

THE HIGHWAYS ENGLAND (A249 Trunk Road Stockbury Roundabout Improvements) (Side Roads) Order 2019

THE HIGHWAYS ENGLAND (A249 Trunk Road Stockbury Roundabout Improvements) Compulsory Purchase Order 2019

The A249 Trunk Road (Stockbury Roundabout Improvements) Order 20[...]

**Highways Act 1980
And
Acquisition of Land Act 1981**

**NOTES OF PRE-INQUIRY MEETING
(This note should be read in conjunction with the accompanying
Directions Note)**

Held on Tuesday 29 September 2020 @ 1000 hours via Microsoft Teams platform

1. Inspector's Introductions and Opening Points

- The Inspector welcomed those present and introduced herself as Miss Karen L Ridge LLB (Hons) MTPL Solicitor. She has been appointed by the Secretary of State for Transport to conduct concurrent Inquiries into the 3 Orders referred to above and to prepare a Report with Recommendation to the Secretary of State.
- The Inspector confirmed that following the Pre-Inquiry meeting she would issue a note recording the events of the meeting (this document) and a set of directions setting out a timetable for the provision of all evidence and other documentation as required. A draft programme will be provided by the Inspector to the parties one week before the commencement of the Inquiry for comments. The finalised programme will be issued no later than Friday 6 November 2020.
- The Inspector confirmed that Mrs Yvonne Parker is continuing to act as the Programme Officer for the Inquiries and she will be the main point of contact for all parties regarding administrative and other procedural arrangements. Her main duties, under the direction of the Inspector, are:
 - Acting as the link between participants and the Inspector;
 - Keeping records of those attending the pre-Inquiries meeting and Inquiries;
 - Organising and keeping under review the Inquiries programme;
 - Organising practical arrangements for the Inquiries, including co-ordinating and advising on appearances;
 - Co-ordinating the receipt and distribution of documents;

- Maintaining the Inquiry website and document lists; and
- Planning site visits.
- She will play no part in the Inspector's report to the Secretary of State beyond helping with the collation of lists of those appearing at the Inquiries and of Inquiries documents, which will be appended to it.
- The Programme Officer's contact details are given below:
 - Telephone no.: 01282 450522
 - Mobile no.: 0781 3334305
 - Email address: posltd@virginmedia.com
 - Address: 2 Priory Court, Burnley, Lancashire, BB11 3RH

2. Purpose of the Public Inquiries

- The Inquiries are into applications made by Highways England (the Acquiring Authority) for three orders as set out above.
- The purpose of the Inquiries is to enable the Inspector to gather evidence before making his report to the Secretary of State. In her report she will set out the gist of the evidence given to the Inquiries and recommend either that:
 - The Side Roads Order and the Compulsory Purchase Orders should be confirmed, they should be modified and confirmed, or they should not be confirmed.
 - The Trunk Road (Line Order) should be made, should be modified and made or should not be made.
 The Secretary of State will consider the Inspector's report before deciding what action to take on the Orders.
- The Inquiries will hear representations concerning the above Orders in light of, but not limited to, objections which have been made and not withdrawn.
- The Inspector confirmed that she had been appointed following the adjournment which resulted due to the Covid-19 pandemic. She explained that it was her role to ensure that the procedure for the Inquiry was fair for all participants and to ensure that all parties have the right to be heard. Whilst it is intended that the Inquiries will take place primarily as a 'virtual event' via the Microsoft Teams platform, the Inspector outlined some of the arrangements provisionally in place to accommodate those parties without access to Microsoft Teams.
- The provisional arrangements include a hybrid event- anticipated to take place for 2 days during the second week of the Inquiry when the Inspector and those objectors unable to connect via Teams would attend at the Hilton Hotel in Maidstone where arrangements would be in hand for the objectors to give evidence via Teams with the Inspector in the room and other parties on Teams. It is anticipated that timed slots would be given to those objectors.

- The second initiative for objectors without access to Teams is the offer to attend a boardroom in the Maidstone Hilton Hotel for the duration of the Inquiry where the event would be livestreamed onto screens. All attendees at the Hotel venue must act in accordance with the Hotel's policies in relation to ensuring that the venue is Covid-secure and they must make their own decision about whether or not it is appropriate for them to attend at the hotel given any health considerations. Attendance is at their own risk. If any objector does not have access to the Teams platform and they have concerns about attending a public venue they should inform the Programme Officer.

