may not be aware of mis-information in every instance, as indicated to those of us more intimate, by their statement of case. In our evidence the various examples will be identified solely for the purposes of informing this Inquiry, certainly not for purposes of shaming or retaliation. One advantage of being chief cook and bottle washer on this side for the duration has been that my right hand inevitably knows what my left is doing. Life is too short to do all that "ought" or could be done regarding each strand of the web of various deceptions the proponents' scheme hangs on, but we are obliged for posterity to address a considerable number of the nodes. We do of course understand the pressures that have been put on various individuals, and in some instances for their confusion regarding for example the witch-hunt that has been whipped up in the local press. Although it has been useful in some ways to identify quite which colours some are marching under (to save repeatedly giving them the benefit of the doubt) via such mis-information as such that I don't live here. But (I am told by a couple of policeman) the approximately five times more incidents of vandalism my home and car have been subjected to as a result of such deformation of character, compared to those around me, also sorely suffering as a result of what the proponents like to call their initiative, has been a bit of a distraction. As colleagues have said, if it were true I was a witch then I would have had other means of quashing this. It also indicated that some within the proponent camp must be pretty desperate to try to discredit me so clumsily. This week I have again been reminded that my life could be in danger for daring to confront authority. But none gave the orchestrators authority such authority.

TWO: The Inspector will be aware that I have been through all this before so no longer a total greenhorn. Even so I request that my attention should be called to anything that might possibly be **going over my head**, (allowing that the Inspector is also (probably) not a lawyer). Albeit I have now learned what “proof of evidence” means there will remain things that I do not pick up on at all. Last time in trying to prepare, a good deal of time was wasted trying to provide proof of everything we put forward. We will attempt to clearly prove most of what we say nevertheless, which will hopefully provide a stark contrast. I remain sure that I could miss out entirely on some important especially legal nuances and I may in addition wish to check my grasp of some issues that arise as this is a quasi legal arena, (hence their very well headed team). May I beg that the **Inspector exercises patience** in those instances, I will of course keep them to a minimum. On behalf of the laypeople present can we try to avoid jargon? **While mentioning the public at this Public Inquiry may I say to you the public that you behave as “flies on the wall” (if you’ll excuse me putting it that way) and not interrupt proceedings, including with gasps of disbelief, cheering or clapping for joy. Your support is very welcome and evident from your presence.**

THREE: Assuming the Inquiry starts on 15th January, because of the strain on me for the period of time anticipated, whether I have legal support or not, may I suggest that there is **at least one pre-booked break** during the Inquiry. Hopefully by the end of it, it will be evident to the Inspector, failing instructing Rumpelstiltskin, and my exhaustion allowing the success of their tactics, that no matter how expensive a team the proponents can afford, a sow’s ear will cannot be turned into a silk purse. That in May 2003 at a meeting between English Partnerships and Liverpool City Council it was admitted the delegated powers to be utilised were not appropriate, that this “unlawfulness” was pointed out in my objection early 2005, and the previous CPO found unlawful in the High Court late 2006 puts this Inspector under some additional duress, particularly as I understand that Inspectors are not allowed a view on points of law, which is why we have been encouraged to assume the previous Inspector wrote his report as he did, with an escape route, and why Judge Forbes allowed no room for appeal. We have been advised that this repeat CPO is almost identical because there is no right way of doing it, and the proponents rely on simply wearing us down. It is true that a significant number of objectors have recently died somewhat prematurely. Regarding the extended time-span for the Inquiry, besides it also being convenient for those of our witnesses who will not be able to attend until late February, the Inspector may well also appreciate what I know full well it will be terribly hard on me. I crawled across the line after 3 weeks. Because this time we need at least double that I know I can’t get to the end without a break. May I also request that various local witnesses are allowed to **attend in the early evening?**

FOUR: Regarding our evidence, I hope the Inspector will allow us to submit some if not all **on CD** or DVD. This is in part because it is not possible to put some of it on paper, for example the four dimensional “fly through” of our alternative scheme. Last time we submitted it all via the programme officer by the deadline prior to the Inquiry, (unlike the proponents who submitted their

last evidence in with a great many other documents on the last day of evidence, without telling me, or possibly even the Inspector). But even though I was aware it was impossible to get ours across on deadline day, too much of it, and so started a week early, to this day I am not sure if the Inspector received it all, again, even though I was asked during the Inquiry to re-submit it, and then check what they had printed. I did then find that repeatedly the Programme Officer's secretary had printed my E-mail but not the enclosure, which was the evidence. If it is submitted on CD / DVD then the control of that process could be in our hands. And assuming we don't get any support, that the proponents pay for the CDs or whatever else, to be taken manually to the programme officer by the allotted time.

