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All Interested Parties, Statutory Parties
and Other Persons

Your Ref:

Our Ref: EN020022

Date: 11 May 2020

Dear Sir/ Madam

The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17

Application by AQUIND Limited for an Order Granting Development Consent for the AQUIND Interconnector Project

Request for further information

I write further to [my letter dated 26 March 2020](#) confirming the postponement of the Preliminary Meeting, which was due to take place on Wednesday 22 April 2020. We hope that everyone is safe and well during this difficult time.

The purpose of this correspondence is to update you on our latest position and to issue a request for further information from all Interested Parties.

It has become clear that the public health situation caused by the COVID-19 pandemic continues to affect the running of our day-to-day lives, and it is likely that restrictions on social movements, public gatherings and work practices will remain in place for some time.

At the same time, activity in the economy remains crucial, and businesses are adapting their procedures and ways of working to allow continued services and productivity. The Government recognises the importance of progressing the consideration and determination of applications for development, including National Infrastructure projects, and we have been exploring ways of protecting public health while allowing the Preliminary Meeting and Examination of the project to proceed in an open, fair and impartial manner.

To this end, the Planning Inspectorate and Examining Authority are exploring the possibility of conducting the Preliminary Meeting and subsequent Examination events either partially or wholly without the need for public gatherings. Any such changes to the established approach will be made in the context of the Examination being principally a written process, and with full regard to the applicable legislation, Government guidance and the Planning Inspectorate's purposes and values and its

Customer Charter (available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/607141/charter_final_eng.pdf).

Under Rule 17 of The Infrastructure Planning (Examination Procedures) Rules 2010, the Examining Authority therefore requests information from each of you about your availability and capability to engage with the Examination remotely, including the use of virtual events. Our specific questions are set out in this questionnaire:

<http://infrastructure.planninginspectorate.gov.uk/document/EN020022-001133>.

I would be grateful for your response to this by 1 June 2020. Whilst there may appear to be a lot of questions, please be assured of the importance of obtaining your answers. We consider it crucial to hear your views on the way in which the application should be examined and they will help us to finalise our arrangements in due course. This is an information-gathering exercise only and it does not commit the Examining Authority to any particular action. No date has yet been set for the Preliminary Meeting. The responses to the questionnaire will not be published as they are considered to relate to practical matters around the timing and organisation of Examination events and do not constitute submissions on the merits of the Proposed Development. As such, they will not influence our recommendation or, ultimately, the Secretary of State's decision.

In my letter of 26 March 2020, we urged all parties to continue with the preparation for the Preliminary Meeting and the Examination. We included a list of tasks that we believed could be progressed during the postponement at Annex A to that letter. We trust that work towards Statements of Common Ground and the other matters covered there is progressing.

We would also note that we have received and published a [letter from Portsmouth City Council](#) highlighting the difficulties that local authorities are facing during the COVID-19 restrictions, and we have given very careful consideration to this. We have received a number of representations in relation to the formal acceptance of the application for Development Consent by the Planning Inspectorate, and others in relation to the perceived adequacy of pre-application consultation by the Applicant. It may be useful for all parties to know that our current thinking is that both matters precede and therefore lie outside the remit of the Examination process, and it is therefore unlikely that we will consider them in detail during the Examination. We have compiled a list of questions and answers that may be pertinent following your reading of this letter, and this is attached at Annex A overleaf.

Do keep up to date through the [project web page](#) on the Planning Inspectorate's National Infrastructure website and please continue to follow the advice of the Government with regard to the developing COVID-19 situation.

I look forward to receiving your response to the questionnaire and thank everybody for their patience and understanding during these difficult times.

Yours faithfully,

Andrew Mahon

Lead Member of the Panel of Examining Inspectors

<https://infrastructure.planninginspectorate.gov.uk>



ANNEX

A. Frequently Asked Questions

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

Annex A

Application by AQUIND for an Order granting Development Consent for the AQUIND interconnector

Frequently Asked Questions (FAQ)

Version 1.0 issued on 11 May 2020

This FAQ document answers some questions about the Examination process, timetable, procedures and arrangements to assist persons who have registered to be involved. It may be updated from time to time at the discretion of the Examining Authority.

1. Why have you postponed the Preliminary Meeting and changed the timetable for the Examination?

The public health restrictions during the coronavirus (COVID-19) pandemic prevent us from holding a range of events such as Preliminary Meetings, Hearings and site inspections that involve travel and public gatherings. As a result, the Examining Authority postponed the Preliminary Meeting that was due to be held on Wednesday 22 April 2020.