3. The Purposes of the Pre-Inquiry Meeting

- The Inspector said that one of the purposes of the meeting was to discuss all administrative and procedural arrangements for the Inquiries which are now scheduled to open on 9 November 2020. **Sitting days are currently scheduled for 9-13 November 2020 inclusive, 16-18 November 2020 inclusive and 30 November-4 December 2020 inclusive.**
- The Inspector explained that the meeting was also to discuss the format of the Inquiry, the focus of the evidence and the most appropriate means of testing that evidence.

4. Identity of the various parties to the Inquiry

- The parties to the Inquiry were asked to identify themselves. The Acquiring Authority is represented by Mr Emyr Jones of Counsel and he indicated that he intended to call the following witnesses and their topics of expertise:
 - Christopher Roberts- Engineering
 - Camelia Lichtl- Project Manager
 - Adam Lawrence- Noise and Vibration
 - Jim Ball- Construction
 - Craig Shipley- Traffic and Economic Impact
 - James Cook- Biodiversity
 - Neil Carpenter- Planning
 - Graham Woodward- Landscape and Visual Impact
- There are 3 statutory objectors.
 - Mr Woods, Parish Chair acting on behalf of Stockbury PC who will give evidence on his own behalf.
 - Mrs Mary Evans represented by Mr Snart, Chartered Surveyor of Hobbs Parker Property Consultants Mrs Evans will either give evidence on her own behalf or her evidence will be read/presented by Mr Snart. In addition, Ms Tracy Corbishley will also give evidence on behalf of her mother, Mrs Evans.
 - Kent Downs AONB unit: represented by Ms Katie Miller who will give evidence but cannot attend on 10 and 11 November 2020. The Inspector indicated that this would be accommodated in the programming of the Inquiry.

- In addition, there are other objectors and supporters who wish to speak at the Inquiry and who have notified the Programme Officer of their interest. The Inspector indicated that she would programme time to hear from these interested parties at the Inquiries. Those at the meeting indicating they wished to make representations to the Inquiries included:
 - Mr McDonald – Minster on Sea Parish Council who confirmed he had a number of concerns but did not necessarily wish to object to the scheme. Mr McDonald also represents Sheerness Town Council and others and the Inspector requested that separate representations are submitted on behalf of different organisations
 - Councillor Ken Ingleton
 - Ms Anne Rillie indicated that Sarah Rayfield would wish to address the Inquiries on behalf of the British Horse Society- they had concerns about the effects on Public Rights of Way. Ms Rillie indicated that she would prefer a roundtable session on this matter. Mr Jones on behalf of Highways England indicated his agreement and the Inspector confirmed that this matter will be dealt with by roundtable session.

- At the Inquiries the Inspector will wish to hear from anyone who has a relevant point to make in connection with the Orders. Parties may appear at the Inquiries in person and may be represented by counsel, a solicitor or some other representative. It may be that arguments for or against the Orders could be made more effectively and succinctly by one person/organisation than by many individuals making the same points in slightly different ways. The Inspector urges parties/individuals to get together wherever possible to present joint cases through a single spokesperson. In order to ensure that the Inquiries are completed as expeditiously as possible, the Inspector will intervene to prevent any unnecessary repetition.

- People who do not need or wish to speak at the Inquiries will, nonetheless, be welcome to attend on the Teams platform as observers. In considering the Orders and associated matters, the Inspector will take account of all of the evidence heard at the Inquiries, as well as written representations received before it closes. However, greater weight can be attached to evidence given at the Inquiries which is open to testing through cross-examination.

5. **Main Issues/topics to be addressed:** for discussion:

- **Side roads order:** the Inspector will wish to ascertain whether any relevant requirements of the associated sections of the Highways Act 1980 have been met. That is:
 - 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; and,
 - 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.

- Specific concerns raised includes issues of highway safety (Church Hill junction, Oad Street and private accesses) and economic impacts.
- **CPO:** The Inspector will wish to ascertain whether there is a compelling case in the public interest and the purposes for which the Compulsory Purchase Order has been made, which sufficiently justify interfering with the human rights of those with an interest in the land affected.

