



The Planning Inspectorate

Notes of a Pre-Inquiry Meeting held at 10.00am on Tuesday 24 August 2021, via Microsoft Teams

**The Buckinghamshire Council (A4010 South East Aylesbury Link
Road) Compulsory Purchase Order 2020**

**The Buckinghamshire Council (A4010 South East Aylesbury Link
Road) (Classified Road) (Side Roads) Order 2020**

**Application for a Certificate under Section 19 of the Acquisition of
Land Act 1981**

Introduction

1. The Inspector, Mr David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI, introduced himself. He explained that he had been appointed by the Secretaries of State for Transport and for Housing, Communities and Local Government to hold an Inquiry in relation to remaining objections to the above Orders and the Section 19 (S19) Application. He will hear the case for the promoter (Buckinghamshire Council – ‘the Council’), any supporters, objectors and any other representations. After closing the Inquiry he will submit a report to the Secretaries of State on the gist of the evidence and submissions heard at the Inquiry, and all the written evidence received, together with his conclusions and recommendations. The Secretaries of State will then make the decisions as to whether each of the Orders should be made – with or without modification; and whether the S19 Certificate should be issued – again, with or without modification.
2. The purpose of the Pre-Inquiry Meeting (PIM) was to help the parties prepare for the Inquiry and to enable the proceedings to be conducted smoothly and as efficiently as possible. The Inspector clarified that there would be no discussion of the merits of the Orders or the S19 Application at the PIM. He explained that he would prepare general notes of the meeting which would include all relevant information given during the meeting and any necessary administrative and procedural points. The notes would be circulated by Yvonne Parker, the independent Programme Officer (PO – see below), to those who attended the meeting and any others who responded to the publication of the Orders and S19 Application but were not present at the PIM.
3. The Inspector explained that the Inquiry is not intended to be a forum to consider Government Policy and no recommendations would be made on matters of law as they fall outside the scope of the Inquiry. However, any legal submissions made at the Inquiry would be appended to the report to the Secretaries of State.
4. Government guidance on the compulsory purchase of property is contained in ‘Guidance on Compulsory purchase process and The Crichel Down Rules’, published by the Ministry of Housing, Communities and Local Government in July

2019. There will be justification for making or confirming a CPO if each of the following tests are satisfied:

- there should be a compelling case in the public interest, and the purpose of acquisition should sufficiently justify interfering with the human rights of those with an interest in the land affected.
- the acquiring authority should have a clear idea of how it intends to use the land it is proposing to acquire.
- the acquiring authority should show that all the necessary resources are likely to be available to achieve the scheme purpose within a reasonable time-scale.
- the acquiring authority 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 physical or legal impediments to implementation.

5. The statutory tests that must be satisfied before the SRO can be confirmed are that:

- no highway shall be stopped up unless another reasonably convenient route is available or will be provided before the highway is stopped up.
- 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.

6. Some of the land proposed to be compulsorily purchased is currently public open space, and the purchase of such land through a CPO shall be subject to special parliamentary procedures unless the Secretary of State is satisfied that certain criteria apply. One of these, set out in Section 19 of the Acquisition of Land Act 1981, is that – in summary - there has been or will be given in exchange for such land, other land, not being less in area and being equally advantageous to the public.

7. The Inspector's report will address these issues and it will therefore assist him if the evidence given to the Inquiry has regard to the tests detailed above.

Programme Officer

8. Yvonne Parker of Programme Officer Services Limited, has been appointed as PO to the Inquiry. Her contact details are:

Yvonne Parker, Programme Officer Services Limited

Tel: 01282 450522 / 0781 333 4305

email: yvonneparker@programmeofficers.co.uk

9. The PO provides a point of contact for all parties. Her role is to ensure that the administrative arrangements for the Inquiry work as smoothly as possible. She will work under the Inspector's direction and act as the link between all the participants of the Inquiry and the Inspector. She will take no part in anyone's case. Her duties will include arranging the day to day programme of the Inquiry, co-ordinating the distribution and numbering of documents, maintaining the library of Inquiry documents and maintaining the Inquiry website – the address of which is <https://programmeofficers.co.uk/aylesbury/> . The Council is to investigate what accommodation will be made available for the PO – ideally this will be a separate room, with copying facilities, where the Inquiry library can be accommodated and where the PO can meet with those attending the Inquiry.

Should anyone wish to draw a matter to the Inspector's attention, or have any queries, it should be done through the PO.

