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All Interested Parties, Statutory Parties  
and Other Persons

Your Ref:

Our Ref: EN020022

Date: 3 July 2020

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Dear Sir/ Madam

## **Planning Act 2008 – Section 88 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 6**

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

#### **Notice of appointment of the Examining Authority and date, time and place of the Preliminary Meeting**

I write to you following my appointment by the Secretary of State as the lead member of a Panel who will be the Examining Authority (the ExA) to carry out an Examination of the above application. I am Andrew Mahon and the other members of the Panel are David Wallis and Stephen Roscoe. A copy of the appointment notice can be viewed at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN020022/EN020022-001050-EN020022%20Notice%20of%20Appointment%20of%20Panel%20of%20Examiners.pdf>.

This Rule 6 letter supersedes my previous letter dated 5 March 2020, as, due to Government restrictions associated with the COVID-19 crisis, the arrangements set out in that letter for the Preliminary Meeting and the start of the Examination were postponed. This letter provides the new information and arrangements.

I must thank you all for your continued patience and for the contributions you have made so far, including your Relevant Representations and the return of completed questionnaires in response to our request for information dated 11 May 2020. These have been extremely helpful in deciding how the application can best be examined. A summary of the responses that we received is set out at **Annex G** for information.

We have accepted some late questionnaire responses given the unusual circumstances in which we have all found ourselves, but we should stress that once the Examination starts, the timetable Deadlines will need to be fully respected. Any late responses may not be accepted, and we should remind you that any unacceptable impacts on another party's interests could lead to an application for an award of costs.



While the delay to the Preliminary Meeting and the start of the Examination has caused inconvenience, it has provided an opportunity to develop some of the necessary discussions and documents. In anticipation of progress on the matters set out at Annex A of my letter of 26 March 2020<sup>1</sup>, please note that we have included some matters earlier in the draft Examination Timetable than might normally have been the case. In particular, we are publishing our First Written Questions (ExQ1) at the same time as this letter, and they can be found at:

<http://infrastructure.planninginspectorate.gov.uk/document/EN020022-001148>.

Responses are due by **Deadline 1** in the draft Examination Timetable. The provisional date for this is 6 October 2020, but it will not be confirmed until after the close of the Preliminary Meeting. Nevertheless, parties should not delay considering responses to the questions until after the Preliminary Meeting, although responses should not be submitted prior to the commencement of the Examination, which will be the day after we close the Preliminary Meeting.

### **Invitation to the Preliminary Meeting**

The ExA is conscious of the continued threat of COVID-19 and the latest Government guidance and restrictions. Equally, the Government has made it clear that the consenting processes for national infrastructure projects should progress. Taking these factors into account, and considering the questionnaire responses, the ExA has made the Procedural Decision that the Preliminary Meeting will take place virtually, and a date and time for this has now been set.

This letter is an invitation to the Preliminary Meeting to discuss the Examination procedure. It contains a number of important, supporting annexes.

<b>Date of meeting:</b>	<b>Tuesday 18 August 2020</b>
<b>Joining available from:</b>	<b>9.20am</b>
<b>Meetings begin:</b>	<b>10.00am</b>
<b>Venue:</b>	<b>Online</b>
<b>Virtual Access:</b>	<b>Please refer to Annex E of this letter</b>

Please note that the date of Tuesday 8 September 2020 has been reserved for the resumption of the Preliminary Meeting following its adjournment on Tuesday 18 August 2020. This will allow the submission and consideration of written submissions by any parties observing but not actively participating in the Preliminary Meeting (or having seen its digital recording), including any written submissions in response to any party's oral submission at the Preliminary Meeting.

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<sup>1</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-001109-20200326%20EN020022%20AQIIND%20-%20PM%20Postponement%20Letter.pdf>

## Agenda for the Preliminary Meeting

The agenda for the meeting is at **Annex A**. This has been set following our Initial Assessment of Principal Issues arising from our reading of the application documents and the Relevant Representations received. That assessment is set out at **Annex B**.

As a result of this assessment we wish to hear from the Applicant, Interested Parties, Affected Persons, Statutory Parties and Local Authorities where they consider changes may be needed to the draft Examination Timetable set out at **Annex C**. Any such representations should be submitted as soon as possible and by no later than **Procedural Deadline A** (28 July 2020). We will consider and indeed encourage written submissions, and we will give these the same weight as any oral contributions made during the Preliminary Meeting. It will not therefore be necessary to repeat any written submission through speaking at the Preliminary Meeting.

## Purpose of the Preliminary Meeting

The Preliminary Meeting enables views to be put to us about the way in which the application is to be examined. At this stage, the ExA is looking at the procedure and not the merits of the application. The merits of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed.

The Preliminary Meeting provides a useful introduction to the Examination process. We will use it to make Procedural Decisions that will affect everyone participating in the Examination. Your written or oral submissions provide you with an opportunity to have your say about procedural issues before these decisions are finalised. You will find it useful to provide a written submission or attend this meeting if you intend to play an active part in the Examination or if you have questions about procedure, though most of these can be answered by reading the Planning Inspectorate's Advice Note 8.3, which is available at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2014/06/Advice-note-8-3v4.pdf>.

**Annex F** of this letter provides a brief introduction to the Preliminary Meeting. You should read this in advance if you intend to participate, observe or watch the digital recording of the meeting, as it includes important background information that will only be presented in summary by the ExA at the start of the meeting.

Please note that you are not required to attend the Preliminary Meeting in order to participate in the Examination. If you are an Interested Party, you will still be able to make a Written Representation and comment on the Written Representations made by other Interested Parties. You will also be eligible to participate in any hearings that are arranged. Further information is given in the Planning Inspectorate's Advice Note 8.4, which is available at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8-4v3.pdf>.



Should you no longer wish to be an Interested Party and do not wish to be involved in the Examination process, please notify the Case Team of this in writing (details at the top of this letter).

## **Attending the Preliminary Meeting**

We wish to run a fair, efficient and effective Preliminary Meeting so that all relevant views can be heard. Therefore, the ExA has made the Procedural Decision to adjourn the Preliminary Meeting on 18 August 2020 for three weeks to allow further written submissions, including responses to submissions made orally during the meeting. The digital recording of the Preliminary Meeting will be published on the project page of the Planning Inspectorate website<sup>2</sup> as soon as possible following 18 August 2020, and the adjournment would also allow those who were unable to participate virtually in the meeting at the time to make a written response. The Preliminary Meeting will therefore be resumed on 8 September 2020. If the ExA decides it would be in the interests of the Examination to hear any further oral submissions at that stage, these will be invited. If not, the resumed event will be held to acknowledge the written submissions and to close the Preliminary Meeting formally.

**If you wish to speak at the Preliminary Meeting please contact the Case Team using the details set out at the top of this letter, by no later than Procedural Deadline A, which is 28 July 2020. Due to the nature of the event, we can only accommodate participation on the day by those who register with the Case Team by this date, and numbers may need to be limited.**

Therefore, it will help our preparations and the management of the meeting if you also tell us which agenda items you wish to speak on, listing points you wish to make, and why you believe these need to be made orally rather than in writing. Any comments on the proposed Agenda must also be received by the Case Team by no later than **Procedural Deadline A (28 July 2020)**. Please remember this meeting is only about the process of Examination, and we will not be hearing any representations at this meeting about the merits of the Proposed Development or the application.

We strongly encourage groups of individuals who have similar views on the procedure to choose one representative to speak for the group.

Invitations will be sent by e-mail to those that have expressed a wish to speak at the Preliminary Meeting and joining instructions will be provided at that time; parties will be able to join from a computer, tablet, smartphone or a traditional landline telephone. Further information about this can be found in **Annex E**.

Depending on the number of participants and requests to speak on each of the Agenda items, we may decide to hold the Preliminary Meeting in a series of discrete sessions, with timed attendance invitations. As such, prospective participants are advised to keep the whole day available.

Up-to-date information about the project and the Examination can be obtained from: <https://infrastructure.planninginspectorate.gov.uk/projects/South%20East/AQUIND-Interconnector/>.

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<sup>2</sup> <https://infrastructure.planninginspectorate.gov.uk/projects/South%20East/AQUIND-Interconnector/>



As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with this resource.

If you do not wish to speak but would like to observe the Preliminary Meeting in real time rather than retrospectively as a recording, the Applicant has informed the Case Team that it hopes to be able to arrange a live-streaming of the meeting; instructions can be found at **Annex E**.

There is a function on the right-hand side of the project web page called 'E-mail updates'. This provides you with an opportunity to register to receive e-mail updates. We would encourage you to make use of this. You will receive an e-mail every time the banner is updated on the project page, at key stages during the Examination. It is likely, if the Preliminary Meeting is to be live-streamed, that the link to the event will be made available here, shortly before the event is to take place.

## **After the Preliminary Meeting**

After the Preliminary Meeting you will be sent a letter setting out the finalised Examination Timetable. A digital recording of the Preliminary Meeting will be published on the project web page of the National Infrastructure Planning website<sup>3</sup> alongside a note of the meeting.