FIVE: I ask that the Inspector assists us in efforts to obtain various information under **“Freedom of Information”, Data Protection and also Environmental Information legislation and Directives**. There are requests still outstanding for information from which we need to prepare our case. Most notably, still, from last time, some of the “technical appendices” (raw data) of the Neighbourhood Renewal Assessment, upon which so very much of the proponents' decisions and proposals supposedly sprung, as evident from their previous and current statements of case. Of course in a way that has been superseded by events, but we will argue it is the situation initially that matters, not the deliberate devastation caused since. The lawyers present, if not the Inspector, will be well-aware that such protection as has been argued to prevent access to the information needed does not apply where my home is at risk of being taken against my will (and we still insist unlawfully, as Judge Forbes found) and I am therefore defending my legal rights in my property which is entrenched in not just our law, but our culture. Therefore I am entitled to all information relevant to this CPO since it turns on requiring all the property inside the red line, and it is the condition of other properties within the pink area (on map supplied by the proponents) that supposedly impinges on decisions regarding my home. This local authority is renowned for its paucity of performance regarding Freedom of Information (which will be covered in our evidence). For nearly 3 years we have heard that there is private or commercially sensitive information also within that which we seek (so undisclosed information plainly exists), but as we have also explained, for the same period, all of what we “should not” see we don't want to see anyway. We have had continuing dialogue, delegated now to a colleague, which still hasn't worked out, as the authority procrastinates, variously. The Inspector last time was aware (from our evidence) that there was no way of tying in the NRA to our Orderlands, (and as I feel I must reiterate it is upon that NRA so very much supposedly depends, regarding initial deterministic decisions, followed by a series of stochastic decisions bringing us to this second CPO, which again refers to it extensively in the statement of case. Having been forced into a position where the Inspector saw our point at the previous Inquiry, one of the several proponents agents, always present to service any errand, went off and performed a survey unbeknown to us, submitted as I said on the last day, of which I was completely unaware, so I did not rebut it. The Inspector then relied on that, as it was not rebutted, and from exactly that came the term “predominantly” which at the time was not the case. What the Inspector will see on his site

visit (next year) is not at all how it was at the start. We will cover in evidence how the current circumstance is redeemable. When all of our evidence unfolds it will become apparent quite why we know decisions from reports need to have a starting point of real data, not murky confusion. So, the point of this is so that I can ask “Could the Inspector tell the proponents and their various agents that until we have the information we need to prepare our objection properly, **the case is adjourned**” (and until at least 6 weeks after we have the information made available to us). To withhold our ability to defend ourselves is surely unjust as well as unlawful, and one might say surely immoral. May I suggest that the Inspector also does need to have that evidence before him as it is again referred to in the proponents’ Statement of Case, and the previous Inspector required what was then put before him to bridge the inadequacy gap. What was forthcoming, unannounced and in disguise is not to be relied upon for the state of affairs even a year after the supposed start of the previous action. (The various outstanding Fol requests will be made available. I can’t itemise them just now as I write today, 11th, because some have finally started to come through).

