

**THE LEICESTERSHIRE COUNTY COUNCIL (A511 GROWTH CORRIDOR)
(SIDE ROADS) ORDER 2023**

**THE LEICESTERSHIRE COUNTY COUNCIL (A511 GROWTH CORRIDOR)
COMPULSORY PURCHASE ORDER 2023**

REF: NATTRAN/EM/HAO/299

**Inquiry opening at 1000 on Tuesday 11 June 2024 at
The Fieldhead, Markfield Lane, Markfield, Leicestershire, LE67 9PS**

INSPECTOR'S PRE-INQUIRY NOTE

INTRODUCTION

1. The Inspector will be Mr S Dean MA MRTPI. He has been appointed by the Secretary of State for Transport to hold inquiries into the above Orders. The inquiries will be held concurrently and will be referred to as the inquiry.
2. The Inspector will hear the case for the promoters, any supporters, the objectors and any relevant representations. He will then submit a report to the Secretary of State on the evidence and submissions heard at the inquiry and all of the written evidence, together with his conclusions and recommendations.
3. This inquiry is necessary because objections have been received and not withdrawn. At present, the Inspector has details of 7 objectors, but expects that the Council will continue to engage with all objectors up to and including at the public inquiry, so understands that this may change.
4. Attention should be paid to, and proofs of evidence should be directed towards, the statutory tests that must be satisfied before the Side Roads Order can be confirmed. The tests are that:
 - a) No highway shall be stopped up unless another reasonably convenient route is available or will be provided before the highway is stopped up.
 - b) The stopping up of a private means of access shall only be authorised if no access to the premises is reasonably required; or if another reasonably convenient means of access to the premises is available or will be provided.
 - c) Provision has been made for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across the highway to be stopped up or diverted.

5. With reference to Government policy on the compulsory purchase process, the main matters for consideration in relation to the CPO, and on which evidence should be focussed will be whether:
 - there is a compelling case in the public interest for use of compulsory purchase powers as proposed in the Order;
 - the purposes for which the CPO is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration in this case will be given to Article 1 of the First Protocol – right to peaceful enjoyment of their possessions;
 - the acquiring authority has a clear idea of how it is intending to use the land it seeks to acquire;
 - whether it is able to show that all necessary resources are likely to be available to achieve that end within a reasonable time-scale; and
 - the scheme is likely to be blocked by any physical or legal impediments to implementation, such as the programming of any infrastructure accommodation works or remedial work which may be required, or the need to obtain a consent or licence.
6. Discussion about the merits of Government policy, general methodologies and design standards and matters of compensation are amongst the matters outside the scope of the inquiry.

PROCEDURE

7. The inquiry will be conducted in accordance with the statutory rules: the Highways (Inquiries Procedure) Rules 1994 (SI 1994/3263) and the Compulsory Purchase (Inquiries Procedure) Rules 2007 (SI 2007/3617).
8. The inquiry will be conducted on the basis of openness, fairness and impartiality. With this in mind, people should not try to speak to the Inspector outside of the inquiry. Anything that needs to be said to the Inspector should be said in the inquiry where everybody else has the opportunity to hear and comment on it.
9. The inquiry is due to sit for not more than 4 days from 11 to 14 June.
10. Anyone wishing to speak should attend the opening of the inquiry in order that they may be accommodated within the programme.

OUTLINE SCHEDULE

11. After the Inspector's opening announcements, the proceedings will normally follow the sequence:

- i) an opening statement by the advocate for the Promoting Authority;
- ii) the promoting authority's presentation of the evidence-in chief by their witness;
- iii) the cross-examination of the promoting authority's witness by objectors;
- iv) the re-examination of the promoting authority's witness by their advocate;
- v) the presentation of the objector's evidence and representations;
- vi) the cross-examination of the objector (or his or her witness if represented) by the promoting authority's advocate;
- vii) the reply to the cross-examination (or re-examination if the objector is represented by an advocate) and a final statement by the objector;

[NOTE: stages (ii) to (iv) and stages (v) to (vii) would be followed for each individual witness and objector.]

