

**River Medway Flood Relief Leigh Storage Scheme
DPI/H2265/20/13**

PRE-INQUIRY BRIEFING NOTE

Case Management Conference held at 10.00AM on Tuesday 16th March 2021.

Purpose of the CMC – To discuss arrangements for holding the virtual event scheduled for Monday 26th April 2021.

Present:

Anne Jordan – Inspector

Joanna Vincent – Programme Officer

For the Environment Agency

Counsel - William Upton QC

Witness – Charlie Overs – Consultation Process and Easements

Witness – Tim Connell - Scheme

Witness – Ben Gibson – Flood Modelling

Witness – Andrew Irvine - Operations

James Kennedy

Kathy Aucott

Andy Dellar

Peter Carty

Matt Boughton on behalf of Tom Tugendhat MP

Robert Rees – Penshurst Parish Council

Residents

Alan Massey

Kevin Storey

Alix Calvocoressi

Inspector's introduction and opening remarks

1. The previously circulated agenda was used as a basis for discussion. The CMC provided an opportunity for the Inspector to discuss how the event would work and to clarify other procedural matters. There was no discussion of evidence at the conference or consideration of the merits of the appeal.

2. The Inspector explained that the current restrictions on gatherings, social distancing and travel mean that the inquiry will be unable to go forward as a face-to-face event and this situation is unlikely to change in the foreseeable future. The inquiry is therefore being progressed as a virtual event instead.

How the Inquiry will be undertaken as a virtual event

3. The virtual inquiry will be held using Microsoft Teams, to enable participation whilst the rules on social distancing, travel restrictions and limitations on gatherings are in force. The inquiry will be subject to the same Rules and Regulations as conventional face-to-face inquiries. No party raised objections to the inquiry proceeding as a virtual event.
4. At the event participants should log in at least 15 mins before. The chat function in teams will not be available. If you don't normally use it then please familiarise yourselves with the workings of Teams before the event. At adjournments the Inspector will be first to leave the 'room' in order to avoid being left with one party or other. Participants are asked to mute their microphone and turn off their camera when the Inquiry is not in session. During the Inquiry time will be limited please be on time when the Inquiry resumes.
5. At the end of the day when the Inspector leaves the Inquiry the programme officer will end the meeting which will end the event for the day. The Teams session will close and you will need to use a separate invite to enter the Inquiry on the following day.

Notification of appeal and site notice

6. Mr Upton confirmed that the Inquiry had been advertised in the London Gazette (12th and 19th of February) and the Kent & Sussex Courier. Site notices had also been erected and the location of the notices would be provided to the programme officer. The Notice of Notification of the Inquiry was due to be published on the 9th of April.

Opening dates, sitting times and Inquiry duration and appearances

7. The Inquiry is scheduled to start on Monday 26th of April. The procedure at the Inquiry will broadly follow the Compulsory Purchase (Inquiries Procedure) Rules 2007.

The order of presentation of cases will be as follows:

- The Environment Agency as promoter will go first with an opening statement. It will then set out the scheme which is being put forward calling any witnesses in turn, to whom any questions of clarification from objectors or supporters can be put. The Environment Agency will then

be given the opportunity to clarify any responses given during questioning.

- Any present who support the scheme will be given the opportunity to make their cases next and can be questioned by objectors. They will then be able to make a final address to the Inquiry.
- Objectors to the scheme will be given the opportunity to speak next and they then may be questioned by The Environment Agency.
- Objectors will be able to make a final address to the Inquiry at the end of the above matters relating to their objection. The Inquiry will then proceed to the next objector.
- When all objectors have been given the opportunity to be heard, anyone else who has anything relevant to say will have the opportunity to do so.
- The Environment Agency will have the final right to address the Inquiry with closing submissions.

8. The Inspector may have questions during or after any stage in the proceedings but will normally pose any questions after questions from opposing parties and before re-examination.
9. The inquiry will open at 10.00am on Day 1. Subsequent days may open at 9.30 depending on the evidence to be heard that day and participants should be prepared for this. A virtual event will require shorter sitting sessions of around an hour and a half, with normally three sessions a day. The exact timings of breaks will also depend on the duration of evidence heard and may vary from day to day.
10. Although eight days were initially identified as being necessary to complete the inquiry it seems likely that the evidence could be heard in a shorter number of days. Based on the initial time estimates the initial running order for the event will be as follows:

Day 1 – 26th April

Inspector's opening remarks,
Environment Agency (EA) Opening Statement,
Background to the Proposal - Tim Connell BSc, CEng, MICE for the EA -
evidence, questioning from parties and Inspector and final statement

Day 2 - 27th April

Public Engagement and Legal Easements - Charlie Overs MRICS BSc
(Hons) for the EA -evidence, questioning from parties and Inspector and
final statement

Day 3 - 28th April

Operation of the Scheme - Andrew Irvine HNC, BSC (Hons) for the EA - evidence, questioning from parties and Inspector and final statement

Day 4 - 29th April

Flood Risk Modelling - Ben Gibson BSC (Hons), Msc, CWEM for the EA - evidence, questioning from parties and Inspector and final statement

Day 5 - 4th May

Mr Storey – evidence, questioning from parties and Inspector and final statement

Mr Robert Rees – Penshurst Parish Council - evidence, questioning from parties and Inspector and final statement (to be confirmed).

Mrs Calvocoressi - evidence, questioning from parties and Inspector and final statement (to be confirmed).

Day 6

Reserve Day (other interested parties)
Closing Statements

Mr Tom Tugendhat MP – will be invited to make a statement to the Inquiry at a time to be confirmed.

Whilst these are the Inspector's current intentions, the programme and order of appearances may be revised due to circumstances changing following the opening of, or indeed during, the Inquiry. **These timings are provisional and are intended to show the order in which matters will be heard. Witnesses may be heard earlier if ample time is available.**

11. The Inquiry will be conducted on the basis of openness, fairness and impartiality. Anything that needs to be said to the Inspector should be said in the Inquiry, where everybody else has the opportunity to hear and to comment on it.

6. Statements of Case and Statements of Evidence

12. Proofs of Evidence and supporting documentation must be submitted in electronic form no later than three weeks before the Inquiry opens, that is by the close of business on Tuesday, 6th April 2021.
13. Any Rebuttal Proofs of Evidence should be provided no later than one week before the Inquiry opens, that is by the close of business on Monday 19th of April.
14. All documents should have page and paragraph numbers and use metric units. Proofs and appendices should be bound separately and indexed.

- They may contain drawings, diagrams or document extracts. Appendices need only contain those extracts of another document that are relevant.
15. Where proofs of evidence are more than 1500 words long, summaries are required. Generally, only the summary will be read at the Inquiry. Summaries should not be more than 1500 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.
 16. 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.
 17. 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.
 18. Evidence drawn from the internet should be submitted in PDF form for inclusion in the document library as website material may change or be removed.
 19. Objectors and supporters should make it clear in submissions the matters to which they object or support.
 20. Those seeking modifications should provide a general description of what it is they are seeking, a detailed justification and detailed drafting amendments.
 21. The Environment Agency's opening statement should be provided in advance. Closing submissions should also be provided electronically in advance and the Inspector will ensure the Inquiry is scheduled to allow this to be prepared and provided.

7. Management of Inquiry documents

22. During the Inquiry if it necessary to submit additional documentation this should be sent directly to Ms Vincent so she can ensure it is uploaded to the website. Screen sharing will not be used.

8. Site visits

23. Arrangements for the site visit will be discussed at the Inquiry.

Anne Jordan

INSPECTOR

16th March 2021