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To: All Interested Parties and Statutory Parties

Our Ref: TR010022

Date: 3 April 2020

Dear Sir/ Madam

The Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8(3)

Application by Highways England for an Order Granting Development Consent for the A38 Derby Junctions project

Variation to the Examination Timetable and procedure

On 31 March 2020 we posted a notification that the Secretary of State had set a new deadline for completion of the Examination on or before 8 September 2020.

Further to the Secretary of State’s decision, we decided to extend the Examination beyond 8 April 2020, to the minimum necessary for the examination of remaining issues and to ensure fairness. We also said that we would issue an update to the Examination Timetable as soon as practicable, together with information on any new arrangements required to assist in completing the Examination.

In accordance with Rule 8(3) of The Infrastructure Planning (Examination Procedure) Rules 2010, this letter provides:

- the update to the Examination Timetable;
- initial information on the proposed new arrangements; and
- a reminder of other matters that we set out at the beginning of the Examination in [our Rule 8 letter of 11 October 2019](#) that continue to apply.

Updated Examination Timetable

Item	Matters	Due Dates
26.	Publication by the Examining Authority (ExA) of: <ul style="list-style-type: none"> • A request for representations on the use of teleconferencing and/or video conferencing technologies for Hearings • A request for representations on whether matters identified by the ExA should be addressed in Hearings or in written submissions 	Tuesday 21 April 2020

Item	Matters	Due Dates
27.	<p>Deadline 11</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to the request for representations on the use of teleconferencing and/or video conferencing technologies for Hearings • Responses to the request for representations on whether matters identified by the ExA should be addressed in Hearings or in written submissions • Any further information requested by the ExA under Rule 17 	<p>Tuesday 28 April 2020</p>
28.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Further written questions • Notification of the date, time, place and outline arrangements for Hearing(s) on 9, 10 and 11 June and 16, 17 and 18 June 2020 (if required) • Request for notification of a wish to speak at Hearings and/or to access a recording and, if available, a streamed broadcast of Hearings (if required) 	<p>Tuesday 5 May 2020</p>
29.	<p>Deadline 12</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to the further written questions • Responses to the request for notification of a wish to speak at Hearings and/or to access a recording and, if available, a streamed broadcast of Hearings (if required) • Any further information requested by the ExA under Rule 17 	<p>Tuesday 12 May 2020</p>
30.	<p>Deadline 13</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on submissions for deadline 12 • Any further information requested by the ExA under Rule 17 	<p>Tuesday 19 May 2020</p>
31.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Agenda(s) and detailed arrangements for Hearing(s) on 9, 10 and 11 June and 16, 17 and 18 June 2020 (if required) 	<p>Wednesday 27 May 2020</p>

Item	Matters	Due Dates
32.	Time reserved for Hearings: <ul style="list-style-type: none"> • Issue Specific Hearing(s) (if required) • Compulsory Acquisition Hearing (if required) 	Tuesday 9 June 2020 Wednesday 10 June 2020 Thursday 11 June 2020
33.	Time reserved for Hearings: <ul style="list-style-type: none"> • Issue Specific Hearing(s) (if required) • Compulsory Acquisition Hearing (if required) 	Tuesday 16 June 2020 Wednesday 17 June 2020 Thursday 18 June 2020
34.	Deadline 14 Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Written summaries of oral contributions at Hearings (if required) • Post-Hearing submissions requested by the ExA (if required) • Applicant's updated Book of Reference, Statement of Reasons, Statements of Common Ground and documents certified under Schedule 10 of the dDCO • Any further information requested by the ExA under Rule 17 	Thursday 18 June 2020 or Thursday 25 June 2020 if Hearings are held on 16, 17 or 18 June 2020
35.	Deadline 15 Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Comments on submissions for deadline 14 • Any further information requested by the ExA under Rule 17 	Thursday 25 June 2020 or Thursday 2 July 2020 if Hearings are held on 16, 17 or 18 June 2020
36.	The ExA is under a duty to complete the Examination by the new deadline set by the Secretary of State.	Tuesday 8 September 2020

Deadlines

The Examination Timetable contains several deadlines for receipt of information by the Planning Inspectorate. All deadlines are at 11.59pm on the date specified. Please ensure submissions arrive by the deadline. If you do not make your submissions by the dates specified in the timetable, we may disregard them.

Submissions

Following the closure of our office building, parties are required to email their written submissions to A38DerbyJunctions@planninginspectorate.gov.uk on or before the applicable deadline. Electronic attachments should be clearly labelled with the subject title and not exceed 12MB for each email. Providing links to websites where your submissions can be viewed is not acceptable. All submissions must be made in a format that can be viewed in full on the project website. Due to the public health situation surrounding coronavirus (COVID-19) the Planning Inspectorate is currently unable to receive written submissions by post.