Interested Parties have the right to request an Open Floor Hearing and those persons affected by any request for Compulsory Acquisition or Temporary Possession of their land or rights may request a Compulsory Acquisition Hearing. The dates reserved for these, if required, are set out in the draft Examination Timetable at **Annex C**.

The DCO Examination process under the Planning Act 2008 is primarily a written one, and any Issue Specific Hearings will be held at the discretion of the Panel and only if we feel that consideration of oral representations is needed to ensure that an issue is adequately examined.

The dates reserved for Issue Specific Hearings are set out in the draft Examination Timetable at **Annex C**. Depending on the representations received and the information that is provided in response to our First Written Questions (ExQ1), we will decide which, if any, Issue Specific Hearings are necessary.

Our Examination will take into account Relevant Representations, Written Representations, responses to our Written Questions and any oral representations made at the meetings and Hearings. In addition, we will take account of the application documents, Local Impact Reports, policy and legal considerations, site inspections and any other matters we consider to be relevant and important. All of these will be considered when we make a recommendation to the Secretary of State for Business, Energy and Industrial Strategy, who will make the final decision in this case.

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<sup>3</sup> <https://infrastructure.planninginspectorate.gov.uk/projects/South%20East/AQUIND-Interconnector/>

## Other Procedural Decisions made by the Examining Authority

We have made several Procedural Decisions which are set out in full at **Annex D**. For ease of reference, these are:

- Publication of ExQ1 with Rule 6 letter and responses by Deadline 1;
- Request for Local Impact Reports by Deadline 1;
- Request for Written Representations by Deadline 1;
- Request for responses to Relevant Representations by Deadline 1;
- Request for Statements of Common Ground by Deadline 1;
- Request for Statement of Commonality for SoCG by Deadline 1;
- Request for the Compulsory Acquisition Schedule by Deadline 1;
- The use of a virtual format for holding Examination events;
- Request for low resolution versions of some large application documents from the Applicant by Deadline 1;
- Arrangements for an Accompanied Site Inspection, if required;
- The acceptance of Additional Submissions into the Examination.

## Your status in the Examination

You have received this letter because you fall within one of the groups described in this status FAQ document:

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

If your reference number begins with 2002 or AQUI-AFP, you are in Group A. If your reference number begins with AQUI-SP you are in Group B. If your reference number begins with AQUI-OP, you are in Group C.

If, having read the FAQ document published at the link above, you are still unsure about your status, please contact the Case Team using the details at the top of this letter.

## Electronic communication

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by e-mail wherever possible as electronic communication is more environmentally friendly and cost effective for the Inspectorate as a Government agency. If you have received a postcard but are able to receive communications by e-mail, please confirm this with the Case Team using the contact details at the top of this letter as soon as possible.

## Deadlines

Please note that all deadlines in the draft Examination Timetable and as referred to in this letter are at 23:59 on the deadline day.

## Award of costs

We also draw your attention to the possibility of the award of costs against Interested Parties who behave unreasonably. You should be aware of the relevant cost guidance that applies to National Infrastructure projects. The *'Awards of costs; examinations of*



applications for development consent orders' is available on the National Infrastructure pages of the Planning Portal website:

<http://infrastructure.planningportal.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 by the Planning Inspectorate, is published on the project page of the Planning Inspectorate's website<sup>4</sup>.

Please note that in the interest of facilitating an effective and fair Examination, we consider it necessary to publish some personal information. To find out how we handle your personal information, please view our [Privacy Notice](#).

We look forward to working with all parties in the examination of this application.

Yours faithfully

*Andrew Mahon*

**Lead Member of the Panel of Examining Inspectors**

## **Annexes**

- A Agenda for the Preliminary Meeting
- B Initial Assessment of Principal Issues
- C Draft timetable for Examination of the Application
- D Procedural Decisions made by the Examining Authority since the postponement of the Preliminary Meeting
- E Virtual Events Frequently Asked Questions
- F Introduction to the Preliminary Meeting
- G Summary of responses to Rule 17 request questionnaire
- H Availability of Examination documents

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<sup>4</sup> <https://infrastructure.planninginspectorate.gov.uk/projects/South%20East/AQUIND-Interconnector/>

## Agenda

**Title of meeting**                      **AQUIND interconnector Preliminary Meeting**

**Meeting Date:**                      **Tuesday 18 August 2020**

**Joining available from:**            **09:20**

**Meeting start time:**                **10:00\***

**Venue:**                                **By virtual means (see Annex E)**

**Attendees**                              **Invited Parties**

**(The meeting will be also be available for people to observe live online via a link, which will be advertised on the project page of the Planning Inspectorate’s National Infrastructure website shortly before the Meeting is due to open.)**

Item 1	Open of the Preliminary Meeting, welcome and introductions
Item 2	The Examining Authority’s (ExA) remarks about the Examination process
Item 3	Initial Assessment of Principal Issues – Annex A
Item 4	Draft Examination Timetable – Annex B
Item 5	Deadlines for submissions and notifications
Item 6	Dates and Format for Hearings (OFH, CAH and ISH) and for Accompanied Site Inspections (ASI), if required
Item 7	Any remaining questions or submissions regarding procedural matters not set out in the agenda that have been submitted to the Planning Inspectorate in advance of the Preliminary Meeting
Item 8	Availability of Relevant Representations and application documents
Item 9	Any other matters
Item 10	Adjournment of Preliminary Meeting until Tuesday 8 September 2020 at 10:00am**

### **Please Note:**

\*If you are joining as an active participant please follow the joining instructions for the virtual event carefully and connect into the Preliminary Meeting in good time. In common with traditional Preliminary Meetings, the event will start at 10am irrespective of any late arrivals, for whom access may not be possible.

Depending on the number of participants and requests to speak on each of the Agenda items, we may decide to hold the Preliminary Meeting in a series of discrete sessions, with timed attendance invitations. As such, prospective participants are advised to keep the whole day available.

**\*\***The adjournment to 10:00 on Tuesday 8 September 2020 will allow Interested Parties and Affected Persons who were unable to attend the Preliminary Meeting the opportunity to make written submissions on Agenda items, or to respond in writing to oral representations on Agenda items made by active participants in the Preliminary Meeting. The digital recording of the Preliminary Meeting (whether adjourned or not) will be made available on the project web page of the Planning Inspectorate's National Infrastructure website as soon as possible following the close or adjournment of the meeting.

<https://infrastructure.planninginspectorate.gov.uk/projects/South%20East/AQUI-ND-Interconnector/>

All written submissions must be received by **Procedural Deadline B** (1 September 2020). The resumed Preliminary Meeting would not be an opportunity to restate cases. The Preliminary Meeting relates only to the specific Agenda items and it will not explore the merits of the project or the application.



**Initial Assessment of Principal Issues**

This is the Initial Assessment of the Principal Issues prepared under s88(1) of the Planning Act 2008 (PA2008). In making this initial assessment, the Examining Authority (ExA) has had regard to the application documents and Relevant Representations received in respect of the application.

It is not a comprehensive or exclusive list of all relevant matters. The ExA will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report to the Secretary of State for Business, Energy and Industrial Strategy after the Examination has concluded.

The order of the issues does not imply any order of prioritisation or importance.

The policy and consenting requirements and documents associated with the PA2008 are an integral part of the Examination and are therefore not set out as separate Principal Issues.

It should be noted that a number of the Principal Issues set out below may have an interrelationship or overlap, and this will be reflected in the Examination. It should also be noted that:

- whilst the effects of the proposal on the achievement of sustainable development including the mitigation of, and adaptation to, climate change are not listed as specific Principal Issues; and
- whilst the effects of the proposal in relation to human rights and equalities duties are not listed as specific Principal Issues;

the ExA will conduct all aspects of the Examination with these objectives in mind.