10. The website for the Inquiry will contain all the relevant documents including objections, representations, statements, proofs of evidence and the Inquiry Rules. A link will also be provided to the Council's South Eastern Aylesbury Link Road (SEALR) website. In addition, the Council will arrange for a link to the Inquiry website be provided on this SEALR website.

Participants

11. Mr Alexander Booth QC represented the Council at the PIM, and will also be its advocate at the Inquiry. He indicated that as things currently stand he expects to call 8 witnesses to present the Council's case:
- Ian McGowan – the SEALR scheme;
 - Susan Kitchen – Planning;
 - Del Tester – Highways;
 - Simon Mole – Negotiations;
 - Jason Evans – Noise;
 - John Simmons – Ecology;
 - John Rooney – Landscape;
 - Phil Welborn – Engineering.
12. The following statutory objectors were represented at the PIM:
- William Harding's Charity – represented by Elliot Gleghorn. No current plans to be legally represented at the Inquiry;
 - Landmatch Limited – represented by James Dewey. Likely to be legally represented at the Inquiry – may call witnesses to deal with planning and highways matters;
 - Cala Management Limited – represented by David Mundy – instructed by Paul McCann. Likely to be legally represented at the Inquiry – may call witnesses to deal with planning, highways and environmental matters;
 - Juniper Investments – represented by David Barnes. Likely to be legally represented at the Inquiry – may call witnesses to deal with planning and ecology matters;
 - The Pearce family – represented by Antony Pearce. Case expected to be presented to the Inquiry by Mr Pearce's Agent, Edward Briggs.
13. The following non-statutory objectors were present at the PIM:
- Bill Russell. Local resident – appearing on own behalf, and would wish to present his objections at the Inquiry;
 - Jerry Bradley. Local Resident – appearing on own behalf, and also as a representative of a large number of local residents who have submitted representations and a petition with over 195 signatures.
14. Non-attendance at the PIM does not preclude the appearance of statutory or non-statutory objectors at the Inquiry. In addition, and at the discretion of the Inspector, others may be allowed to speak at the Inquiry, as long as the matters raised are relevant and not repetitive. On this point the Inspector indicated that if a number of objectors hold similar views, and are intending to raise the same points, it would be helpful if they could collaborate and co-ordinate their objections – possibly by electing spokespersons to present the cases.

Spokespersons are not essential, but the Inspector will not wish to hear repetitive evidence as it is wasteful of Inquiry time – a good point carries weight whether it is made by just one person or many.

15. The Inspector is currently aware of about 17 outstanding objections to the Orders, with a further 6 or 7 objections to the S19 Application. There does, however, appear to be some discrepancy between the number of statutory and non-statutory objectors to the CPO and the SRO as recorded by the Department for Transport and by the Council. The Council undertook to examine this point and confirm, through the PO, the number of extant objections to the CPO, the SRO and the S19 Application, and whether these objections are from statutory or non-statutory objectors.
16. Although substantial weight will be given to evidence tested by cross-examination, the Inspector will take account of all representations, whether made in writing or in person at the Inquiry, when he makes his recommendations to the Secretaries of State.

Inquiry Venue and Accommodation

17. With the lifting of Covid restrictions, the Inquiry will take place as a face-to-face physical event, at the Gateway Conference Centre, Gatehouse Rd, Aylesbury HP19 8FF. However, if some potential participants would find it difficult to attend in person, they should make this clear to the PO as soon as possible, so that the Council can consider how best to accommodate such participants in what would need to be a 'hybrid' Inquiry, incorporating both face-to-face and 'virtual' sessions.
18. A retiring room will be provided for the Inspector, and the Council will investigate whether other rooms can be made available for others attending the Inquiry. The PO's accommodation needs have already been referred to in paragraph 9 above. Ideally the venue should have the following facilities:
 - Disabled access and facilities;
 - Cloakrooms and toilets;
 - The Inquiry library;
 - Display boards for drawings;
 - A public address system;
 - An inductive hearing loop;
 - Copying facilities;
 - Car parking;
 - Secure facilities for document storage;
 - Drinks and/or canteen facilities.

