

**LEICESTER COUNTY COUNCIL A606 MELTON MOWBRAY  
DISTRIBUTOR ROAD  
NOTE FOLLOWING PRE INQUIRY MEETING HELD 6 JULY 2021**

This note sets out the matters discussed at the Pre-Inquiry Meeting (PIM) held at 11:00 on 6 July 2021.

The conference was arranged to consider the management of the Inquiry into the above Compulsory Purchase Order (CPO) and Side Roads Order (SRO) the notices for which were submitted to the Secretary of State for confirmation on 21 October 2020. A number of objections to the CPO and SRO were received and the Secretary of State gave notice on 15 January 2021 of his intention to call a Public Inquiry to consider the objections.

Not all Objectors were represented at the meeting. This does not preclude them from taking part in the Inquiry, but if they intend to do so, they should have regard to the contents of this note, including the timetable set out below.

**Programme Officer**

I will be assisted by the Programme officer Robert Young. If you have any questions outside of the formal process they should be directed to him. Contact details are Email: [robert.young@leics.gov.uk](mailto:robert.young@leics.gov.uk) Phone: 07596 889557.

**Inquiry Arrangements**

The forthcoming Inquiry will be undertaken as a digital event using the Teams platform. The Inquiry will open on Tuesday 21 September 2021 at 10:00am.

The Inquiry is scheduled to sit for 12 days. However, there may be a need for additional sitting days due to the virtual nature of the Inquiry. The parties are therefore asked to advise the Programme Officer of your availability should additional sitting days be required and also any constraints on your availability during the Inquiry.

Having regard to health and safety issues and other constraints it is intended to have two sessions of an hour and a half in the morning and one in the afternoon. The Inquiry should therefore be timetabled on this basis.

There will be a break of about half an hour between sessions with an hour for lunch. As far as possible any discussions between the parties or the need to take instructions should take place outside of the scheduled sitting times to avoid unnecessary adjournments.

As mentioned at the PIM it would be helpful to me if on the final week (w/c 4 October) if we could sit from Monday to Thursday. If this

presents difficulties for any party we can review this once time estimates have been submitted. The sitting times and need for any additional dates will be reviewed following the exchange of Proofs.

### **Entry into the inquiry**

Good practice indicates logging in at least 15-30 mins before the start of the Inquiry, maybe earlier if you think there may be a lot of people looking to join. Everyone taking part in an event needs to be sure that they are in the meeting in good time so each session can start on time. As you now know, when you log in you will arrive in a silent lobby. The Programme Officer will acknowledge you are there, take your name and then allow you to join the meeting itself when it begins. If you join early, you can always turn off your camera and microphone and go off to do other things, coming back to the computer shortly before the start. Just remember that if you don't turn them off, others will be able to hear and see you.

At the appointed time, the Programme Officer will ask the main spokesperson for the Council to turn their cameras on. I will then join the event and open proceedings.

### **Main Issues**

In relation to 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 have 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.

Based on the information submitted to date the likely topics at the Inquiry are:

- The effect on the rail corridor
- Flood risk
- Effect on biodiversity, including River Eye SSSI
- Effect of scheme on Lag Lane
- Provision for Non-Motorised Users
- The effect on heritage assets
- Noise
- Air quality
- The effect on individual businesses, including agricultural holdings and Melton Mowbray Manufacturing zone
- Whether the land to be acquired is all needed and whether reasonable steps have been taken to acquire land by other means.

### **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 both at the Inquiry and within Proofs of Evidence. These should be submitted by **10 August 2021**, but should not preclude the parties from continuing to narrow their differences.

### **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) 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
- c) Questions of Clarification of the promoting authority's witness by objectors. It would be helpful if questions of clarification submitted in writing to the Programme Officer by **15 September**. This will allow Promoter's witnesses to address the matter in their Evidence in Chief.
- d) Questions to the promoting authority's witnesses by their advocate about their response to c)

We will then hear from Objectors in an order to be decided, once Proofs of Evidence have been submitted. 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 Objectors 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.

### **Witnesses and Running Order**

The Promoter anticipates calling 7-8 witnesses.

Whilst it is possible that some objections will be withdrawn prior to the commencement of the Inquiry, since some Objectors were not represented at the PIM the number of Objectors wishing to appear is unclear, but it is likely that there will be at least 10.

Objectors should advise the Programme Officer as early as possible if they intend to appear, whether they will be professionally represented and how many witnesses they propose to call. 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 **10 September 2021**. This will assist the Programme Officer with the preparation of a draft timetable and the running order for witnesses.

## **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. At the PIM the Council indicated that details of a route/significant viewpoints had previously been prepared. 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 **10 September**.

## **Presentation of Evidence**

Proofs of evidence should be submitted electronically no later than **31 August**. Three hard copies of Proofs of Evidence should be sent to the Programme Officer as soon as possible thereafter. I am happy to rely on electronic copies of most of the Core Documents, and the Programme Officer will advise which, if any, I require as hard copies.

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 **10 September**.

## **Management of Core Documents & Inquiry Library**

A website has been set up for the Inquiry. It can be accessed using the following link: <https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/north-and-east-melton-mowbray-distributor-road-scheme/public-inquiry>

All documents will need to be accessed digitally.

The library will be updated throughout the event. A separate folder will be provided for documents handed up during the Inquiry. Any such documents should be emailed to the Programme Officer.

Should it be necessary to submit any documents during the course of the Inquiry I would urge the parties to submit them the day before to avoid unnecessary adjournments.

### **Inquiry Timetable for Submission of documents**

<b>10 August 2021</b>	<b>Statements of Common Ground/Position Statements</b>
<b>31 August 2021</b>	<b>Exchange of Proofs of Evidence</b>
<b>6 September 2021</b>	<b>Site Notices</b>
<b>10 September 2021</b>	<ul style="list-style-type: none"><li>• <b>Rebuttal Proofs if required</b></li><li>• <b>Draft Site Visit Itinerary</b></li><li>• <b>Time Estimates</b></li></ul>
<b>15 September 2021</b>	<b>Questions of Clarification</b>
<b>21 September 2021</b>	<b>Inquiry Opens</b>

*Lesley Coffey*

PLANNING INSPECTOR

12.07.2021