<b>Principal Issue</b>	<b>Brief Amplification To include but not necessarily limited to:</b>
Air Quality	<ul style="list-style-type: none"> <li>• The extent to which the construction of the Proposed Development and the associated changes to traffic movements would affect air quality along the construction route and possible alternative driving routes along the A3 and A2047, and the consequent impacts on local residents and air quality improvement strategies.</li> </ul>
Compulsory Acquisition	<ul style="list-style-type: none"> <li>• Whether the Compulsory Acquisition of the land and rights sought under the dDCO satisfies the conditions set out in the PA2008.</li> <li>• Whether the Temporary Possession powers sought are justified and proportionate.</li> <li>• Whether alternatives, in relation to individual plots and the route for the Proposed Development and especially</li> </ul>

	<p>the extent of Compulsory Acquisition and Temporary Possession, have been sufficiently taken into account.</p> <ul style="list-style-type: none"> <li>• The effect of the Proposed Development on the assets and activities of Statutory Undertakers, including Protective Provisions in the dDCO and the tests in the PA2008.</li> <li>• The need for the consent of the appropriate Crown Authority for the interests sought in Crown land.</li> <li>• The effect of the Proposed Development on special category land in terms of the PA2008.</li> <li>• The likely availability of funds to implement the Proposed Development.</li> </ul>
Cultural Heritage	<ul style="list-style-type: none"> <li>• The effects of the Proposed Development on heritage assets and their visual and functional settings, and on buried and marine archaeology.</li> </ul>
Draft Development Consent Order	<ul style="list-style-type: none"> <li>• The appropriateness of the Applicant's dDCO including its scope, provisions, Requirements, Protective Provisions and the Deemed Marine Licence.</li> </ul>
Environment Impact Assessment and Environmental Statement	<ul style="list-style-type: none"> <li>• Adequacy of assessment of environmental effects of the alternatives that were considered in the Environmental Statement.</li> <li>• Justification for assumptions made in relation to siting of buildings, cable routing and installation, and in undertaking and reporting the EIA. How assumptions used in the EIA could be secured through any DCO.</li> <li>• Approach to EIA, including the use of the 'Rochdale Envelope' and the 'design principles', whether worst-case parameters have been used throughout the EIA, and whether all necessary parameters and mitigation measures are captured in the dDCO.</li> <li>• The approach to, and scope of, cumulative and in-combination assessments in the EIA and HRA.</li> <li>• Consideration of indirect effects on the qualifying features of European sites, including any displacement of recreational activities from construction areas to more sensitive land.</li> </ul>
Flood Risk	<ul style="list-style-type: none"> <li>• Consideration of the accuracy of the presented Flood Risk Assessments, including whether there would be any increase in the risk of flooding (including offsite flooding) as a result of the Proposed Development.</li> </ul>
Habitats and Ecology (onshore)	<ul style="list-style-type: none"> <li>• Temporary and permanent impacts on species and habitats, including noise, visual and other disturbance, with particular reference to European and other protected sites and species.</li> <li>• Consideration of any necessary mitigation, monitoring, management and compensatory measures and their effectiveness.</li> </ul>

	<ul style="list-style-type: none"> <li>The nature conservation impacts associated with the loss of trees and hedgerows.</li> </ul>
Landscape and Visual Amenity	<ul style="list-style-type: none"> <li>The impact of the Proposed Development on landscape and visual amenity, including the settings of protected landscapes.</li> <li>The effects of temporary and permanent lighting on the landscape and visual amenity.</li> <li>The extent to which the design of permanent structures should be controlled and secured through any DCO.</li> </ul>
Marine Environment	<ul style="list-style-type: none"> <li>Adequacy of submitted information in relation to dredging and disposal of sediment, and the potential need for the designation of a new disposal site.</li> <li>Accuracy of sediment contaminant data set out in the Environmental Statement.</li> <li>Risk to herring spawning and the potential need for mitigation measures to be secured through the Deemed Marine Licence.</li> </ul>
Noise	<ul style="list-style-type: none"> <li>Impacts of construction noise on sensitive receptors along the cable installation route and at construction sites, including residents and community receptors, and wildlife communities.</li> <li>Impacts of operational noise at the converter station.</li> <li>Adequacy of the underwater noise assessment.</li> </ul>
Onshore Water Environment	<ul style="list-style-type: none"> <li>Modelling of contamination risks during construction, and whether there is sufficient information presented to ensure that the risk to the water environment as a result of the Proposed Development is effectively mitigated.</li> </ul>
Planning Policy	<ul style="list-style-type: none"> <li>Whether the Proposed Development complies with: <ul style="list-style-type: none"> <li>National Policy Statement EN-1, Overarching National Policy for Energy and National Policy Statement EN-5 Electricity Networks Infrastructure;</li> <li>The Marine Policy Statement September 2011; and</li> <li>Policies of Local Development Plans and the extent to which they are relevant and important.</li> </ul> </li> </ul>
Shipping and Navigation	<ul style="list-style-type: none"> <li>The extent to which the Proposed Development would impact on navigation, shipping, fisheries, trade, recreational boating and other offshore operations and activities.</li> </ul>
Socio-Economic Effects	<ul style="list-style-type: none"> <li>The extent to which the Proposed Development would result in any socio-economic benefits in terms of the national, regional or local economy.</li> <li>The extent to which the Proposed Development would result in any adverse socio-economic effects on the national or local economy, including disruption of</li> </ul>

	<p>businesses, tourism and events, local maritime and port activities, fisheries and other enterprises.</p> <ul style="list-style-type: none"> <li>• The effects of the Proposed Development on human health, including consideration of EMF, contamination, air quality, noise and vibration.</li> <li>• The extent to which the Proposed Development would affect the availability and usability of public rights of way, allotments, sports fields and other open spaces.</li> <li>• The temporary impact of construction activities on access to community facilities and residential properties.</li> </ul>
<p>Traffic and Transport</p>	<ul style="list-style-type: none"> <li>• The effect of the Proposed Development on traffic flows, delays, volumes and circulation in both the local and wider context.</li> <li>• The effect of the Proposed Development on public transport.</li> <li>• The effect of the Proposed Development on road safety, cyclists and pedestrian amenity.</li> </ul>
<p>Trees</p>	<ul style="list-style-type: none"> <li>• The impact of the Proposed Development on protected and other important trees, and the implications of Portsmouth City Council’s policy not to subject trees within its guardianship to TPOs.</li> </ul>

## Draft Examination Timetable

The ExA is under a duty to complete the Examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at Hearings.

	<b>Matters</b>	<b>Due Dates</b>
<b>1.</b>	<p><b>Procedural Deadline A</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Written submissions, if required, from the Applicant and any Interested Party or Affected Persons on any changes that are considered necessary to the draft Examination Timetable, together with which agenda items you wish to speak on, points you wish to make, and why these need to be made orally rather than in writing.</li> </ul>	<b>Tuesday 28 July 2020</b>
<b>2.</b>	<b>Preliminary Meeting<sup>1</sup></b>	<b>Tuesday 18 August 2020 at 10:00</b>
<b>3.</b>	<p><b>Procedural Deadline B</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Written submissions, if required, from the Applicant and any Interested Party or Affected Persons on procedural matters relating to the purpose or proceedings of the Preliminary Meeting.</li> </ul>	<b>Tuesday 1 September 2020</b>
<b>4.</b>	<b>Resumption of the Preliminary Meeting</b>	<b>Tuesday 8 September 2020 at 10:00</b>
<b>5.</b>	<p><b>Issue by the ExA of:</b></p> <ul style="list-style-type: none"> <li>Examination Timetable.</li> </ul>	<b>As soon as practicable after the close of the Preliminary Meeting</b>

<sup>1</sup>The Meeting will be adjourned rather than closed following the day's business to allow time for written responses.

<p><b>6.</b></p>	<p><b>Deadline 1</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Responses to ExQ1 (<b>see Annex D</b>);</li> <li>• Local Impact Reports (LIR) from Local Authorities (<b>see Annex D</b>);</li> <li>• Written Representations (WRs) including summaries of all WRs exceeding 1500 words (<b>see Annex D</b>);</li> <li>• Responses to Relevant Representations (<b>see Annex D</b>);</li> <li>• Statements of Common Ground (SoCG) requested by the ExA (<b>see Annex D</b>);</li> <li>• Statement of Commonality for SoCG (<b>see Annex D</b>);</li> <li>• The Compulsory Acquisition Schedule;</li> <li>• Notification by Statutory Parties of their wish to be considered as an Interested Party (IP) by the ExA;</li> <li>• Notification of wish to participate in an Open Floor Hearing (OFH);</li> <li>• Notification of wish to participate in a Compulsory Acquisition Hearing (CAH);</li> <li>• Submission by the Applicant, IPs and APs of suggested locations for the ExA to include in any Accompanied Site Inspection, including the reason for nomination and issues to be observed, information about whether the location can be accessed using public rights of way or what access arrangements would need to be made, and the likely time requirement for the visit to that location<sup>2</sup>;</li> <li>• Responses to Relevant Representations.</li> </ul>	<p><b>Tuesday 6 October 2020</b></p>
<p><b>7.</b></p>	<p><b>Deadline 2</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on responses for Deadline 1;</li> <li>• Comments on WRs;</li> <li>• Comments on responses to ExQ1;</li> <li>• Progressed Statements of Common Ground;</li> <li>• Progressed Statement of Commonality for SoCG;</li> <li>• Comments on LIR(s);</li> <li>• An updated Guide to the Application;</li> </ul>	<p><b>Tuesday 20 October 2020</b></p>

<sup>2</sup> Please note: an ASI can only go ahead if Government guidance on COVID-19 at that time permits. In the event it cannot be undertaken as a physical visit, alternative approaches (including the use of technology) will be explored, and all participants will be notified.