Procedure at Inquiry

19. The Inquiry will open at 10:00am on Tuesday 2 November 2021. The procedure at the Inquiry will follow the Highways (Inquiries Procedure) Rules 1994 and the Compulsory Purchase (Inquiries Procedure) Rules 2007.
20. The order of presentation of cases is contained in table form at Appendix 1 to this note, and in simple terms can be summarised as:
 - the Council, as promoter of the Orders, will go first and set out the scheme which is being put forward;
 - those who support the scheme will make their cases next;
 - objectors to the Orders and the S19 Application will speak next;
 - then anyone else who has got anything relevant to say will be heard;

- a 'Round Table' session will be held at which the Council will clarify the information shown on the CPO and SRO plans;
 - an accompanied site visit to the area of the SEALR and its surroundings will be undertaken; and
 - the Council has the final right of reply.
21. Opening and closing submissions to the Inquiry, from all parties, should be submitted in both hard copy and electronic form. As this could be unduly onerous for some unrepresented parties, who may have simply intended to read from handwritten notes, the Inspector asked that the PO be allowed to photocopy any such notes, to assist the Inspector and other parties.
 22. It was agreed that the Council's closing submissions would take place a day or so after the completion of evidence, with the gap in the Inquiry proceedings being filled by the accompanied site visit (see later). The Inquiry will close after the closing submissions on behalf of the Council.
 23. The PO will co-ordinate the Inquiry programme. She will send a Programming Form to all those who responded to the publication of the Orders and the S19 Application, and those who attended the PIM. The form will ask whether the recipient wishes to appear at the Inquiry; will request contact details and information on any proposed professional representation; will ask for an estimate of the time likely to be required to give evidence; and will seek an indication of which Council witnesses are likely to be cross-examined – and an estimate of how long any such cross-examination is expected to take. It will also ask for details of any non-available dates. This information will assist in the efficient scheduling of the Inquiry timetable. The completed Programming Forms should be returned to the PO no later than Tuesday 19 October 2021.
 24. It was agreed that the availability of objectors will be the prime consideration when deciding on the order of appearance for objectors. To save time on the opening morning, all parties should provide a typed list of the witnesses to be called, including the abbreviated form of any professional qualifications the witnesses have, in the form they would wish them to appear in the Inspector's report, and the positions held.
 25. The normal sitting times of the Inquiry will be 10.00am to 5.00–5.30pm on Tuesdays to Thursdays; on Fridays the Inquiry will start at 9.30am and be adjourned at mid-afternoon – possibly around 3.00-3.30pm, to accommodate those participants who may have lengthy distances to travel. Sitting times will be reviewed, as necessary as the Inquiry progresses. Depending on progress, it may be necessary to consider starting at 9.30am on days other than Friday. The lunch period will be from about 1.00pm to 2.00pm and there will normally be short 10-15 minute breaks each mid-morning and mid-afternoon.
 26. This daily sitting programme may need to be amended if any virtual sessions prove to be necessary. This is something which will become clearer as the opening of the Inquiry approaches, and once the Programming Forms have been returned to the PO. The Inspector indicated that if any virtual sessions do prove to be necessary, it may well be best to try to arrange the Inquiry programme such that all the virtual sessions can be undertaken on the same day or days.
 27. 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 the context of the Inquiry. Anything that needs to be said should be said in the Inquiry, where everybody has the opportunity to hear and to comment on it.

Submission of documents

28. It was agreed that the Inquiry documentation should be submitted in accordance with the following timetable:

12 October 2021 (6pm at latest)	Submission of proofs of evidence by the Council, objectors and any other parties
19 October 2021 (6pm at latest)	Submission of Programming Forms – to enable the PO to produce an initial Inquiry programme
26 October 2021 (6pm at latest)	Submission of rebuttal evidence by the Council, objectors and any other parties – as necessary
2 November 2021	Inquiry opens

29. The Council, objectors and any supporters should submit a minimum of 3 sets of documents by 12 October 2021. In the case of objectors and supporters, one of those sets should be sent directly to the Council, with the remaining 2 sets of documents being submitted to the PO – one for the Inspector, with the second set needed for the Inquiry library. Parties can cross-copy documents among themselves, as long as the 2 sets are sent to the PO, as just indicated. If possible additional proofs and summaries should be made available at the Inquiry for members of the public, to help them follow the evidence as it is being presented.
30. If there are to be technical witnesses from any parties covering the same subject areas, those parties should consider whether it would be appropriate and helpful for a technical statement of common ground to be submitted. This may only be 1 or 2 sides of A4 and may only have a handful of agreed points. It is however often a good starting point for consideration of the evidence. Any such statements should also detail any areas of disagreement. There is no set timetable for the submission of any such statements of common ground – but clearly they should be submitted before the relevant evidence is first given.
31. All documents submitted to the Inquiry will be placed in the Inquiry library and on the Inquiry website. There is no need for the same document to be submitted several times over by different objectors, so objectors should check if the document they wish to refer to is already on the list of Core Documents. Anything not on the list will need to be separately provided by the parties.
32. In this regard the Council undertook to inform the PO of the date by which an initial Core Document list would be available. It was accepted that this list would be likely grow, during the run-up to the Inquiry, as the Council and objectors prepare their evidence and refer to additional documents. The Council also confirmed that a hard-copy set or sets of Core Documents would be placed on deposit for inspection by the public. The Council undertook to inform the PO, at the earliest opportunity, of the locations and the time periods for the deposit of documents. Hard-copy Core Documents will be available at the Inquiry, with one such set being for the Inspector's use.