In relation to these matters reference will be made to the Ministry of Housing Communities and Local Government Guidance on compulsory purchase process and The Crichel Down Rules, 2019, which draws attention to, amongst other things, the following:

- Particular consideration should be given to the provisions of Article 1 of the First Protocol of the European Convention on Human Rights and, in the case of a dwelling, Article 8.
 - The Acquiring Authority (AA) should have a clear idea of how it intends to use the land it is proposing to acquire;
 - The AA should show that all the necessary resources are likely to be available to achieve the scheme purpose within a reasonable timescale; and,
 - The AA should be able to show that there is a reasonable prospect of the scheme going ahead, and that it is unlikely to be blocked by any impediments to implementation. adequacy of options consultation.
- **Line Order:** The Inspector will wish to ascertain whether any relevant requirements of the Highways Act 1980, section 10, have been met. That is:
 - Whether the purpose for which the Order is promoted is extending, improving and/or reorganising the Trunk Road system; and,
 - Having taken into consideration the requirements of local and national planning, including the requirements of agriculture, that the proposal is expedient for the purposes intended.
 - Other concerns raised include highway safety, effect on local economy, character and appearance, adequacy of ES, effect on agriculture, living conditions and ecology and biodiversity (including air quality) and noise and the physical severance of communities. Public Rights of Way were also raised, and Mr Jones confirmed that this matter would also be addressed.

6. **Statements of Common Ground/Areas of Disagreement**

- Mr Jones indicated that Highways England had already agreed Statements of Common Ground (SCG) with Mr Kevin Attwood, Mr William Attwood and Ms Stella Attwood- these will be submitted.

- Highways England are in the process of agreeing a SCG with Kent Downs AONB unit setting out areas of agreement and disagreement and suggested viewpoints.
- Stockbury Parish Council indicated that they had been in discussions with Highways England but did not consider that a SCG could be agreed. The Inspector indicated that even if the SCG is a record of the main points of contention between the parties, this may be useful to the Inquiries.
- Mr Snart, acting on behalf of Mrs Evans, was similarly not hopeful that a SCG could be finalised. The same observations apply.

7. Procedure at the Inquiry

- The Inspector's preliminary view is that there will be a need to consider the most appropriate mechanism for testing the evidence having regard to the current constraints and difficulties given the situation with regard to Covid-19 and the possibility of changing government guidance before the Inquiry opens.
- The starting position is that the Inquiry will largely be a virtual event hosted by PINs on the Microsoft Teams platform. However, the Inspector is aware of the difficulties of some statutory objectors, and others, in engaging with the Teams platform. It is hoped that some provision can be made to facilitate 1 or 2 days of the Inquiry being held as a hybrid event with the Inspector and such objectors appearing in person at a Covid-Secure venue and with other participants on Teams. At the meeting the Inspector indicated that it was likely that this would take place in the second week 16-18 November 2020.
- Roundtable sessions have been mooted for public rights of way and landscape matters. These will be discrete sessions for each matter-programmed into the Inquiries when the main objectors and witnesses interested in these matters will attend and engage in a discussion lead by the Inspector who will prepare and circulate an agenda beforehand. There will be no formal presentation of cases and no cross-examination during these sessions, unless the Inspector allows it.
- The Inquiry will take place in a number of parts, as follows:
 - Essentially the first part will involve Highways England (HE), as the Acquiring Authority, calling all of its witnesses in turn who will give evidence in chief and the Inspector will ask any of her questions. During this part of the Inquiry objectors will not generally be permitted to ask questions- there will be other opportunities for questioning of professional witnesses.
 - The second part of the Inquiry will entail discrete events dealing with each of the three statutory objectors individually and in turn. These events will involve HE calling those witnesses to deal with the specific objections made by the statutory objector, the objector can then cross-examine each witness and there may be re-examination. This procedure is repeated for each of HE's

witnesses. After all of the HE witnesses have given evidence, the statutory objector will give evidence and may be cross-examined if they consent to it. At the end of an objector's case, the objector will be invited to make submissions (a short speech setting out their case and referring to the evidence). HE will be invited to make short submissions in relation to the objector's case. The procedure will be repeated for the next statutory objector.

- The third part of the Inquiry will involve a session in which Interested Persons will be invited to make their representations. The Inspector indicated to Mr Jones that, if necessary, he would be permitted to make application to recall any professional witnesses.
- At some point in the Inquiry there will be the two roundtable sessions already referred to. This will either be at the end of the first part of the Inquiry or after the second part of the Inquiry described above. It will depend on programming.
- The above sets out a running order anticipated at this time. Parties should note that this may be subject to change but that any change will be notified in advance so that all parties are aware. Detailed programming will take place in the week immediately preceding the Inquiry.
- The Inspector indicated that the virtual Inquiry will sit for 4.5 hours a day in three x 1.5hour sessions. She anticipated that the first morning would start at 10.00am but thereafter the Inquiry day would start at 9.30am. The Inspector will make every effort to accommodate the timing requirements of those wishing to speak. If any witness or party cannot attend on a given day¹ they should notify the Programme Officer as soon as possible.