	<ul style="list-style-type: none"> <li>• An updated version of the draft Development Consent Order (dDCO) in clean and tracked versions;</li> <li>• Schedule of changes to the dDCO (<b>see Annex D</b>);</li> <li>• An updated Compulsory Acquisition Schedule in clean and tracked versions;</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules<sup>3</sup>.</li> </ul>	
<b>8.</b>	<p><b>Issue by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• Notification of Hearings to be held during the weeks commencing 7 December 2020;</li> <li>• Agendas and running orders for Open Floor Hearing(s);</li> <li>• Agendas and running orders for Compulsory Acquisition Hearing(s);</li> <li>• Invitations to participate in an Open Floor Hearing;</li> <li>• Invitations to participate in a Compulsory Acquisition Hearing.</li> </ul>	<b>Monday 2 November 2020</b>
<b>9.</b>	<p><b>Deadline 3</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on responses submitted for Deadline 2;</li> <li>• An updated Guide to the Application;</li> <li>• An updated version of the draft Development Consent Order (dDCO) in clean and tracked versions;</li> <li>• An updated Schedule of changes to the dDCO;</li> <li>• An updated Compulsory Acquisition Schedule in clean and tracked versions;</li> <li>• Progressed Statements of Common Ground;</li> <li>• Progressed Statement of Commonality for SoCG;</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules.</li> </ul>	<b>Tuesday 3 November 2020</b>
<b>10.</b>	<p><b>Issue by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• Notification of Hearings to be held during the weeks commencing 14 December 2020;</li> <li>• Agendas for Issue Specific Hearing(s);</li> <li>• Invitations to participate in an Issue Specific Hearing.</li> </ul>	<b>Monday 9 November 2020</b>

<sup>3</sup> The Infrastructure Planning (Examination Procedure) Rules 2010.

<p><b>11.</b></p>	<p><b>Deadline 4</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on responses submitted for Deadline 3;</li> <li>• The Applicant’s draft ASI arrangements and itinerary<sup>4</sup>;</li> <li>• An updated Guide to the Application;</li> <li>• An updated version of the draft Development Consent Order (dDCO) in clean and tracked versions;</li> <li>• An updated Schedule of changes to the dDCO;</li> <li>• An updated Compulsory Acquisition Schedule in clean and tracked versions;</li> <li>• Progressed Statements of Common Ground;</li> <li>• Progressed Statement of Commonality for SoCG;</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules.</li> </ul>	<p><b>Tuesday 17 November 2020</b></p>
<p><b>12.</b></p>	<p><b>Deadline 5</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Any information requested by the ExA under Rule 17 of the Examination Rules to assist the Hearings scheduled for weeks commencing 7 and 14 December 2020, including full transcripts of all oral submissions to be given at the OFHs and CAHs.</li> </ul>	<p><b>Monday 30 November 2020</b></p>
<p><b>13.</b></p>	<p><b>Hearings</b></p> <p>Dates reserved for any:</p> <ul style="list-style-type: none"> <li>• Open Floor Hearing(s) (if required);</li> <li>• Compulsory Acquisition Hearing(s) (if required).</li> </ul>	<p><b>Week commencing Monday 7 December 2020</b></p>
<p><b>14.</b></p>	<p><b>Hearings</b></p> <p>Dates reserved for any:</p> <ul style="list-style-type: none"> <li>• Issue Specific Hearing(s) (if required).</li> </ul>	<p><b>Week commencing Monday 14 December 2020</b></p>
<p><b>15.</b></p>	<p><b>Deadline 6</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on responses submitted for Deadlines 4 and 5;</li> </ul>	<p><b>Wednesday 23 December 2020</b></p>

<sup>4</sup>Please note: an ASI can only go ahead if Government guidance on COVID-19 at that time permits. In the event it cannot be undertaken as a physical visit, alternative approaches (including the use of technology) will be explored, and all participants will be notified.

	<ul style="list-style-type: none"> <li>• Written summaries of oral submissions to any Hearings held during the weeks commencing 2 and 9 November 2020;</li> <li>• Comments on the Applicant's draft ASI arrangements and itinerary<sup>5</sup>; Any post-Hearing notes requested at the Hearings;</li> <li>• An updated Guide to the Application;</li> <li>• An updated version of the draft Development Consent Order (dDCO) in clean and tracked versions;</li> <li>• An updated Schedule of changes to the dDCO;</li> <li>• An updated Compulsory Acquisition Schedule in clean and tracked versions;</li> <li>• Progressed Statements of Common Ground;</li> <li>• Progressed Statement of Commonality for SoCG;</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules.</li> </ul>	
<b>16.</b>	<p><b>Issue by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• Notification of Hearings to be held during the weeks commencing 8 and 15 February 2021 (if required);</li> <li>• Agendas and running orders for Open Floor Hearing(s);</li> <li>• Agendas and running orders for Compulsory Acquisition Hearing(s);</li> <li>• Invitations to participate in an Open Floor Hearing;</li> <li>• Invitations to participate in a Compulsory Acquisition Hearing(s);</li> <li>• Agendas for Issue Specific Hearing(s);</li> <li>• Invitations to participate in an Issue Specific Hearing;</li> <li>• Notification of Accompanied Site Inspection(s) to be held during the weeks commencing 8 or 15 February 2021 (if required).</li> </ul> <p><b>Publication by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• Further Written Questions (ExQ2) (if required).</li> </ul>	<b>Thursday 7 January 2021</b>
<b>17.</b>	<p><b>Deadline 7</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Responses to ExQ2;</li> <li>• Comments on responses submitted for Deadline 6;</li> </ul>	<b>Monday 25 January 2021</b>

<sup>5</sup> Please note: an ASI can only go ahead if Government guidance on COVID-19 at that time permits. In the event it cannot be undertaken as a physical visit, alternative approaches (including the use of technology) will be explored, and all participants will be notified.

	<ul style="list-style-type: none"> <li>Any information requested by the ExA under Rule 17 of the Examination Rules to assist Hearings scheduled for weeks commencing 8, 15 and 22 February 2021 including full transcripts of all oral submissions to be given at the OFHs and CAHs;</li> <li>Updated Statements of Common Ground;</li> <li>Updated Statement of Commonality for SoCG;</li> <li>An updated Guide to the Application;</li> <li>Updated Book of Reference;</li> <li>Updated Statement of Reasons;</li> <li>Signed and dated s106 Agreement (if required);</li> <li>An updated version of the draft Development Consent Order (dDCO) in clean and tracked versions;</li> <li>An updated Schedule of changes to the dDCO;</li> <li>Any further information requested by the ExA under Rule 17 of the Examination Rules (if required).</li> </ul>	
<b>18.</b>	<p><b>Publication by the ExA of:</b></p> <ul style="list-style-type: none"> <li>The Report on the Implications for European Sites (RIES) (if required);</li> <li>The ExA's proposed schedule of changes to the dDCO (if required);</li> <li>Any requests for information under Rule 17 of the Examination Rules (if required).</li> </ul>	<b>Wednesday 3 February 2021</b>
<b>19.</b>	<p><b>Hearings and Accompanied Site Inspection(s)</b></p> <p>Dates reserved for any:</p> <ul style="list-style-type: none"> <li>Issue Specific Hearing(s) (if required);</li> <li>Open Floor Hearing(s) (if required);</li> <li>Compulsory Acquisition Hearing(s) (if required);</li> <li>Accompanied Site Inspection(s) (if required).</li> </ul>	<b>Weeks commencing 8 February 2021 and 15 February 2021</b>
<b>20.</b>	<p><b>Hearing</b></p> <p>Dates reserved for any:</p> <ul style="list-style-type: none"> <li>Exceptional Hearing (if required).</li> </ul> <p>A date reserved for any final oral submissions from any parties with new topics that have, for good reason, not had an opportunity to be heard at earlier Hearings. While it would have a similar format to an Open Floor Hearing, active participation would be strictly at the invitation of the ExA and will be restricted to any matters that the ExA considers to be of importance to the Examination that have not had adequate consideration and discussion.</p>	<b>Monday 22 February 2021</b>

<p><b>21.</b></p>	<p><b>Deadline 8</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on responses submitted for Deadline 7;</li> <li>• Written summaries of oral submissions put at any Hearings held during the weeks commencing 8, 15 and 22 February 2021;</li> <li>• Any post-Hearing notes requested at the previous Hearings;</li> <li>• Comments on the RIES (if required);</li> <li>• Comments on the ExA's proposed schedule of changes to the dDCO (if required);</li> <li>• Finalised Statements of Common Ground;</li> <li>• Finalised Statement of Commonality for SoCG;</li> <li>• Finalised Compulsory Acquisition Schedule in clean and tracked versions;</li> <li>• A finalised Guide to the Application;</li> <li>• A finalised version of the draft Development Consent Order (dDCO) in clean and tracked versions;</li> <li>• A finalised Schedule of changes to the dDCO;</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules (if required).</li> </ul>	<p><b>Monday 1 March 2021</b></p>
<p><b>22.</b></p>	<p><b>Deadline 9</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Any further information requested by the ExA after Deadline 8 (if required), under Rule 17 of the Examination Rules (if required).</li> </ul>	<p><b>Friday 5 March 2021</b></p>
<p><b>23.</b></p>	<p>The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months.</p>	<p><b>Monday 8 March 2021</b></p>

### Publication dates

All information received will be published on the project webpage on the National Infrastructure Planning website as soon as practicable after the deadlines for submissions. An Examination Library will be kept up to date throughout the Examination and can be accessed via the 'Documents' tab on the project webpage. Each document will be given a unique reference. These references will be used by the ExA during the Examination:

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

## **Other Procedural Decisions made by the Examining Authority (ExA)**

Since the postponement of the Preliminary Meeting<sup>1</sup>, previously scheduled to take place on Wednesday 22 April 2020, the ExA has made the following Procedural Decisions under Section 89(3) of the Planning Act 2008. For the avoidance of doubt, Procedural Decisions made prior to the postponement of the Preliminary Meeting were set out at Annex E to the previous Rule 6 letter, dated 5 March 2020<sup>2</sup>.