The Format of the Evidence to be Presented

33. Evidence in chief is normally presented at an Inquiry in the form of a written proof of evidence, which should have both its pages and paragraphs numbered. The proof may be supported, if necessary, by appendices which may contain drawings and

diagrams etc. The appendices should be bound separately from the proof to which they refer. Appendices should also be paginated throughout and should contain a list of the documents included with page references at the beginning of the bundle. Individual appendices should be separated by projecting tabs.

34. An appendix need contain only those extracts that are relevant, not the whole document, but should always include the title page. The full document should, however, be available at the Inquiry. Any documents submitted before or during the Inquiry will need to be numbered with an appropriate reference number provided by the PO. Parties should contact the PO if they require information regarding the numbering of documents. The Inspector made it clear that he will not accept any document unless it has been submitted through the PO and has been allocated a document number.
35. Documents should be A4 size (or A3 folded to A4) wherever possible. Units of measurement in proofs and documents should be metric (with imperial equivalents in brackets if considered necessary). Appendix 2 to this note provides further details as to the preferred content and format of proofs of evidence and appendices.
36. In accordance with the Inquiry procedure rules, only summaries of evidence will be read at the Inquiry, unless the proof of evidence itself is less than 1,500 words. Summaries should not exceed 1,500 words or 10% of the proof whichever is the greater. They should be submitted at the same time as the proof of evidence and should contain the main points to be relied on, with limited elaboration, sufficient to enable readers and listeners to make sense of the evidence.
37. Cross-examination will, however, be permitted on the whole of the evidence contained in the full proof. Witnesses answering questions in cross-examination should try to answer, directly, the question put to them in the terms in which it was asked as this can save a great deal of time at an Inquiry. Witnesses who follow this guideline will be permitted to qualify their answer, without interruption.
38. Proofs of evidence should be concise, with no repetition within proofs or between witnesses. They need not repeat the text of national or regional guidance and policies unless a short quotation is necessary to make a particular point. Extracts from such guidance need not be included in the appendices. However, where in the text of the proof a point is made in reliance upon a document, whether a Core Document, one included within an appendix or in national guidance, the page and paragraph number of the document should always be identified.
39. If a party wishes to give in evidence material drawn from the internet, it should be printed and submitted in hard copy, normally as an appendix to the proof of evidence. The date on which it was extracted from the internet should be given. Reference to a website address is not sufficient as website material may change or be removed.
40. Objectors and supporters of the Orders should make it clear in their submissions which Order(s) they object to or support – or whether they object to or support the S19 Application. Those seeking modifications to either of the Orders should provide a general description of what they are seeking, details of the justifications for those modifications, and the detailed drafting amendments they would like to see for either or both of the Orders.
41. Those appearing at the Inquiry as a representative of a group or organisation should set out, at the start of their proof of evidence, what sort of organisation they are appearing for - for example, whether it is a charity, a local council or a

community or residents' group etc. Information should also be provided to indicate whether the organisation has a written constitution; what its purposes are; how many members it has; and how the representation being made has been authorised by those members.

Timetable and Programme

42. The Inquiry has been provisionally programmed for 7 days, but no time estimates from any party were put forward at the PIM. The time needed for the various parties to present their cases will become clearer once those who wish to appear at the Inquiry have submitted their Programming Forms, by the agreed date of 19 October 2021. Following this, the PO will draw up a first draft of the Inquiry programme.

Site Visits

43. The Inspector indicated that he had already viewed the location of the proposed SEALR scheme and its surroundings from public vantage points, and would make at least one further, unaccompanied visit to the area of the SEALR scheme before the Inquiry. Towards the end of the Inquiry an accompanied site visit will be made to visit the land parcels in question – as necessary – and to see the areas of concern to objectors. At this visit the Inspector will need to be accompanied by representatives of both the Council and objectors, as he cannot undertake a visit only in the presence of one party.
44. No discussion as to the merits or otherwise of the Orders or the S19 Application will take place at the site visit. Requests to take part in the site visit, and to visit specific locations, should be made to the PO. The Inspector requested that the Council takes the lead on putting together an itinerary for this site visit, in consultation with statutory and non-statutory objectors, co-ordinating this through the PO.
45. If there are any particular locations which any party considers that the Inspector needs to visit before the opening of the Inquiry, details, together with appropriate plans, should be submitted to the PO at least one week before the opening of the Inquiry, that is by Tuesday 26 October 2021.