SIX: May I ask that if the other side wish us **to come up with material overnight** or at the very last minute as they have done in the past then they must ask the inspector to adjourn for a sufficient period. (Previously proof I tried to acquire funding springs to mind). So that myself and other witnesses can assimilate, consider and respond. Failing which possibility would the inspector bar its inclusion in the inquiry as unfair? It may also be necessary that material should be posted to everyone with an interest in the land to ensure those contributors unable to attend every day have proper notice of anything new. People cannot commit to being present at a whole inquiry. It is also impossible for one person (me) to bear the responsibility for doing the promoter’s legwork notifying others to facilitate their CPO. We did not choose to have to spend our time (and money) fighting for our homes. It still seems to have been forgotten that it is not up to us to prove that we should be allowed to keep our homes. Incidentally the issue regarding proof of my efforts to resource our battle (which was I felt superfluous particularly as almost all of that effort had been undertaken by phone, months earlier, so there was no proof available) robbed me not only of the opportunity to sleep, but the chance to prepare for what came next, or tie up what had just occurred. I suggest that was the entire purpose of the exercise. In any such circumstance would the Inspector allow an adjournment? When the orderlands are visited, I can give the Inspector a guided tour of the giant heap of papers that have accrued in umpteen bankers’ boxes in my house, stacked to the ceiling and possibly not quite so many documents stored in those of two of my neighbours. I have no filing clerk, files, shelves to put them on, or rooms to have shelves in. Plus my hands are crippled, and time limited, even if I do work 20 hours a day for months. Finding anything at all is a major task.

SEVEN: Again re adjournments, of course I do appreciate that the timetable may need to be changed due to unforeseen circumstances, but last time at the very last moment, with absolutely no change in circumstance the proponents decided to present all their 8 witnesses in two days rather than four, so I had to re-jig all 38 of our witnesses, which took a considerable time,

again preventing me from preparing properly, and consequently the fact that on I think two days had an hour or two gap in the flow was somehow held against me in the High Court. Please allow me some “contingency space” or leeway to overcome whatever other devious tactics unfold. Also, I should be able to ask for adjournments at no risk of costs against me or those having their homes taken against their wills to ensure the fairness of the hearing. Previously that it was tactics not facts that were hard to fight.

EIGHT: Again re adjournment: As I write this I am still waiting for a decision regarding funding for adequate legal support and main witnesses (from GONW and LSC), since I presently have no legal support at all in this highly complex and involved CPO and planning and housing process, despite my efforts (I began working towards in June, once they apparently truly decided to re-CPO us, which until then wasn't a certainty or so I was informed). If I do obtain funding then the Inquiry and preparation for it can only be held **when it is as convenient to my lawyers** as theirs. This means that the start of the inquiry may have to be deferred if I get funding in order that any team I have has similar time to prepare the objector's case and is equivalent to that of the promoters. Otherwise the proponents have it all their own way. This case is very complex, with a plethora of issues both within it and hanging from it. Last time the proponents needed a Queens Counsel and experienced barrister and Eversheds for the promoting quangos, and more lawyers representing the other parties involved all reliant on the limitless resources of the local authority (funds of course provided by citizens' taxes). There are lawyers already familiar with the case that I would want to instruct. Just as with witnesses it has been difficult to access lawyers thanks to apparent conflicts of interest.

NINE: Regarding a **statement of case** from us, do we need one (we didn't have one last time, possibly because I didn't know about such things)? And if so when will it be wanted?

TEN: Last time, EP gave us no notice of their closing submissions at all. It was plain as a pike-staff that that was unfair to us since I was totally unable to respond on legal submissions and I have been advised that it is simply amazing that EP lawyers decided to act so unfairly. They obviously realised that they had to hold their cards so close to their chests for good reason. This time, I ask that EP give us **advance notice of the legal** issues in their closing submissions 7 days before closings are made so that we can respond to any points they may make in my own submissions (as best I can with whatever advice by then may be available) whilst they will still have the last word in responding to our own.

ELEVEN: The **introduction of any new evidence** by EP after service of their proofs should be strongly resisted. Otherwise it is all but inevitable that by dint of superior resources they will overwhelm us the objectors and we may as well not even try to defend our homes or pretend that a public Inquiry is anything other than a waste of time, money, energy and grief, which would of course do various lawyers out of an income. A PI for a CPO to take our land should not be conducted on the basis of a moveable feast of evidence but on fixed and known terms. In old-fashioned Englishman's jargon that is “playing

cricket". There is a great deal to be said of the old-fashioned English way of doing things, if one ignores what was endemic imperialism and misogyny. A major part of our battle here is to prevent the baby being thrown out with the bathwater, due to inappropriate aspirations, confusion, carelessness or intrigue, and thus setting catastrophic precedents. The facts emergent from all this work well over 5,000 hours at last count, and we could double that with the work of others, needs to be placed on record in the public domain, for posterity, and to tighten up on what if not corruption or incompetence or negligence, is surely duty of care