Consideration is being given to whether the remaining matters that we wish to consider during the Examination will be addressed through written submissions or in Hearings. We will request representations on that matter to inform our decision.

We have extended the Examination to specifically address the remaining issues and to ensure fairness. The remaining issues that we will be focusing on are those set out in [the table accompanying our letter of 19 March 2020](#) that we do not consider have been adequately addressed by the responses at Deadlines 9 and 10. The remainder of the Examination should not be seen as an opportunity to repeat previous submissions, or to reopen topics or introduce new topics that we do not consider require further examination.

The Infrastructure Planning (Examination Procedure) Rules 2010, the Examination Timetable and our Procedural Decisions together set out the criteria for submissions to be accepted into the Examination. These do not require us to accept submissions that are not made in accordance with the Examination Timetable, or to accept submissions from parties other than Interested Parties, Statutory Parties or the Applicant. Previously in the Examination we have used our discretion to accept submissions from other parties. Our intention is to continue to do that when we consider it likely that this would assist us with our examination. Please refer to the section under the heading of "Your status in the Examination", below.

We continue to encourage participants who are members of the same organisation, or who know each other and have similar views, to work together and to identify one or two people to make a written submission, or an oral submission at a Hearing. We will give the same consideration to any matter, whether it is raised once or several times.

Publication dates

Submissions will be published on the project webpage as soon as practicable after the relevant deadline. An Examination Library is being kept up to date throughout the Examination and can be accessed via the 'Documents' tab on the project webpage:

<https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/?ipcsection=docs>

Hearings

The Examination Timetable includes dates:

- reserved for any Hearings that may be held;
- when we will notify all Interested Parties of any Hearings;

- when we will issue agendas;
- for written summaries of oral contributions at Hearings; and for
- post-Hearing submissions requested by the ExA.

In light of the public health situation surrounding coronavirus (COVID-19), it is not currently possible to hold Hearings that require people to attend in person. Therefore, we are considering the use of teleconferencing and/or video conferencing facilities for Hearings that may be required during the remainder of the Examination.

Teleconferencing typically involves the use of a telephone, mobile telephone, or a tablet or computer connected to the internet to hold audio discussions between participants at different locations. Video conferencing typically involves the use of a smart mobile telephone, or a tablet or computer connected to the internet to hold video discussions between participants at different locations.

The Examination Timetable includes activities in relation to the secure, accessible and practical use of teleconferencing and/or video conferencing. The revised Timetable starts with a request for representations to be made on the use of these technologies and then a request for notification of a wish to speak at a hearing and/or to access a recording and, if available, a streamed broadcast of Hearings. We will then provide outline and later detailed arrangements and procedures for Hearings. Information will be provided on the methods that will be used at Hearings, on any trials and testing in advance of the Hearing to assist with allowing parties to understand the new format, and on the support that will be provided to participants.

Interested Parties, Statutory Parties and the Applicant will be invited to any Hearings. Previously in the Examination we have used our discretion to permit other parties to attend Hearings and to accept oral submissions from them. Our intention is to continue to do that when we consider it likely that this would assist us with our examination.

Advanced notice of a request to speak at Hearings is required in accordance with the Examination Timetable due to the procedures required for teleconferencing and/or video conferencing. Further details will be provided with the notification of Hearings.

Audio and/or video recordings will be made of Hearings and will be the formal record of the Hearings. The recordings will be made available on the project website as soon as is practicable after the Hearings.

Parties who do not speak at the Hearings, but who access the recordings or, if available, streaming broadcast of the Hearings, are invited to make a written submission on the specific matters included in the Hearing Agendas or arising at the Hearings. These submissions are to be made at the deadline for post-Hearing submissions identified in the Examination Timetable.

Your status in the Examination

You have received this letter because you fall within one of the groups described in this Frequently Asked Questions (FAQ) document:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2019/02/Status-faq.pdf>

You are in Group A if you have made a Relevant Representation or are a host Local Authority, or if your reference number begins A38DJ-AFP or A38DJ-S57. You are in Group B if your reference number begins with A38DJ-SP and you have not made a Relevant Representation and are not a host Authority.

Please contact the Case Team using the details at the top of this letter if, having read the FAQ document, you are still unsure about your status.

Award of costs

We remind you of the possibility of the award of costs against parties who behave unreasonably. You should be aware of the relevant guidance "Awards of costs; examinations of applications for development consent orders" which applies to Nationally Significant Infrastructure Projects, such as this one. This guidance is available at:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/guidance/>

Management of information

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this project (if accepted by the ExA) and a record of any advice which has been provided, is published at the project website:

<https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/>

Please also visit the project website regularly for further updates.

Please contact the Case Team if you have any questions about this letter.

In the meantime, we look forward to continuing to work with all parties in the examination of this application.

Yours faithfully

Stuart Cowperthwaite

Stuart Cowperthwaite, Lead Member of the Panel

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