8. Arrangements for site visits

- The Inspector indicated that she hoped to do most of the site visits on an unaccompanied basis. She will conduct a series of unaccompanied site visits before the Inquiry opens. She will conduct further site visits (unaccompanied and accompanied if necessary) during or after the Inquiry.
- The Inspector asked Highways England, in the first instance, to Mr Jones indicated that this could be done within 7 days of the meeting.
- The Highways England lists will be published on the Inquiry website and the Inspector asks that following publication- if any other party wishes to suggest **additional** viewing locations these should be notified to the Programme Officer (with a clear map) **by no later than 12 noon on Friday 16 October.**

¹ The Inspector has already noted that Ms Miller is not available on 10 and 11 November 2020.

9. Nature and Format of Evidence

- A timetable for submission of all documents to include: SCG, proofs, core documents, rebuttals was discussed and is set out in the directions notice which accompanies this Note.
- The **core documents** list will be finalised and submitted by Highways England on **Friday 9 October 2020**. It will be published on the Inquiry website and all parties should use it to refer to documents in their evidence.
- If, in evidence, reference is made to any other document, which is not included in the list of core documents, a copy of that document (or the relevant extract plus the cover page), must be submitted as an appendix to the proof of evidence. Those who wish to rely on material from the internet must provide printed copies of the material in question, as the content of websites can change and it is important that the Inspector and the Secretary of State see the information the witness intends them to see.
- All evidence will be submitted electronically. Where possible the Inspector would prefer links to appendices embedded within the proofs (this applies primarily to professional witnesses). All parties' **proofs of evidence** (including those of statutory objectors) should be submitted by no later than **4pm on Friday 16 October 2020**
- Summary proofs are not essential but if they are not to be provided, there should be a clear summary/conclusions section which the witness can be directed to in examination in chief.
- All professional witnesses are expected to provide a reading list accompanying their evidence. The lists need not be exhaustive but should be intended to direct the Inspector's reading to key pieces of evidence underpinning the statements.
- **Rebuttal proofs** which deal only with issues raised by the proofs of evidence of opposing party should be submitted by **no later than 4pm on Friday 30 October 2020**. The Inspector reiterated that rebuttals are not an opportunity to introduce new issues.
- The Inspector confirmed that, following the submission of evidence and documents, the Programme Officer will upload all submissions onto the Inquiry website as soon as possible and by no later than 2 days following submission.

10. Listing, numbering and Availability of Documents

- The Inspector urges parties to ensure that proofs of evidence and associated documents conform to the following guidelines:
 - Document number on the top right corner of cover page;
 - Indicate on the cover page the name of the party on whose behalf the evidence is given, the name of the witness, relevant qualifications and the topic(s) covered;
 - Number all pages and paragraphs;

- This event is scheduled as virtual event and the important of referencing documents so that they can easily be located cannot be overstated. To that end, all parties are directed to the Note on Referencing Documents appended to this Note. Each party should agree their proposed approach in advance with the Programme Officer, in the interests of consistency and clarity.

11. Written Representations

- The Inspector requested that if anyone intends to submit additional written representations rather than appearing at the Inquiries, they should be submitted to the Programme Officer, in the same way as main proofs, **not later than 4pm on Friday 16 October 2020.**

12. Inquiries Programme

- At present arrangements have been made for the Inquiry to sit for 13 days 9-13 November 2020; 16-18 November 2020 and 30 November to 4 December 2020.
- The Programme Officer will be contacting all parties who indicate that they intend to appear to gain information needed to draw up a programme for the Inquiries.
- In any event, the following information must be submitted to the Programme Officer by no later than **12 noon on Monday 2 November 2020**, by all those who intend to appear at the Inquiry to give evidence:
 - The duration of any opening and closing statements, if any are to be made;
 - The duration of evidence in chief for each of their own witnesses;
 - Details of the opposing witnesses they wish to examine and the duration of cross-examination of each of the opposing parties' witnesses.
- The Inspector will use that information to compile a draft programme for the Inquiries, which will be of benefit to all concerned and aid the smooth running of the proceedings and efficient use of time.