TWELVE: Because this case is extremely complex, and has a great many more dimensions to it than the proponents wish to admit to I will call **witnesses on all aspects of that complexity to give oral evidence**. These will be introduced / organised under "headings", and hopefully will be able to appear in appropriate batches, such as public realm design, highway design, various effects on the natural environment, effects on homelessness, on the housing waiting list, and on condition of properties, viability of properties, value and saleability of properties, the property market and its fluctuations this last 10 years (and why), a considerable amount regarding the various better aspects of our alternative scheme, more holistic in nature, various criticisms of the proponent scheme (by leading academics and practitioners), several different heritage issues, quality of those engaged by the local authority, various short cuts across due democratic process, various instances of mis-information, some within the statement of case, more that do not show up on the radar, but upon which this "initiative" is based, nepotism, costs to society (including loss of trust in governance) quality and analysis of various reports, the overall mis-guided framework upon which this and other "initiatives" hang, effects on people's mental and physical health, effects on families and relationships, and so forth. There are also issues regarding sustainability, issues, regarding misrepresentation of both citizens and the original intent of the funding bodies (central government in the main). We will want to identify the effects to society of ever spiralling upwards dwelling costs, and parade before the Inspector briefly several young professionals now pushed off the property ladder in this city, just as much as retired people likewise affected / disenfranchised out of owner occupier status into social tenant. We will also show the Inspector representatives of those many who have left "willingly" to explain why they had no choice. We will also identify a series of decisions made long before so-called community consultation was supposedly attempted. We will again prove the proponent scheme was impossible to have achieved by the capital of culture, for which reasoning it was fast-tracked through democratic scrutiny, and has still not been scrutinised. This outline of topics is not exclusive, but intended for the purposes of establishing the extent of our input for the timetable.

THIRTEEN: Again thanks to previous experience may I ask the **Inspector's understanding of one issue pertinent** to our witnesses. Last time my very first witness, a local resident whose great grandfather (I think it was) had bought her 112 year old home brand new, came to give evidence on local history, and she was subjected to quite aggressive cross examination regarding highway design. I interrupted that, whether I was "allowed to" or

not. I presume the tactic there was to frighten off other witnesses, not to prove anything one way or another regarding her view on highway design. As a retired banker, with a degree in classics she personally was not disturbed, but others could have been. Some of my witnesses have been traumatised enough. We have witnesses to cover each aspect, and will limit their possible far broader input to avoid duplication, but I reserve the right to prevent the other side questioning witnesses regarding topics for which they are not giving evidence, particularly ordinary residents. I have recently seen professional advocates protecting their expert witnesses at an Inquiry in Darwen. When I curtailed the cross examination as I did, it was due to a gut reaction.

FOURTEEN: I re-iterate this next point with some trepidation. Will the Inspector be able to give a view? When finally we do receive the information that we have been seeking for nearly 3 years on the current situation at the time that supposedly decisions were made regarding the issue “underused and unsightly” does it matter that at the time that was not the case for well above what most of us mean by the word predominantly, or is the Inspector only interested in what he will now see, following over what is actually five and a half years of hammering us? Obviously there are wider implications for the nation if the latter is the case.

FIFTEEN: As a lay-person there are a number of questions that we would like to know the answers to, but that I do not know if we are allowed to ask. Various figures are bandied about in press statements by the proponents, for example that I have selfishly cost the tax-payers £2 million by fighting for my home. I wonder therefore am I allowed to ask how much has been spent by the proponents on their various actions? (This now second Inquiry, one major high court action, and I think three other minor HC actions, and the plethora of consultants employed variously to put the various parts of this together, and the extensive number of meetings there must have been). I am curious if the £70,000,000 of public assets (and rising) we are trying to save still represents “good value” and the public will also want to know what they are funding.