### **1. First Written Questions**

The ExA has issued its First Written Questions (ExQ1) alongside this Rule 6 letter. Responses to these questions are due by Deadline 1 as shown on the draft Examination Timetable. They should not be submitted until the Examination starts, which is the day after the Preliminary Meeting is closed.

If a question is addressed to you, a full and comprehensive written response is requested. This does not prevent other parties from providing a response or pertinent information on the topic. The responses will be published on the project page of the Planning Inspectorate's National Infrastructure website<sup>3</sup> and all parties can provide representations on the responses by Deadline 2.

### **2. Deadline 1 Submissions**

In its letter of 26 March 2020 postponing the Preliminary Meeting originally scheduled for 22 April 2020, the ExA encouraged the continuation of work on relevant negotiations and documents that are important to the Examination. In anticipation of progress on these and the time that has been available to prepare for the Examination since our letter of 26 March 2020, the ExA has decided to request, amongst other things, the following by **Deadline 1** in the draft timetable:

- Local Impact Reports (LIRs);
- Written Representations (WRs);
- Responses to Relevant Representations (RRs);
- Statements of Common Ground (SoCG);
- Statements of Commonality for SoCG;
- Compulsory Acquisition Schedule; and

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<sup>1</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-001109-20200326%20EN020022%20AQUIND%20-%20PM%20Postponement%20Letter.pdf>

<sup>2</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-001100-AQUI%20-%20Final%20Rule%206.pdf>

<sup>3</sup> <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/>

- Notifications of wishes to participate in Open Floor or Compulsory Acquisition Hearings.

They should not be submitted until the Examination starts, which is the day after the Preliminary Meeting is closed.

### **3. Virtual events**

As set out in the Rule 6 letter, the ExA has made the Procedural Decision to hold the Preliminary Meeting virtually, online. We have also decided that reasoned requests to participate actively or to comment on the Agenda must be received by **Procedural Deadline A** (28 July 2020). We have decided to include an option in the Examination Timetable to adjourn the Meeting on the first date, and to reserve a date for a resumption three weeks later. This would permit written submissions about pertinent matters to be made by **Procedural Deadline B** (1 September 2020), two weeks after the adjournment of the Preliminary Meeting.

In the absence of any certainty around progress with the lifting of Government restrictions on public meetings relating to the COVID-19 pandemic, the ExA has decided, as a starting point, to assume that all meetings and hearings for the Examination will also need to be held virtually, and the Examination Timetable has been drafted on this basis. Should restrictions be relaxed sufficiently to hold future events in either a face-to-face or hybrid format, the ExA will publish further decisions on this, noting that the Timetable is sufficiently flexible to accommodate a range of possible event formats.

### **4. Low resolution documents for possible sharing on screen at virtual events**

The ExA requests that the Applicant provides low resolution copies of the following documents by **Deadline 1**. They should be labelled as low resolution versions with a reference to the original document reference and the PINS Exam Library number. The size should be no greater than 10MB, and a document can be broken down into clearly labelled component parts if necessary, to facilitate the maximum size whilst retaining clarity and sufficient detail on screen.

- Land plans [APP-008];
- Crown land plans [APP-009];
- Works plans [APP-010];
- Access and Rights of Way Plans [APP-011];
- Hedgerow and Tree Preservation Order plans [APP-018];
- Planning Statement - Appendix 1 Onshore Section Drawings [APP-109];
- Environmental Statement - Volume 1 - Chapter 23 Air Quality [APP-138];
- Environmental Statement - Volume 2 - Figure 15.53 Viewpoint 19 [APP-286];
- Environmental Statement - Volume 2 - Figure 16.1 Statutory Designated Sites [APP-290];

- Environmental Statement - Volume 2 - Figure 16.2 Non-statutory Designated Sites and Priority Habitats [APP-291];
- Environmental Statement - Volume 2 - Figure 16.3 Habitats [APP-292];
- Environmental Statement - Volume 2 - Figure 16.4 Hedgerows [APP-293];
- Environmental Statement - Volume 2 - Figure 17.1 Location of Soil Auger Observations [APP-294];
- Environmental Statement - Volume 2 - Figure 20.1 Flood Risk Constraints [APP-306];
- Environmental Statement - Volume 2 - Figure 20.2 LiDAR [APP-307];
- Environmental Statement - Volume 2 - Figure 23.1 Air Quality Constraints [APP-323];
- Environmental Statement - Volume 2 - Figure 23.2 Construction Dust Assessment [APP-324];
- Environmental Statement - Volume 2 - Figure 23.4 Diversion and Road Closure Traffic Network and Banded Receptors [APP-326];
- Environmental Statement - Volume 2 - Figure 23.9 Traffic Diversion Do-Minimum Scenario NO<sub>2</sub> Concentrations Portsmouth AQMAs [APP-331];
- Environmental Statement - Volume 2 - Figure 23.10 Traffic Diversion DS1 Scenario NO<sub>2</sub> Concentration Changes Portsmouth AQMAs [APP-332];
- Environmental Statement - Volume 2 - Figure 24.2 Illustrative Cable Route, HDD sites and Joint Bays for noise and vibration assessment [APP-336];
- Environmental Statement - Volume 2 - Figure 25.1 Socio-economic Receptors within 500 m of the Proposed Development [APP-340];
- Environmental Statement - Volume 2 - Figure 25.2 PRoW and Open Green Space within 500 m of the Proposed Development [APP-341];
- Environmental Statement - Volume 2 - Figure 29.6 Onshore Short List of Developments [APP-347];
- Environmental Statement - Volume 3 - Appendix 6.2 Modelling Technical Report [APP-368];
- Environmental Statement - Volume 3 - Appendix 8.1 Benthic Ecology Survey Report [APP-377];
- Environmental Statement - Volume 3 - Appendix 12.1b Commercial Fisheries Baseline Report Fig 1 – 31 [APP-389];
- Environmental Statement - Volume 3 - Appendix 12.1c Commercial Fisheries Baseline Report Fig 32 – 62 [APP-390];
- Environmental Statement - Volume 3 - Appendix 13.1 Navigation Risk Assessment [APP-393];
- Environmental Statement - Volume 3 - Appendix 16.2 PEA / Phase 1 Habitat Survey Report [APP-410];
- Environmental Statement - Volume 3 - Appendix 16.3 Arboriculture Report [APP-411];
- Environmental Statement - Volume 3 - Appendix 16.4 Non-Statutory Designated Sites Report [APP-412];
- Environmental Statement - Volume 3 - Appendix 16.9 Great Crested Newt Survey Report [APP-417];
- Environmental Statement - Volume 3 - Appendix 16.11 Hazel Dormouse Survey Report [APP-419];

- Environmental Statement - Volume 3 - Appendix 16.13 Wintering Bird Survey Report [APP-421];
- Environmental Statement - Volume 3 - Appendix 16.14 Winter Working Restriction for Features of Chichester & Langstone Harbours SPA [APP-422];
- Environmental Statement - Volume 3 - Appendix 17.2 Agricultural Land Classification and Soil Resources [APP-426];
- Environmental Statement - Volume 3 - Appendix 20.2 Onshore Water Framework Directive Assessment [APP-437];
- Environmental Statement - Volume 3 - Appendix 21.3 Geophysical Survey Report [APP-443];
- Environmental Statement - Volume 3 - Appendix 22.1 Transport Assessment [APP-448];
- Environmental Statement - Volume 3 - Appendix 22.1A Framework Traffic Management Strategy [APP-449];
- Environmental Statement - Volume 3 - Appendix 22.2 Framework Construction Traffic Management Plan [APP-450];
- Outline Landscape and Biodiversity Strategy [APP-506].

### **5. Accompanied Site Inspection**

The ExA undertook Unaccompanied Site Inspections (USI) on the 25 and 26 February 2020, and 24 June 2020. Notes of these are provided on the project page of the Planning Inspectorate's National Infrastructure website<sup>4</sup> [EV-001 to EV-005]. Further USIs may take place as Government restrictions associated with the COVID-19 emergency on work and travelling are relaxed.

The draft Examination Timetable shows that the ExA has reserved time for an Accompanied Site Inspection (ASI) towards the end of the Examination. This could only take place to the extent that Government COVID-19 restrictions at the time allow, and details of any such inspection would be published nearer the time. Suggestions for locations that might be visited in any ASI should be submitted by **Deadline 1**. Before making any suggestions about the need, route or itinerary for any ASI, could all parties please check the ExA's USI notes and avoid requests for repeat visits to sites that the ExA has already visited.