13. Other Procedural and Administrative matters

- Until the commencement of the Inquiries a copy of every document submitted by Highways England may be viewed on the Highways England project website at: <https://highwaysengland.co.uk/projects/m2-junction-5-improvements/>

In addition, all Inquiry documents submitted in an electronic format to the Programme Officer can be viewed on the Inquiries website at:
<http://programmeofficers.co.uk/m2j5/>

Karen L Ridge

Inspector

APPLICATION REFERENCE DPI/U2235/19/21

THE HIGHWAYS ENGLAND (A249 Trunk Road Stockbury Roundabout Improvements) (Side Roads) Order 2019

THE HIGHWAYS ENGLAND (A249 Trunk Road Stockbury Roundabout Improvements) Compulsory Purchase Order 2019

The A249 Trunk Road (Stockbury Roundabout Improvements) Order 20[...]

**Highways Act 1980
And
Acquisition of Land Act 1981**

DIRECTIONS GIVEN AT PRE-INQUIRY MEETING

This note should be read in conjunction with the Notes of Pre-Inquiry Meeting

Held on Tuesday 29 September 2020 @ 1000 hours via Microsoft Teams platform

1. Highways England (the Acquiring Authority) will submit a Core Documents list to the Programme Officer by email by no later than **4pm on Friday 9 October 2020**.
2. Highways England shall provide a list of two sets of suggested visits (unaccompanied and accompanied), together with maps and suggested routes and timings for the visits (if needed). The lists shall be submitted to the Programme Officer by **no later than 4pm on Tuesday 6 October 2020**. Any other party wishing to suggest additional viewing locations/site visits should notify the Programme Officer of the locations with a clear map by **no later than 4pm on Friday 16 October 2020**.
3. All Statements of Common Ground should be submitted to the Programme Officer by no later than **4pm on Monday 5 October 2020**.
4. Proofs of evidence from all main parties (the Acquiring Authority and Statutory Objectors) shall be in the format discussed at the Pre-Inquiry Meeting and shall be submitted to the Programme Officer by no later than **4pm on Friday 16 October 2020**.
5. Any other objectors/representors wishing to submit additional written representations rather than appearing at the Inquiries,

should submit those written representations to the Programme Officer, in the same way as main proofs, **not later than 4pm on Friday 16 October 2020.**

6. Any rebuttal proofs of evidence or supplementary statements must be submitted to the Programme Officer by **no later than 4pm on Friday 30 October 2020.** Parties are reminded that supplementary statements must only cover any relevant changes in circumstances.

7. All main parties, to include the Acquiring Authority and the Statutory Objectors, shall submit to the Programme Officer a final list of the names of the advocates appearing, those witnesses they will be calling and their professional qualifications together with updated time estimates for examination and cross examination, no later than **12 noon on Monday 2 November 2020.** A reading list in relation to each witness's evidence shall be submitted setting out the key documents upon which that evidence relies.

Karen L. Ridge

INSPECTOR

Yvonne Parker
Programme Officer
Tel: 01282 450522 / 0781 333 4305
posltd@virginmedia.com

Note on the submission of evidence which are due on Friday 16 October

1. Each Party should use an acronym (prefix) to identify their party. For example Highways England will be HE. Bredgar Parish Council (BPC).
2. Each witness needs to be allocated a number and the evidence should be referenced in the **TOP RIGHT HAND CORNER** using the system below. *If you have any questions on referencing PLEASE contact me in advance especially when dealing with the appendices.* I do NOT want the appendices presented for example in 26 parts – they should have only one reference on the front of the appendices document but each section within it should have a reference. This is vital as the Inquiry is being held remotely and we need to be able to locate documents quickly.

EXAMPLES

Highways England (HE)	
HE/1/1	Summary Proof of evidence of witness 1
HE/1/2	Proof of evidence of witness 1
HE/1/3	Appendices to Proof of evidence of witness 1
HE/2/1	Proof of evidence of witness 2 (includes a summary/conclusion)
HE/2/2	Appendices to Proof of evidence of witness 2
HE/2/3	Rebuttal Proof of evidence of witness 2
Bredgar Parish Council (BPC)	
BPC/1/1	Summary Proof of evidence of witness 1
BPC/1/2	Proof of evidence of witness 1
BPC/1/3	Appendices to Proof of evidence of witness 1
BPC/2/1	Proof of evidence of witness 2
BPC/2/2	Appendices to Proof of evidence of witness 2

- Please do NOT leave gaps between the referencing - If there is no summary or appendices then your reference would be HE/1/1 OR BPC/1/1*
 - Summary proofs are not essential but if they are not to be provided, there should be a clear summary/conclusions section which the witness can be directed to in examination in chief.
3. Parties should email their evidence between themselves and send a copy to me as quickly as possible so I can get it on the website.
 4. The evidence should be emailed to posltd@virginmedia.com by no later 4pm on Friday 16 October.

If you have ANY questions please contact me