SIXTEEN: This Inquiry has to include **profound and almost intangible issues**, particularly as this new CPO is largely a rerun of the first, such as indifference to and even contempt for citizens, human rights generally, democracy and legal process resulting in a dangerous undermining of people’s faith not in just any one political party but governance itself. It is because of the wider national implications that we feel obliged to no longer fight for just homes and what was our community but for hope, trust and our very future. Mechanisms and structures intended to improve our cities and the lives of citizens have been prostituted into a destructive device for some Philistine empire building. Because of my intimacy now in part thanks to my education and general life experience, but also with my neighbours and neighbourhood and development of the sadly hijacked Kensington New Deal for Communities initiative and having watched several of these “core documents” evolve, and even having got to know the personalities within the proponent army, we are going to do our utmost to pin out on the dissecting table an almost pathological exposure of how such as this has come to pass. This arena provides a unique opportunity to do that, and because people have

become aware of the importance, for the wider public interest, of achieving just that, a number of whom I had no prior knowledge have come forward to assist in this, with their own contribution on aspects of which I was not aware. The general public are without exception wanting this exposed, even without knowing any facts, anyone in the street will tell you this stinks. The handful especially chosen by the proponents, to supposedly represent the public, need their "contribution" taken with a pinch of salt. Besides the typical silent majority our case will be supported by our witnesses:

Who will be academics from Oxford, Cambridge, London, possibly Manchester, and two if not three universities in Liverpool, also practitioners from London, Liverpool, Manchester (and possibly Europe). Their professions being in all aspects of the built environment, (architecture, civil engineering, the various types of surveying, transport systems and highway engineering, civic design, town planning project planning), pertinent aspects of the natural environment, and the various social dimensions. There will be elected members, of all main parties, from both local and I hope central government, officers from other councils, representatives of the various interest groups, not just heritage but Friends of the Earth, Transport 2000, the Civic Trust, Shelter, and my neighbours. I will also want to speak a paragraph or so, on behalf of five keen BEVEL members, neighbours who have died very recently, and several close to me who did not want to leave, and that I haven't the heart to call back, and some still now, who must remain nameless, still here, but to afraid or deferential to object, for the purposes of informing on social issues. Because of the scope of issues and appropriate oral witnesses (in addition to several more who probably cannot attend, and pertinent website evidence, eg from CABE, BRE and similar professional publications as well as the ordinary media, newspapers, TV, radio) the Inquiry must take at least 6 full weeks. (I believe the proponents also intend to call more witnesses than in PI / CPO 1). I know that will be extremely tough on me, and request that I am allowed at least one break during that period, as it is harder on me than anyone else. I therefore ask as a minimum, one week off, if not two, mid-span, so that I do survive long enough to present the case I have worked so hard to put together. The added advantage of that is also that I already know some potential witnesses are unlikely to be able to attend until the latter part of February. In addition to the (at least) one week break, my I also suggest another contingency week. I want to divide my own evidence into four "appearances" (natural, built, social and "governance"). Several of my witnesses will require a fee, due to limiting professional constraints, (partners in a practice with rules) and at this time I have no way of paying them, having exhausted myself financially in the previous Inquiry the interest on the borrowing I had to undertake now costing me around 30% of my entire, income not my disposable income (and having been denied re-imburement of my costs, for incorrect reasons (GONW has been told my witnesses did not appear, only advised). I have applied for funding this time. I hope I am not required to waste everyone's time proving that. I do have a provisional list of names with qualifications (and issues to be covered by them and availability) if the Inspector wishes to see it at this time, I would rather not expose it just yet, other than those people who may be present today and thus obvious. In part that is due to "conflicts of interest" they are trying hard to resolve, in one instance by changing his job. I do have some "stand ins" in case my first

choices can't make it. There is a further "wish list" of those I know have an interest and either haven't yet answered or that I haven't so far asked to come due to embarrassment regarding fees. If they are able to contribute it is possible that they may give written evidence.

In summary, for the purposes of representing all of our arguments at this Inquiry, and also demolishing one by one all those of the opponents, we will be calling approximately 50 witnesses to give evidence in chief. If the Inspector wishes at this time to see our witness list it is rather longer than that for the reasons explained.