The Examining Authority has continued to review the effect of the postponement and the current public health restrictions on the Examination. Looking forward, we decided that the draft timetable issued with our Rule 6 letter was most unlikely to be achievable, and we will issue a new Rule 6 letter and updated draft timetable in due course. The Examination does not start until after the Preliminary Meeting has been completed, so all dates set out before then will continue to be provisional.

2. How can the time during the delay be beneficially used?

The Examining Authority's letter of 26 March 2020 set out a list of tasks that they believed all parties could continue to develop in the interim period, with the aim of subsequently holding a focussed and efficient Examination. This list included, for example, completion of the Statements of Common Ground that were requested in the original Rule 6 letter.

Meantime, the Planning Inspectorate has been prioritising work towards finding a new approach to conducting Preliminary Meetings and subsequent Examination events that could either partially or wholly avoid public gatherings. Ideas such as 'virtual events' online or by telephone are being explored. The Examining Authority has been engaged in that process to determine if any of the proposed changes to the traditional process could be engaged for the AQUIND interconnector Examination.

A request has been sent to all parties registered for the Examination to ascertain if, when and how they could participate in a virtual event.

3. What might the alternatives to the usual Preliminary Meetings and Hearings be?

In light of the public health situation surrounding COVID-19, it is not currently possible to hold events that require people to attend in person. Therefore, the Examining Authority is considering the possibility of arranging events that could be accessible for people at home using a telephone, tablet or computer. These could include, for example, live participation either by sound (audio) only (teleconferencing) or through sound and video (videoconferencing).

Instead of people being physically together in one place, teleconferencing and videoconferencing allow people to observe or join in a discussion from a location such as their home or office.

While the information and communication technologies are generally available to achieve this, there are limits to realistic participation through this medium. It may not be a suitable approach for all National Infrastructure Examination events. Research and trials are underway to investigate this. The aim is to allow access to any event straightforward and manageable. Depending on the public health situation at the time, events may be:

- held with all participants physically together in one place;
- accessed entirely by a telephone, or a computer or tablet connected to the internet; or
- a combination of the two, with some participants physically in one place and some accessing by a telephone, or a computer or tablet connected to the internet.

Teleconferencing and videoconferencing are established and increasingly popular media for business meetings, and it may be possible to adapt them and create protocols that would make them suitable for some Examination events.

Teleconferencing allows an audio (sound only) discussion between people at different locations. Participants can use a smart mobile phone, computer or tablet connected to the internet, or a traditional landline telephone or non-smart mobile phone.

Videoconferencing allows a video (sound plus picture) discussion between participants at different locations. It typically involves the use of a smart mobile phone, or a computer or tablet connected to the internet. Some systems permit those with a traditional landline telephone or non-smart mobile phone to listen or participate in the conversations without seeing the live video.

The Examining Authority will make final judgements on the format and timetable for the Examination based on the ability to provide secure, accessible and manageable events. They will be guided by the response to the questionnaire that has been issued to Interested Parties requesting information about if, when and how they could participate in a virtual event.

4. Would any virtual events still be held in public and would there be any restrictions on who could take part?

The Examining Authority will continue to hold the Examination in public. It will not have any private discussions with any parties. Arrangements would be made for any virtual events to be as accessible to Interested and Statutory Parties as they reasonably can be in the current circumstances. All events would continue to be recorded and made available through the project web page.

As with the traditional process, the Examination would continue to be primarily a written process, and the Examining Authority would use Meetings and Hearings only when one was considered necessary to better understand written submissions or where the legislation requires it. If the virtual event format did not allow full interactive participation by all parties, there would remain full opportunity for registered Interested Parties to submit written representations after the event, and the Examining Authority affords these the same level of consideration as oral contributions.

The Examining Authority continues 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. The Examining Authority will give equal consideration to any matter, whether it is raised once or several times.

Please contact the case team by telephone at 0303 444 5000 or by email at aquind@planninginspectorate.gov.uk if you are not sure of your status.

The Examining Authority does want to hear different views, but it will have to take account of practical considerations as it exercises its discretion on the procedures for Hearings going forward.

5. Is the Examining Authority considering any other measures to help accelerate the start of the Examination and ensure its efficiency?

The Examining Authority has been able to progress a number of aspects of its preparation during the period of postponement and is considering bringing certain parts of the Examination forward. For example, it may be possible to issue a provisional set of First Written Questions alongside the Rule 6 letter, albeit without a fixed date for responses at that stage. This could save some time once the Examination has started.

