



# The Planning Inspectorate

## **THE KENT COUNTY COUNCIL (A28 STURRY LINK ROAD) (COMPULSORY PURCHASE) ORDER 2023**

## **THE KENT COUNTY COUNCIL (A28 STURRY LINK ROAD) (SIDE ROADS) ORDER 2023**

### **PRE-INQUIRY NOTE**

My name is Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP and I am the Inspector appointed by the Secretary of State for Transport to conduct an Inquiry into the above Orders. The purpose of this note is to assist with the organisation of the forthcoming Inquiry that is due to open at 10:00 on Tuesday 1 October 2024.

### **Inquiry Arrangements**

The venue for the Inquiry is The Guild Hall, St Peters Street, Canterbury, Kent CT1 2DB. The Inquiry is scheduled to sit for 2 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;
- Provision has been made for the preservation of any rights of statutory undertakers in respect of their apparatus.

The Compulsory Purchase Order will only be made where the Secretary of State is satisfied that:

- There is a compelling case in the public interest for the Order to be made;
- This justifies interfering with the human rights of those with an interest in the land affected;
- The acquiring authority has a clear idea of how it is intending to use the land it seeks to acquire;
- The acquiring authority can show that all necessary resources (including funding) to carry out its plans are likely to be available within a reasonable timescale; and
- The scheme is unlikely to be blocked by any impediment to implementation.

## **Proofs of Evidence**

Where a party proposes to give evidence at the Inquiry by reading from a document (known as a 'proof of evidence'/'statement of evidence'), it must be submitted and circulated to others not later than 3 weeks before the Inquiry. That date is today, **10 September 2024**.

Proofs should be as succinct as possible, avoiding unnecessary or extraneous material which only serves to obscure the key points to be made. If the proof exceeds 1500 words, it must be accompanied by a summary of not more than 1500 words.

## **Actions to be taken by the parties in advance of the Inquiry**

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 **20 September 2024**, but should not preclude the parties from continuing to narrow their differences.

Objectors should also advise me by **20 September 2024** if they intend to appear at the Inquiry. They should also advise whether they will be professionally represented. This will assist with the efficient running of the Inquiry and ensure that sufficient time is allocated for the event.

All parties should advise me of the witnesses they anticipate calling (number, names, any time availability constraints). Further, all parties should submit estimates of the time (in total, and broken down for each witness) needed to present their respective cases ('evidence-in-chief') as well as estimates of time needed for any cross-examination/questioning of witnesses giving evidence on behalf of another party. These witness details and timings should be submitted by **20 September 2024**.

Any schedule of modifications and/or amendments should be submitted by the Promoter no later than **20 September 2024**.

## **Procedure at the Inquiry**

The inquiry will be conducted under the Highways (Inquiries Procedure) Rules 1994 and the Compulsory Purchase (Inquiries Procedure) Rules 2007.

Subject to any comments from the parties (to be made by 20 September 2024), I will use the order of proceeding commonly known as 'Method B' (attached to this note as Annex 1).

## **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.

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

A dedicated Inquiry website to facilitate access by all parties to Inquiry documents shall be provided. It will 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.

*Andrew Walker*

INSPECTOR

10 September 2024

## **Annex 1 – order for proceeding at an Inquiry**

### ACQUIRING AUTHORITY'S CASE:

- (1) opening statement by advocate
- (2) all witnesses in turn:
  - (a) evidence-in-chief on common or general matters.
  - (b) questions by Inspector on matters of fact or common interest only.

NB cross-examination by objectors is generally deferred.

### FIRST OBJECTION:

- (1) Acquiring authority's case on that objection:
  - (a) evidence-in-chief by authority's witness(es) specific to the objection.
  - (b) cross-examination of all or any of acquiring authority's witnesses by Objector
  - (c) re-examination
  - (d) Inspector's questions (if not dealt with during evidence).

[repeated for each subsequent witness]

- (2) Objector's case:
  - (a) evidence-in-chief by Objector's first witness.
  - (b) cross-examination by acquiring authority.
  - (c) re-examination
  - (d) Inspector's questions (if not dealt with during evidence).
  - (e) procedure repeated for objector's second and subsequent witnesses (if appropriate).
  - (f) Objector's submissions (if appropriate)
  - (g) Acquiring authority's specific reply to objection (unless deferred to final submissions – if so, ensure objector will be present).

SECOND AND SUBSEQUENT OBJECTIONS - Same procedure as for first objection.

### OBJECTIONS WHERE NO APPEARANCES MADE

### INTERESTED PERSONS

### ACQUIRING AUTHORITY'S FINAL SUBMISSIONS

### CLOSE OF INQUIRY