

**West Sussex County Council (A284 Lyminster Bypass (North)  
Classified Road) Side Roads Order 2020  
and  
West Sussex County Council (A284 Lyminster Bypass (North))  
Compulsory Purchase Order 2020**

**2 June 2021 Pre Inquiry Meeting Note**

**1. Introduction**

1. Martin Whitehead introduced himself as a Planning Inspector who has been appointed to hold inquiries into the applications and report to the Secretary of State for Transport.
2. The Programme Officer for the Inquiry will be Chris Banks who is a neutral officer, responsible to the Inspector. He will assist in hosting the Inquiry, which will be run virtually, keep records of those attending the meeting and the Inquiry; act as a contact between the Inquiry participants and the Inspector; and co-ordinate the receipt and distribution of documents (electronically). He will play no part in the report other than providing lists of documents.
3. The following acted as spokes persons at the meeting:
  - i. West Sussex County Council (WSCC)- Hugh Flanagan of Counsel
  - ii. HCC 2011 Limited, Mrs R Andrew and Ricotte Investments- Karen Jones, Solicitor, Blandy & Blandy LLP.

**2. Scope of Inquiry and Issues to be addressed**

4. The Inquiry will be into the Side Roads Order (SRO) and Compulsory Purchase Order (CPO). The evidence regarding the CPO should focus on those matters given in the 'Guidance on Compulsory purchase process and The Crichel Down Rules July 2019'. In the case of the SRO, section 14 of the Highways Act 1980 requires it to be demonstrated that another reasonably convenient route is available or will be provided before the highway is stopped up.

**3. Purpose of the Meeting**

5. The meeting was held to enable procedural matters relating to the Inquiry to be discussed, the use of Microsoft Teams for the Inquiry to be tested and for a timetable to be agreed regarding the submission of evidence for the Inquiry, which is due to open on Tuesday 10 August 2021. There were no discussions regarding the merits of any of the cases at the meeting.

**4. Appearances**

6. WSCC will be represented at the Inquiry by Hugh Flanagan, of Counsel. He is expecting to call the following witnesses:
  - i. Guy Parfect- Transport Planning
  - ii. Andrew Burrows, Capita- Engineering Matters (North)
  - iii. Tony Symonds, Jacksons Consultants- Engineering Matters (South)
  - iv. Mark Martin- Project Management
  - v. Nigel Godden, Director of WSP- Land and Property.

7. HCC 2011 Limited, Mrs R Andrew and Ricotte Investments are currently negotiating with WSCC in order to reach an agreement. If they appear at the Inquiry, Counsel will be instructed to represent them all and Simon Lush, Surveyor with Henry Adams will be called as a witness.
8. Network Rail has submitted a holding objection and will be likely to withdraw its objection subject to one point being agreed. T&L Crawley No 2 LLP are currently in negotiations with WSCC. Neither of these parties were represented at the meeting to give any indication as to whether they would be likely to appear at the Inquiry.

#### **5. How the Inquiry can be run as a Virtual event**

9. The Inquiry will be held as a Virtual event using Microsoft Teams. A link will be provided, and Chris Banks will be available to assist with using Microsoft Teams if required. The individual joining instructions provided will also include an etiquette to be observed. It will be necessary for all participants to ensure that they have a good internet connection to try to avoid any unnecessary delays to the Inquiry.
10. With health and safety in mind and to ensure that all participants are as comfortable as they can be, the Inquiry will sit for shorter days than a conventional Inquiry, broken up into chunks of time with breaks in between. Sessions will last for about 1.5 hours with at least 15 minutes in between.

#### **6. Dates and Times of Sitting**

11. The inquiry will open at 1000 hours on Tuesday 10 August 2021. 6 days have been allowed for the Inquiry, to include the Tuesday and Wednesday of the following week. Andrew Burrows and Tony Symonds will not be available for the second week.
12. The Inquiry will be a virtual event and the Inspector will be holding it from the Planning Inspectorate Officers at Temple Quay House, Bristol. Following the 1000 hours opening, it will resume daily at 0930 hours. A break for lunch will normally be for one hour at a convenient point and there will be a mid-morning break of about 15 minutes between the 1.5 hour sessions, with one session in the afternoon.

#### **7. Inquiry procedure**

13. The procedure at the Inquiry will generally follow the Compulsory Purchase (Inquiries Procedure) Rules 2007 and The Highways (Inquiries Procedure) Rules 1994. WSCC will present its case on the SRO and CPO with an opening statement. Its witnesses will be called in turn and will be open to cross-examination by all remaining objectors to the SRO and CPO who appear at the inquiry and then re-examination on those points raised in cross examination. The Inspector may also ask questions.
14. Objectors to the SRO and CPO will then present their cases. Their witnesses will be open to cross-examination by WSCC and then re-examination on points raised in cross examination. The Inspector may also ask questions. The Objectors will be able to present closing submissions at the end of their evidence or prior to WSCC's closing submissions.
15. The proposed modifications to the Orders will be discussed and then closing submissions will be heard, with WSCC giving its closing submission last.