Other Matters

46. The Inspector pointed out that the Council's Statement of Case would need to be reviewed and updated in light of the recent revisions to the National Planning Policy Framework, which was published on 20 July 2021.
47. The Inspector also noted that although there is a general letter to non-statutory objectors on the Council's SEALR website, he will expect the Council to respond to the specific points raised by each of the non-statutory objectors, especially as additional information may be put forward by these objectors in any proofs of evidence they choose to submit. He also pointed out that as it currently stands, the second point made under the 'Noise Mitigation' heading of this general letter is incomplete, and needs some attention.
48. The PIM was closed at 11.35am

D Wildsmith
INSPECTOR
25 August 2021

APPENDIX 1 - Order of presentation of cases

Inspector's opening preliminaries and announcements	
THE COUNCIL	
Short opening statement by the Council	This will allow those people unable to attend the whole of the Inquiry to have an understanding of the issues
Witnesses' evidence in chief	
Questions of clarification from Inspector and objectors, after each witness's evidence	
EACH SUPPORTER (if any)	
Presentation of case	
Cross examination by objectors	
Re-examination	
Closing remarks	
EACH OBJECTOR	
The Council may wish to present a response or rebuttal of the Objector's case	
Objector questions/cross-examines Council witnesses	Where possible Objectors should inform the Programme Officer beforehand which Council witnesses are to be cross-examined
Re-examination of Council witnesses	by Council's advocate
Objector's evidence in chief	Objector presents their own case
Questions by the Council	on objector's case
Re-examination of Objector	By any advocate acting for the Objector – or if Objector is presenting their own case, this is an opportunity for any matters already given in evidence to be clarified, if necessary – new points should not be raised at this stage
Closing remarks by objector	
OTHERS (if any)	
Presentation of evidence	After all objectors and any counter objectors have completed their cases, any other evidence from interested persons or bodies who may object to the Orders in some way may be heard.
Questions from the Council	If any
A "Round Table" session at which the Council will clarify the information shown on the SRO and CPO plans	Usually held prior to the accompanied site visit
An accompanied site visit	At an appropriate time in the proceedings
CLOSING	
Closing submissions on behalf of the Council	
Inspector closes the Inquiry	

The Inspector may also have questions for each witness

Appendix 2 - Preferred Content and Format of Proofs and Appendices

Content:

Proofs of evidence **should**:

- focus on the main issues - in particular, on areas of disagreement;
- be proportionate to the number and complexity of issues and matters that the witness is addressing;
- be concise, precise, relevant and contain facts and expert opinion deriving from the witnesses' own professional expertise and experience, and/or local knowledge;
- be prepared with a clear structure that identifies and addresses the main issues within the witness's field of knowledge and avoids repetition;
- focus on what is really necessary to make the case and avoid including unnecessary material, or duplicating material in other documents or another witness's evidence;
- where data is referred to, include that data, and outline any relevant assessment methodology and the assumptions used to support the arguments (unless this material has been previously agreed and is included as part of a statement of common ground).

Proofs **should not**:

- duplicate information already included in other Inquiry material, such as site description, planning history and the relevant planning policy;
- recite the text of policies referred to elsewhere. Proofs need only identify the relevant policy numbers, with extracts being provided as core documents. Only policies which are needed to understand the case being put forward, and are fundamental to an appraisal of the proposals' merits, need be referred to.
- include references to website addresses as the content of websites can change without notice. Instead, if a witness wishes to include material drawn from the internet as part of their evidence, it should be printed and submitted in hard copy, normally as an Appendix to the proof of evidence.

Format:

- Proofs to be no longer than 3,000 words if possible. Where proofs are longer than 1,500 words, summaries are to be submitted;
- Proofs are to be spiral bound or bound in such a way as to be easily opened and read;
- Front covers to proofs and appendices are to be clearly titled, with the name of the witness on the cover, **along with the abbreviated form of the witness's relevant professional qualifications**;
- For proofs, pages and paragraphs should be numbered;
- Appendices are to be bound separately;
- Appendices are to be indexed using **projecting tabs**, labelled and **paginated**.