The ExA will consider any suggestions for additional USI locations that are accessible from public land or public rights of way.

### **6. Acceptance of Additional Submissions into the Examination**

Since the acceptance of the Application, the following documents have been accepted into the Examination:

- Additional Submissions from Ms Sally Carter, Ms Karen Griffiths, Mr Martin Lock and Mr Ray Willis [AS-020 to AS-023];

<sup>4</sup> <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/>

- Letter from Marine Management Organisation [AS-024];
- Letter from Winchester City Council [AS-025];
- Letter from Portsmouth City Council [AS-043];
- Letter from Winchester City Council [AS-044];
- Additional Submission from Jan Musson [AS-045].

In addition, the following documents from the Applicant have been accepted into the Examination:

- Correspondence relating to the s35 direction request made by the Applicant, as requested by the ExA in its letter of 5 March 2020 [AS-026 to AS-042].

### **Matters Falling Outside the Examination**

In addition, the ExA notes that a number of representations have referred to two matters that will not be covered in the Examination, as they fall outside its remit. To ensure that the Examination remains focussed, the ExA does not intend to seek or take further representations on these matters:

- The Applicant's Pre-Application Consultation and the acceptance of the DCO application: The Planning Inspectorate accepted the DCO application on 14 December 2019. This is not a matter for the Examination phase or for the ExA, whose members were appointed after acceptance.
- National Policy Statements: The ExA is being kept abreast of any relevant information relating to challenges to National Policy Statements and UK Government policy. The ExA does not intend to debate the merits of these, though it will keep such matters under review and may seek comments from any party should circumstances suggest this becomes necessary.

## Virtual events for the AQUIND Interconnector: Frequently Asked Questions

### BACKGROUND

#### 1. Why can't the Examination be postponed until after the Coronavirus pandemic?

The COVID-19 pandemic has had a significant impact on society. The Planning Inspectorate had to follow Government advice and respect the restrictions and so suspended public events such as site inspections and Hearings across all of its casework. In recent weeks, the restrictions have been adjusted and eased. However, at this time there remains uncertainty as to when and to what extent events can be held in the traditional way.

At the same time, it is clear that the planning system has a vital role to play in supporting the UK's economic recovery. Planning decisions of all types still need to be made. If they were to be halted completely, substantial adverse employment consequences would follow in the design, construction and related sectors. A [Written Ministerial Statement](#) was made on 13 May 2020 by the Secretary of State for Housing, Communities and Local Government. The statement emphasised the importance of planning's role and called for the resumption of Hearings using online documents and virtual events. Given the importance of working towards economic recovery, there is no option, nor practical reason, to postpone this Examination indefinitely.

In addition, the application includes proposals for the compulsory acquisition and temporary possession of land. As long as they remain unresolved, such proposals are economically and socially disruptive for the people and businesses that they affect. It is important that delay and uncertainty around the effects of such proposals is minimised.

Having undertaken extensive testing of processes for virtual Hearings and inquiries, the Planning Inspectorate is now actively delivering a rising volume of its casework using virtual methods. At the time of writing, three National Infrastructure Examinations have been successfully resumed using virtual Hearings.

The Examining Authority (ExA) has consulted all Interested Parties on the scope for conducting virtual events. Annex G provides a summary of the views that we received, but it is clear that the great majority can participate in virtual events that can be accessed using conventional land-line telephones or internet-connected, digital devices.

It follows that the ExA is confident that the proposed Examination timetable outlined in the Rule 6 letter (Annex C) will allow for fair, open and impartial examination of the issues.

## **2. Coronavirus restrictions are easing. Why don't you issue Examination timetables providing for physical meetings and Hearings?**

The number of Coronavirus cases has dropped significantly in most areas since the start of lockdown. The Government is easing the public health restrictions in force. However, the Examination events must be planned well in advance, and we cannot know what sort of health controls and restrictions might be in place in a few months' time. Considerable uncertainty remains and planning for events must be based on the controls in force at the time.

We have tried to produce a flexible timetable that can accommodate opportunities for the introduction of some elements of face-to-face meetings for later events, if and when circumstances allow. The draft timetable places less emphasis on Hearings and Accompanied Site Inspections than was traditionally the case and includes them later in the Examination. Decisions about whether events are to be virtual, physical or a combination of the two (hybrid events) will be taken closer to their proposed dates. If at the relevant time we can hold physical Hearings, then we aim to do so.

In the short term, the Preliminary Meeting will be held virtually. This is because, at the time of writing, Government restrictions do not permit us to hold these important meetings as large, indoor, public gatherings. It would not be fair to change plans for these events at the last minute, so even if public meetings become possible at some time between the date of the Rule 6 letter and the meeting itself, the ExA will keep to the plan as set out.

There are substantial numbers of people who are still shielding or isolating but who expect to be able to participate. Whether or not large indoor public gatherings are permitted, it remains likely that all Hearings proposed in the draft timetable will need to be held with at least a virtual element, as hybrid events, even if they are not held as completely virtual events.

## **3. Why is the new draft timetable different from the original draft timetable?**

Changes to the original draft timetable have emerged for the following broad reasons:

- we have had to respond to the current and changing requirements of Coronavirus public health controls;
- we have taken account of responses to our questionnaire seeking views on new Examination procedures including virtual Hearings (Annex G); and
- we have listened to responses to our original Rule 6 letter and sought to take on views and to simplify and streamline arrangements where we can.

In the face of restrictions on public gatherings, and in order to conduct the Examination within the statutory six-month timescale, the ExA concluded that it is necessary to introduce innovative methods of participation, including the

use of teleconferencing and videoconferencing for events. Given the necessary preparation time and the need to provide an opportunity for Interested Parties to comment on the proposed alternative Hearing arrangements, the ExA has issued the revised timetable that meets the statutory time limit whilst recognising that we will have to hold our Preliminary Meeting virtually and are likely to need to use virtual or socially-distanced methods to conduct Hearings and site inspections moving forward.

The timetable provides us with the opportunity to reintroduce physical events in real venues, as soon as we are able to do so in a legally compliant manner. For example:

- We are focussing even more strongly on the use of written evidence and questions, especially during the early stages of the Examination.
- There will be additional opportunities for written submissions, and we will issue more extensive rounds of written questions.
- Hearings have been retained for matters where they are essential (where there are complex multi-factor matters requiring testing against policy or that remain in dispute, or where Interested Parties have a right to be heard).
- We have used pre-Examination procedural decisions to urge additional preparation. We have not started the Examination – but we have used all reasonable means to be as ready as possible to start.
- We hope that by the time the Hearings in our new draft timetable are due to be held, the restrictions in force at the time will enable some physical participation by as many people as possible. However, this cannot be guaranteed, and we have therefore planned for fully virtual events throughout the Examination.

#### **4. Does the ExA need to hold any Hearings at all?**

The examination of Nationally Significant Infrastructure Projects under the Planning Act of 2008 is primarily a written process. The ExA will try to protect Interested Parties from adverse health effects by maximising the use of written processes. There are certain circumstances where Hearings must or can be held, though these can be conducted virtually rather than in person if necessary:

- Interested Parties have a right to be heard at an Open Floor Hearing (OFH), if requested.
- Affected Persons (people whose land or rights are affected by a compulsory acquisition or temporary possession proposal) who object have a right to be heard at a Compulsory Acquisition Hearing (CAH) on their objection.
- Where there are certain matters that are complex and multi-factor in nature or that remain in dispute, Issue Specific Hearings (ISHs) may be a more efficient and quicker way of testing the matters against policy than multiple rounds of written questions. ISHs are included at the ExA's discretion and only if there is a clear benefit from the evidence being presented in an oral format.

## **5. Why is the Preliminary Meeting now in two parts, three weeks apart?**

For reasons set out in earlier questions, the ExA has made a commitment to hold a virtual Preliminary Meeting.

There are technical limits to the number of people who can attend a virtual meeting or Hearing with the ability to speak and be spoken to in real time. There is no practical limit on the number of people who can observe a meeting or Hearing using an on-line streaming or catch-up service. For these reasons, the ExA is providing a 'gap' in the Preliminary Meeting during which time anyone who is entitled to make representations, but who was not able to speak during the initial part of the meeting, may make a written submission before the resumption of the meeting. Any written submissions made by the relevant procedural deadline will be considered by the ExA and will be given equivalent weight to any oral submissions.

Any person who is entitled to attend and speak but who did not speak during the initial part of the meeting but who, having used the live-stream or watched the digital recording, now wishes to request new changes to Examination procedure, may also provide a written submission or request to speak at the resumed meeting.

## **6. Why are Issue Specific Hearing (ISH) topics not listed in the new draft timetable?**

The original draft timetable followed traditional practice with groups of Hearings proposed throughout the 6-month Examination. Given that there are restrictions on our ability to hold physical events and that, in broad terms, virtual Hearings take longer to accommodate fewer speakers, we have had to review and revise the approach to the examination of particular issues. We are also conscious that there is potentially a greater opportunity for Hearings towards the end of the Examination to be held physically, or as a hybrid between physical and virtual events.