Should a virtual event be used, the Examining Authority is considering issuing a more detailed brief and agenda for the event in advance of the day, reducing the time needed for the explanation of introductory matters in the live meeting and providing a greater focus on planned discussion points. This should reduce the time required for the meeting and help to maintain concentration.

It is likely that the Examining Authority would also introduce a larger number of breaks during proceedings to aid concentration and reduce screen fatigue, though these may be shorter than those used in traditional events.

It is likely that the draft timetable would include greater flexibility and redundancy that has traditionally been the case. Several alternative dates may be reserved for events, and all potential participants and observers would be asked to reserve these in their diary. With increasing familiarity with any new virtual process, and with planned mitigation measures put in place, it is hoped that most of these dates would not be needed. A further update will be provided once the Examining Authority has enough information to confirm the provisional timetable dates.

6. I might want to take part in the events but have never done teleconferencing or videoconferencing before and am not sure if I will be able to. How will you cater for my needs?

The Examining Authority would be very sensitive to catering for different needs and levels of experience. The Planning Inspectorate is working to make any events as accessible as possible and the case team would provide support and guidance to parties invited to any event before it takes place.

7. What equipment and software would I need?

The Examining Authority is considering the use of readily available equipment and software, which most people are likely to have already. Details of the requirements and relevant guidance and support would be provided in due course.

8. How would I be able to join an event?

Registered Interested Parties would be required to give advance notice of a request to speak at or observe events in the normal way, in accordance with the Rule 6 letter or Examination Timetable.

The practicalities of the technical arrangements that would be necessary mean that the Examining Authority would be unlikely to be able to accommodate any requests to speak at events that are not made formally in advance. Similarly, it is likely that any representations that Interested Parties might wish to make in response to an oral representation at the event would need to be made in writing afterwards, rather than orally at the time. These would be given equal consideration by the Examining Authority. Further details would be provided with the notification of event, as required.

Technical and management considerations could result in the Examining Authority having to limit the number of speakers and the time available to them at any event. The Examining Authority would be most likely to prioritise Interested Parties and those speaking on behalf of a group of people. The Examining Authority gives the same consideration to any matter, whether it is raised once or several times.

9. Would I be able to observe the Hearings if I decided that I didn't want to speak at them?

The Planning Inspectorate is investigating whether it is possible to invite observers into a virtual meeting as it happens. This would allow observation

without active participation. It is also considering whether it could provide streamed broadcasts of any virtual events. These would allow the event to be observed live as they progress. Both routes would typically involve the use of a smart mobile, computer or a tablet connected to the internet.

As with traditional events, a recording would be made of any virtual event and this would be the formal record. The recordings would be made available on the project web page as soon as practicable after each event.

10. Would I be able to make a submission on the matters that are covered in events if I decided that I didn't want to speak at them?

Parties who do not speak at events, but who access the recordings (or, if available, live streaming broadcast) would be invited to make a written submission on the specific matters included on the Agendas or arising during the event. These submissions would be made at the Deadline for post-event submissions identified in the Examination Timetable, in the normal way.

11. Could I still take part in the Examination if I was not able to speak at an event or observe it?

Yes. Interested Parties and Statutory Parties could continue to participate in the Examination through the written process. Deadlines for written submissions are identified in the Examination Timetable.

During an Examination, an Examining Authority can use its discretion to accept submissions from other parties. The Examining Authority's intention here would be to continue to do so when it considers it likely that this would assist the Examination.

Please contact the case team by telephone at 0303 444 5000 or by email at aquind@planninginspectorate.gov.uk if you are not sure of your status.

12. What if I wasn't able to participate in the process now or my circumstances change?

Please contact the case team by telephone at 0303 444 5000 or by email at aquind@planninginspectorate.gov.uk and explain your circumstances. The Planning Inspectorate would do its best to accommodate your needs and facilitate different means of involvement.

13. What additional information would be provided?

The revised Rule 6 letter and Examination Timetable that will be published as soon as possible will detail activities, deadlines and requirements in relation to secure, accessible and practical events. They will set out when any events will be notified and when any agendas will be issued. They will also explain when information will be provided on procedures for events. Information will be provided on the methods that will be used at events, on any trials and testing in advance of the event to assist with allowing parties to understand any new format, and on the support that would be provided to participants.

14. How should I keep up to date with the latest news about the Examination?

Please visit the project website regularly for updates:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/>

The project website also has a facility for you to sign up to receive updates by email.