



**NOTTINGHAMSHIRE COUNTY COUNCIL
A164/A6097 JUNCTIONS IMPROVEMENT SCHEME SIDE ROADS ORDER
AND COMPULSORY PURCHASE ORDER
PRE-INQUIRY NOTE**

I have had a preliminary look at this case, and the purpose of this note is to assist with the organisation of the forthcoming Inquiry that is due to open at 10:00 on 26 September 2023.

Inquiry Arrangements

The venue for the Inquiry is the Clumber Park Hotel, Blyth Road, Worksop, Nottinghamshire, S80 3PA. The Inquiry is scheduled to sit for 3 days.

Main Issues

In respect of the Side Roads Order the Secretary of State will wish to be informed about the following matters:

- In relation to the stopping up of highways: that another reasonably convenient route is available or will be provided before the highway is stopped up;
- In relation to the stopping up of private access to premises, that: no means of access to the premises is reasonably required; or, that another reasonably convenient means of access to the premises is available or will be provided in pursuance of an order made by virtue of section 125(1)(b) or otherwise;
- Provision has been made for the preservation of any rights of statutory undertakers in respect of their apparatus.

The Compulsory Purchase Order should only be made where there is a compelling case in the public interest and the purposes for which the Compulsory Purchase Order is being made sufficiently justify interfering with the Human Rights of those with an interest in the land affected.

These matters include whether:

- The Acquiring Authority has a clear idea of how it intends to use the land which it is proposing to acquire;
- The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;
- The purpose for which the Acquiring Authority is proposing to acquire the land could be achieved by any other means;

- The potential financial viability of the scheme for which the land is being acquired and a general indication of funding intentions, including any commitment from third parties;
- The Acquiring Authority will also need to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation.

Statements of Common Ground/Position Statements

Where agreement is reached with any Objectors, or the issues between the parties are narrowed, a Statement of Common Ground or Joint Position Statement should be submitted. These will assist with reducing time spent discussing matters that are no longer in dispute at the Inquiry and within Proofs of Evidence. These should be submitted by **5 September 2023**, but should not preclude the parties from continuing to narrow their differences.

All parties, including the Promoter should advise me of the number of witnesses they anticipate calling, together with an indication as to how long they will require for evidence in chief for each witness, and whether the 3 days allocated for the Inquiry is likely to be sufficient. This information should be provided by **21 August 2023**. Should additional sitting days be required Friday 29 September would be preferred, subject of course to the availability of the parties.

Objectors should advise me as early as possible if they intend to appear at the Inquiry. They should also advise whether they will be professionally represented and how many witnesses they propose to call. This will assist with the efficient running of the Inquiry and ensure that sufficient time is allocated for the event.

Following the exchange of proofs of evidence all parties should submit time estimates for the presentation of their respective cases and cross examination/questions for the other party, as well as any constraints on availability by **18 September 2023**. This will enable the preparation of a draft timetable and the running order of witnesses. Parties should also advise whether there are any particular time constraints on any witnesses so this can be reflected in the draft timetable.

A schedule of modifications and/ or amendments should be submitted by the Promoter no later than **18 September 2023**.

Procedure at the Inquiry

The conduct of the Inquiry and the events leading up to it are set out in Statutory Rules: Highways (Inquiries Procedure) Rules 1994 and the Compulsory Purchase (Inquiries Procedure) Rules 2007.

In summary this will involve:

- a) An opening statement by the advocate for the Promoting Authority;
- b) A review of any proposed modifications to the Orders;
- c) The Promoting Authority's presentation of the evidence-in-chief by their witnesses, one after the other – ie, the whole of the promoter's case

- d) Questions of Clarification of the promoting authority's witness by Objectors. It would be helpful if questions of clarification are submitted in writing to the Case Officer by **21 September 2023**. This will allow the Promoter's witnesses to address the matter in their evidence in chief.
- e) Questions to the promoting authority's witnesses by their advocate about their response to d)

We will then hear from Objectors in an order to be decided. The procedure for hearing Objectors' evidence will be determined once proofs of evidence have been submitted. In some instances, particularly when the issues are straightforward, or the Objector is not professionally represented it may be preferable to hear the evidence by way of a round table discussion. In other instances, the formal presentation of evidence may be more appropriate. This will include the cross examination of the Promoting Authority's witnesses by the Objector and the cross examination of the Objector by the Promoting Authority.

The Rules establish that the Promoting Authority has the right of final reply.

Closing submissions should be made in writing and must not contain new evidence. If any already decided legal case is referred to in your closing submission, full copies of the judgement must be provided with the closing submission.

Site Visit

I shall undertake a site visit from public land prior to the Inquiry to familiarise myself with the locality and the context of the Scheme. I shall conduct a further visit once I have heard the evidence. It would be helpful to me if a draft site visit itinerary is provided to enable me to conduct my initial visit.

Prior to the Inquiry a further itinerary should be submitted, including any areas of private land I should visit and an approximate indication as to how long might be needed for the visit. As other parties may wish to promote viewpoints during the Inquiry, this plan does not need to be finalised until towards the close of the event, but the draft should be submitted by **18 September 2023**.

Presentation of Evidence

Proofs of evidence should be submitted electronically no later than **5 September 2023**. Hard copies of Proofs of Evidence should be sent to the Case Officer as soon as possible thereafter. I am happy to rely on electronic copies of most of the Core Documents, although the Promoter has already submitted many of the core documents.

If your proof of evidence is longer than 1,500 words, you must send with it a written summary. You must also enclose a copy of any documents you have mentioned in it (or relevant extracts) unless these have already been supplied with your, or somebody else's, statement of case or form part of the Core Documents. Where a summary of proof is provided witnesses are not expected to read their proof which will be taken as read.

Appendices should be kept separate from proofs and be indexed, tabulated and paginated.

Should Rebuttal proofs be necessary these should be submitted by **18 September 2023**.

Management of Core Documents & Inquiry Library

As you are no doubt aware this event will need an Inquiry library. A dedicated Inquiry website to facilitate access by all parties to Inquiry documents would be the best means of providing this. It would need to accommodate the relevant Orders together with supporting documents and plans, the Statements of Common Ground, the Core Documents, and the proofs of evidence. It would need to be easily navigable and searchable to allow for quick and easy location of documents and would need to be easily updated in the event that any documents are submitted during the Inquiry.

The library should be available by the time proofs of evidence are exchanged. It will be updated throughout the event should any documents be handed up during the Inquiry. Any such documents should be emailed to the case Officer.

Inquiry Timetable for Submission of documents

21 August 2023	<ul style="list-style-type: none">• Number of witnesses• View on number of sitting days required
5 September 2023	<ul style="list-style-type: none">• Statements of Common Ground/Position Statements• Exchange of Proofs of Evidence• Draft Site Visit Itinerary
18 September 2023	<ul style="list-style-type: none">• Rebuttal Proofs if required• Updated Site Visit Itinerary• Time Estimates• Schedule of modifications
22 September 2023	Questions of Clarification
26 September 2023	Inquiry Opens

Lesley Coffey
PLANNING INSPECTOR

10.08.2023