For these reasons, the draft timetable front loads the submission of written material to the Examination. We will obtain as much information as we possibly can in writing, early in the Examination. In addition, the proposed early provision of Comments on Relevant Representations, Local Impact Reports and our First Written Questions should ensure that all parties have greater clarity on the position of other parties on particular issues. The ExA considers that this approach will focus issues at an earlier stage, reducing the need for more generalised Hearing sessions with large numbers of speakers.

Ultimately, the approach to the draft timetable has been to retain as much flexibility as possible in order to allow us to respond to the circumstances without needing to revise the timetable mid-way through.

Where ISHs are held, we plan to focus on complex, multi-party and contentious matters that are very difficult to manage in writing alone. We will issue clear and detailed agendas in good time before them, appreciating that

this is even more important when using virtual as distinct from physical Hearings.

Where an ISH is no longer proposed, Interested Parties should be reassured that this will in no way diminish the effectiveness of the Examination; it should be remembered that the Planning Act 2008 process is primarily a written one. ISHs are only held at the discretion of the Examining Authority, in order to clarify matters where necessary. If early progress has been made in writing, then fewer and shorter ISHs will be required.

### **7. Has the ExA's Initial Assessment of Principal Issues (IAPI) changed since the original Rule 6 letter?**

Whilst there has been a disruption to the commencement of the Examination, the application itself has not changed. Further, there have been no formal submission deadlines for the receipt of substantive arguments on planning merits and no detailed consideration of the evolving position of parties on particular matters.

While the ExA has taken the opportunity to clarify the meaning of some of the principal issues, the initial assessment remains substantially as previously published (Annex B).

## **PARTICIPATING IN MEETINGS AND HEARINGS**

### **8. How will local people have their say if there are no physical Hearings held locally?**

No one will be in any way disadvantaged by commenting in writing instead of attending a virtual or physical event. The process is, in any case, primarily a written one. Oral and written evidence is given equal weight.

The ExA is aiming to hold physical events if it is possible to do so whilst meeting any public health restrictions currently in force at the time. If physical events are held, steps will also be taken to ensure that virtual access options are retained for any people who may still be required to shield, isolate or be at home to care for others at that time. Such events may be referred to as 'hybrid' events.

However, it is clear that the Preliminary Meeting and potentially the later Hearings will have to be held virtually. Where interested parties wish to be heard orally, virtual events will enable that to happen by video link or telephone. At this stage we cannot guarantee that physical Hearings will be available, but we will do our best within the scope of the restrictions in force at the time.

### **9. How will virtual meetings and Hearings work?**

Virtual events (including the Preliminary Meeting) will be held using a combination of digital technology (computers, laptops, tablets and

smartphones connected to the internet) and analogue technology (mobile phones not connected to the internet and land-line telephones).

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

Telephone conferencing allows an audio (sound only) discussion between participants who are at different locations. It typically involves the use of a telephone, mobile, smart phone, or a computer or tablet connected to the internet.

Videoconferencing allows a video (sound plus picture) discussion between participants who are at different locations. It typically involves the use of a smart phone, or a computer or tablet connected to the internet.

The Planning Inspectorate is using Microsoft Teams to deliver the virtual events. This software is widely available already and you may have used it before. Guidance on using Microsoft Teams is referred to below.

Microsoft Teams provides functionality to some users in terms of the 'raise your hand' facility and 'Teams chat' facility. Since these tools are not available to telephone users or all computer users, their use may be excluded from an event. This will be reviewed and highlighted by the ExA on an event-by-event basis depending on circumstances such as the number of participants and their means of engagement.

## **10. What equipment and software will I need?**

If you have a computer, laptop, tablet or smartphone (a digital device) that is connected to the internet, you will be able to access and speak at a virtual Hearing over the internet using a video link. If you do not wish to appear on video, you can switch off your camera and use voice only.

Depending on the performance of your digital device or the internet in your locality, it may be that you join by video and audio, or by audio alone. If you have a slow or intermittent connection, switching off your video camera and using just your audio connection can improve the quality and reliability of your involvement.

If you do not have an internet connection, or you do not feel confident or able to use a digital device, then you will be able to access and speak at the virtual Hearings using any telephone with a keypad.

Please see the sections below on 'Joining via the internet' and 'Joining via telephone'. These include specific advice on using Microsoft Teams.

## **11. What is an 'Arrangements Conference'**

In all but the smallest meetings or Hearings, the Planning Inspectorate will provide an Arrangements Conference where parties can join, introduce themselves, verify their identity and identify the agenda items on which they would like to speak, before the meeting or Hearing starts. Arrangements

Conferences are run by Case Team staff. They can help you with questions about procedure and arrangements, but they are not there to hear your submissions. Only the ExA can hear your submissions in the actual meeting or Hearing.

You may be asked to verify your identity during an Arrangements Conference. You can do this by providing:

- Your name;
- The last line (including the post code) of any postal address that the Planning Inspectorate holds for you; and
- The unique reference that you were provided with on the first page of the Rule 6 Letter. Please have the letter to hand in case you are asked for this information.

## **12. How can I prepare for meetings and Hearings? Is there any help for people to become familiar with virtual meeting and Hearing methods and systems?**

There will be some familiarisation events held ahead of the scheduled meetings and Hearings at which parties will have the opportunity to gain experience of the methods and systems. These will be run by the Case Teams, and experienced staff will be on hand to support individuals where required.

In addition, as several cases have held virtual Hearings already, you may wish to view event correspondence and agendas and watch the recordings in order to become more familiar with the Hearing format. These can be found on our website - <https://infrastructure.planninginspectorate.gov.uk/>.

Search in the Projects search bar for cases that have already had virtual Hearings:

- A38 Derby Junctions;
- M25 Junction 10 A3 Wisley Improvement;
- A1 Birtley to Coalhouse Improvement Scheme; and
- Norfolk Boreas.

## **13. What if I don't have internet access?**

It is possible to participate in virtual meetings and Hearings using a land-line telephone, in the same way as a traditional telephone conference. If you decide to join by phone, before doing so, we encourage you to think about how to follow the proceedings, in particular to ensure that you have relevant documents or extracts of them available which you may wish to refer to, or which other participants might flag. When referencing documents, it will assist all parties if the Examination Library Document ID is used. There is more information about joining by phone below.

## **14. What if I don't know whether I want to speak, or there are not enough speaking links available?**

It is quite normal for Interested Parties attending a meeting or Hearing to be unsure in advance whether they wish to speak or not. In a physical event, people can request to speak during the event in response to something said by another Interested Party. In a virtual event, if you did not ask to speak in advance then you will not have been provided with a link or telephone number that you can use to become involved straight away. You can, however, provide your response subsequently in writing to us, in accordance with the Examination timetable. The two-stage Preliminary Meeting with a 'gap' provides the opportunity for you to comment and raise issues before the resumption date if you believe a point needs to be made.

In large events with a high demand for participation, there may not be enough speaking links or telephone lines available to connect everybody. If this is the case, the ExA may need to decide who can contribute using a live speaking link or telephone connection and who can contribute during or after the event in writing.

Where possible, we aim to live-stream events. Where we do this, we will provide a link to the live stream on the project page of the Planning Inspectorate's National Infrastructure website:

<https://infrastructure.planninginspectorate.gov.uk/projects/South%20East/AQUIND-Interconnector/>

Clicking on the link will enable you to view or listen to the event in progress, live. If live-stream technology is not available or fails, we will make this clear on the website.

Every event will be digitally recorded. These recordings will be posted on project page of the Planning Inspectorate's National Infrastructure website after the event has concluded, providing a 'catch-up' service, equivalent to the BBC iPlayer and similar TV catch-up services. Click on the link and you will be able to view or listen to the recording of the event.

After the event, the link to the livestream will be replaced with the digital recording, which will be the only official record of the event.

If you are using the live-stream or catch-up service and find that there is something that (had you been in a physical Hearing room) you would have wished to say, you can instead make your submission in writing by a deadline identified in the timetable, normally in the week following the event. You can make your submission to the project mailbox by email to the address shown on the Rule 6 letter.

Please include your Interested Party reference number from the Rule 6 letter in any submissions. The ExA will always give full consideration to written submissions from Interested Parties in these circumstances.

If you are not an Interested Party, just as you would have to ask the ExA for permission to speak in a physical meeting or Hearing, equally any written submission will be considered at the ExA's discretion.

## **JOINING A VIRTUAL MEETING OR HEARING VIA THE INTERNET**

### **15. Will I be able to participate in the Hearing from a computer, tablet or smart phone connected to the internet and will I need any special software?**

The following link will take you to information about how to use Microsoft Teams on a computer, laptop, tablet or smart phone connected to the internet: <https://support.office.com/en-gb/teams>

You do not need to download any software to use Microsoft Teams on most computers or laptops, although there are applications (Apps) that can be downloaded (free of charge) available for most types of device. It will work without an App on an internet browser such as Microsoft Edge or Google Chrome.