## **8. Programming the Inquiry and Inquiry timetable**

16. All advocates should provide their estimates of the time they expect to take in evidence in chief and cross-examination no later than 2 weeks before the Inquiry opens. This will enable the Inquiry to be programmed before it opens and a timetable to be sent to all parties in advance.

## **9. Form of evidence and opening and closing statements**

17. All Inquiry documents will need to be available to be accessed digitally. Documents submitted at the event will need to be accessed via the website and shared. Opening and closing submissions will be shared documents for all to see and will have to be emailed to the programme officer in advance so that the Inspector can have a copy in front of him at the time of delivery. This does not need to be any earlier than half an hour before their presentation.
18. WSCC has published its Statement of Case and sent it to the remaining objectors. The Objector's Statements of Case are to be provided within 6 weeks from the date of the notice issued, which was 13 May 2021.
19. Any Statements of Common Ground (SoCGs) would be helpful and should be prepared in draft 4 weeks before the opening of the Inquiry to assist with the preparation of Statements of Evidence. Final SoCGs should be submitted at least 1 week before the Inquiry.
20. With regard to Statements of Evidence, the timetable for receipt is as set out in the Inquiry Procedure Rules i.e. 3 weeks before the start of the Inquiry. This deadline applies to all participants at the inquiry.
21. There is no provision within the Rules for Rebuttal or Supplementary Statements of Evidence. However, where these may save Inquiry time, arrangements will be made for their acceptance and circulation if they are submitted at least 1 week before the Inquiry and marked for the attention of the Inspector.
22. Statements of Evidence should be succinct and to the point. If the statements are longer than 1500 words, summaries of the statements must be submitted at the same time as the statements themselves. Summaries should be no more than 1500 words. Only summaries may be read in full at the Inquiry, but the full statements will count as evidence and be open to cross-examination. Additional evidence may be given orally, though as far as possible such material would better be included in statements.
23. Units of measurement should be in metric and all documents should be numbered and prefixed by something which identifies the author e.g. WSCC 1. Appendices should be tabulated and paginated and filed separately from the Statements of Evidence.
24. All main parties should agree on a list of Core Documents (CD) to be referred to by those giving evidence. Appendices to evidence should contain only those documents not already included in the CD bundle. The CD list should be prepared by WSCC and received by the Inspector via Chris Banks, the programme officer in electronic format in MS Word at least 4 weeks before the Inquiry. Visit the website to access details for the inquiry on the [Lyminster Bypass north](#).
25. Closing statements should be concise and written in a simple format, for example:

- Verdana 11pt, with consecutive paragraph numbers;
- use sub-headings only where needed to maximise clarity;
- references to documentary evidence to include relevant document number, page and paragraph; and
- reference to oral evidence should give the day of the evidence, the name of the witness and whether given in evidence in chief, in cross-examination or in re-examination.

26. The following is a table of the agreed timetable:

<b>Date</b>	<b>Item</b>
<b>Thursday 24 June</b> (6 weeks after the date of the notice)	Deadline for submission of: <ul style="list-style-type: none"> <li>• Objector's Statements of Case</li> </ul>
<b>Tuesday 13 July</b> (4 weeks before opening)	Deadline for submission of: <ul style="list-style-type: none"> <li>• Draft SoCGs</li> <li>• Core documents list</li> </ul>
<b>Tuesday 20 July</b> (3 weeks before opening)	Deadline for submission of: <ul style="list-style-type: none"> <li>• all Statements of Evidence</li> </ul>
<b>Tuesday 27 July</b> (2 weeks before opening)	Deadline for submission of: <ul style="list-style-type: none"> <li>• final timings</li> </ul>
<b>Tuesday 3 August</b>	Deadline for submission of: <ul style="list-style-type: none"> <li>• Final SoCGs</li> <li>• any necessary Supplementary Statements of Evidence</li> </ul>
<b>Tuesday 10 August</b>	Inquiry opens 1000 hours

## **10 Site Visits**

27. The Inspector will have looked at a computer animation of the site and the scheme in place of a site visit prior to opening the Inquiry. He will carry out an unaccompanied visit and, if necessary, a formal accompanied visit after the close of the Inquiry. If there are any locations which a party considers the Inspector needs to visit a list should be given to the programme officer during the Inquiry.

*Martin Whitehead*

INSPECTOR