- viii) closing statements by objectors or their advocates;
- ix) the closing statement by the promoting authority's advocate;
- x) arrangements for accompanied site inspection if considered necessary; and
- xi) the Inspector's closure of the inquiry.

12. If the Inspector considers that it would be in the interests of the inquiry or necessary to accommodate individuals or unusual circumstances, he may vary the procedure accordingly within the requirements of the appropriate inquiries procedure rules.

13. The inquiry will open at 1000 hours on the first day. The start time on the following days will be confirmed during the inquiry. Sitting generally will be to 1700 hours, with a break for lunch and short breaks mid-morning and mid-afternoon.

MODIFICATIONS

14. If any modifications are proposed to the SRO or CPO by the Council written details should be provided at the inquiry and presented as a formal draft modification.

STATUTORY FORMALITIES

15. The Council will need to confirm whether or not all the appropriate statutory formalities have been observed.

DOCUMENTS

16. In line with earlier correspondence, proofs of evidence must be submitted to the Inspector via the National Transport Casework Team and copied to the Council by not later than **21 May 2024**.
17. Although not encouraged, any rebuttal proofs of evidence must be submitted no later than one week before the inquiry opens, that is **4 June 2024**.
18. The Inspector will require written copies of opening and closing statements as they are made, which will be given an Inquiry Document number. Provision should be made to ensure sufficient copies are available for all parties, and electronic copies should be sent to the Planning Inspectorate Case Officer – (email ETC@planninginspectorate.gov.uk) as these may form the basis of the reporting of cases.
19. Documents and evidence should have been provided in accordance with the timetable, but any documents handed up during the inquiry will be given an Inquiry Document number and again, electronic copies should be sent to the Planning Inspectorate Case Officer.
20. All documents should have page and paragraph numbers for easy and effective referencing. Electronic documents should be native PDFs wherever possible, rather than scanned images. Appendices need only contain those extracts of another document that are relevant.
21. Where proofs of evidence are more than 1,500 words long, summaries are required. Generally, only the summary will be read at the inquiry. Summaries should not be more than 1,500 words or 10% of the proof whichever is greater. They should contain the main points to be relied upon, and they may form the basis of the reporting of the cases.
22. Although only the summary will be read at the inquiry, questioning will be allowed on the whole of the proof. Direct answers to questions will be expected and, where this is the case, answers should be heard without interruption.
23. Proofs of evidence should be concise and brief, with no repetition either within the proof or between witnesses. They need not recite national, regional or local policies or guidance unless a short quotation is needed to make a particular point.
24. Objectors and supporters should make it clear in submissions the Orders to which they object or support.

25. Those seeking modifications to the Orders should provide a general description of what it is they are seeking, a detailed justification and detailed drafting amendments.
26. The Inspector intends to work electronically, but the parties should consider whether additional copies of evidence would be useful in the inquiry to help members of the public follow the evidence.
27. The Council should ensure that plans are on display and a reference set of all documents is available at the inquiry venue.
28. Parties are to work collaboratively on the time estimates for each stage of their respective cases, with final timings for openings and closings, evidence in chief and cross-examination to be submitted not later than **4 June 2024**.
29. Other than in exceptional circumstances, parties are expected to take no longer than the timings indicated, which will require the cooperation of both advocates and witnesses.

SITE INSPECTIONS

30. The Inspector will look at the Order lands and its surroundings informally and unaccompanied from public vantage points before the inquiry. If necessary, he will also carry out formal and accompanied inspections on public and private land with permission during the inquiry and will need to be accompanied by the Council and a relevant objector.

CONTACTS

31. It would be helpful for there to be a point of contact at the Council who will be available throughout the inquiry.
32. If there is an inquiry web-site, this pre-inquiry note should be added.
33. The Inspector thanks parties in advance for following the timetable set out in this note and encourages their close and continuing collaboration in advance of the inquiry.

S Dean

INSPECTOR

DATE: 7 May 2024