On Apple devices it will not work on the Safari browser, but the Google Chrome browser (free of charge) can be installed to enable it to work.

On a smartphone or tablet there are Microsoft Teams Apps for most devices, and you will normally need to install these (free of charge). Search for 'Microsoft Teams' in your device AppStore, PlayStore or equivalent.

Download advice is available here: <https://www.microsoft.com/en-gb/microsoft365/microsoft-teams/download-app>.

### **16. How do I join from a computer, tablet or smart phone?**

Please join from a computer, tablet or smart phone as follows:

- Forward the invitation email containing the joining instructions (which will be sent to you just before the event) to an email account on the computer, tablet or smart phone that you are due to join on. Please note that a different email invitation with a different web address link will be provided for each virtual event and that some larger meetings and Hearings may be divided into more than one session, with different invitations sent for each session.
- Click on the web address link provided in the invitation email.
- Either join using Microsoft Teams (if you have it installed), or 'join on the web instead', which will use your internet browser.
- Check that your computer, tablet or smart phone camera (where available), microphone and speakers are turned on. Some computers, tablets or smart phones require them to be physically plugged in. Some require settings or permissions to be changed and the browser, computer, tablet or smart phone may need to be restarted before you can connect.
- The Microsoft Teams App or your browser should prompt you to enter your name (this will be visible to all participants), then connect you to a virtual 'Lobby' where you will wait until a member of the Case Team admits you into the Arrangements Conference or event.

### **17. Will my personal information be shared with any other participants?**

Microsoft Teams will normally display the name, and may sometimes also display the email address, of participants to other participants using digital devices.

If you do not wish the email address that we are currently using to correspond with you to be seen by other parties, you can set up a free email account on-line to join with. Alternatively, your existing internet or email service provider may enable you to set up an alias email address such as 'hearing.participant123@freemail.com'.

These measures will protect your privacy. If you plan to do this please let us have the alternative email address as soon as you can so that we can send the invitation email and Joining Instructions to the correct email address.

Please check with your internet or email service provider or an intended alternative email service provider before the virtual meeting, Hearing or test event and ensure that you have taken any steps that you wish to take to prevent the disclosure of your actual email address to other users.

You are reminded that the events are recorded and that the General Data Protection Regulation applies. Therefore, you are encouraged not to share any personal data orally at any event. If such information is necessary and relevant, please provide it in written evidence, from which any sensitive data can be redacted before publication.

### **18. How will I know which documents the ExA refers to during the Virtual Hearing as I won't be able to see them?**

Where necessary, a small number of documents may be shared during the events. These include the Agenda and documents identified in and linked from the Agenda. However, the sharing on screen of too many or too large documents can give rise to technical difficulties, so this is, in any case, avoided where possible. You are advised to have the key documents available in either hard copy or already downloaded to your device. Alternatively, all documents, apart from the National Policy Statement for National Networks, are available in the Examination Library. The ExA will say when a document is being referred to during an event and provide its Examination Library reference number where appropriate. The Examination Library is at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-000996-Exam%20Library%20%E2%80%93%20Published%20Version.pdf>

Accessing the virtual event from a computer or tablet using the web address link provided in the invitation email should allow you to see any documents that are shared during the event. The relatively small screen on a smart phone may make that impractical.

Everybody with access to a web browser, including those who access an event by telephone, should be able to access the documents at the appropriate time by clicking on the link in the Agenda or in the Examination Library.

**19. How will I know who is speaking in the event at any given time?**

If you connect using computer, tablet or smart phone you will be able to see other participants and they will be able to see you. The ExA will make it clear in the opening statement that all parties have to introduce themselves every time they intend to speak. If the person speaking has the camera turned off, their 'button' will usually glow to show that they are speaking. Alternatively, their name will be bold in the participants list, accessed via the Microsoft Teams toolbar at the bottom of the screen.

**20. Will I be able to mute my microphone?**

You can switch the microphone on and off when you are in the Arrangements Conference or event by clicking the microphone icon on the Microsoft Teams toolbar.

Please ensure that you mute when you are not speaking to avoid unnecessary background noise and disruption. The Case Team may mute you when you are not talking. It is important to note that the Case Team cannot unmute you, only you can unmute yourself. Please do this and say your name when asked to speak by the ExA.

**21. What if I do not wish to appear on video?**

If you do not wish to appear on video, you can switch off your camera by clicking on the video icon within the Microsoft Teams toolbar and use voice only. Please ensure that your camera is switched off when you are not speaking.

## **JOINING A VIRTUAL HEARING BY A TELEPHONE**

**22. Can I join a Hearing by using any telephone?**

Yes, you can join using the voice connection from any telephone including a mobile phone, a smart phone not connected to the internet or standard landline telephone with a keypad. (You will need to use the \* (star) and the # (hash) keys.)

**23. How do I join by telephone?**

Joining instructions will be included in an email invitation sent shortly before each event. Please join from a telephone as follows:

- Dial the telephone number included in the joining instructions.
- Enter the conference ID number from the joining instructions (nine figures) on your keypad, followed by the # (hash) key.

- You will then be prompted to record your name, which will be announced in the meeting.
- You will then enter a virtual 'Lobby' where music will be playing - please be patient until a member of the Case Team is available to admit you into the Arrangements Conference or the event.

**24. Will my number be visible to other participants and how can I ensure privacy?**

A default setting in Microsoft Teams means that your number will be visible to parties who choose to participate in the virtual event using video.

If you do not want to display your telephone number, please add a privacy prefix before you dial the telephone number included in the joining instructions. On most UK telephone networks you can dial 141 before the telephone number and this will ensure that you remain anonymous and your telephone number is not shared with any other users. Some networks require you to use a different method. Certain telephone handsets also allow you to withhold your telephone number using a setting that is specific to your handset.

Please check with your telephone service provider and read the instructions for your telephone handset before the event and ensure that you have taken any steps that you wish to take to prevent the disclosure of your telephone number to other users.

**25. How will I know who is speaking in the Hearing at any given time?**

If you join by telephone then you will be able to speak and be spoken to, but you will not be able to see other participants and they will not be able to see you. However, the ExA will make it clear in its opening statement that all parties have to introduce themselves orally, every time they speak.

**26. Will I be able to mute and unmute my telephone during the meeting?**

You can mute and unmute by pressing \* then 6 on your telephone keypad.

Please ensure that you mute when you are not speaking to avoid unnecessary background noise and disruption. The Case Team may mute you when you are not talking. Please note that the Case Team cannot unmute you, only you can unmute yourself. Please do this and say your name when asked to speak by the ExA.

Your telephone may have its own mute option, however, please note that you may also need to dial \*6 if you've been muted on Microsoft Teams by the Case Team. For this reason, we advise you to use the \*6 function in preference to your own handset's mute controls.

**27. How will I know which documents the ExA is referring to during the event as I won't be able to see them?**

Where necessary, a small number of documents may be shared during events. These include the Agenda and documents identified in and linked from the Agenda. The ExA will limit screen-sharing of documents as this can give rise to technical difficulties in any case. You are advised to have the Agenda and key documents available in hard copy. Alternatively, all documents, apart from the relevant Acts of Parliament, Statutory Rules and Regulations (Statutory Instruments) and National Policy Statements in force, are available in the Examination Library. The ExA will say when a document is being referred to during an event and provide its Examination Library reference number where appropriate. The Examination Library can be seen at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-000996-Exam%20Library%20%E2%80%93%20Published%20Version.pdf>

Those accessing an event by telephone may be able to access relevant documents later by clicking on the internet link in the Agenda or in the Examination Library on the project website. Alternatively, it may be possible for them to subsequently view the digital recording of the event on the project web page of the Planning Inspectorate's National Infrastructure website.

If you do not have an internet connection, you may wish to obtain printed copies or extracts. Do alert the case team, so they are aware if you are not able to see the documents.

**28. How much does it cost to participate in the Hearing via a telephone?**

Depending on your network service provider and contract, telephone charges may apply. General guidance on applicable call charges can be found on the website of your telephone service provider and on the UK Government website: <https://www.gov.uk/call-charges>.

**WHAT IF THINGS GO WRONG WITH A VIRTUAL MEETING OR HEARING?****29. What if I lose my connection?**

If you experience problems with your connection, then please try again using the same Joining Instructions. On a digital device, it may help to restart your device and to check whether your internet connection (including your router or modem) is working. On a phone, hang up and re-dial. If these steps do not work, contact the Case Team by email or telephone using the contact details provided in the invitation email. They will attempt to help you to join or re-join the event at an appropriate point. It may be that, if you initially joined

by video, you can re-join by audio only (switch off your camera) or even by telephone, to limit the effect of any technical issues that you may have been experiencing.

**30. What if I can't re-join?**

If you cannot join or re-join the event at all, the ExA will consider the most appropriate way for you to continue participation in the Examination. This may include requesting you to view or listen to a recording of the meeting or Hearing and to make a submission in writing by the relevant deadline for submissions identified in the Examination timetable.

**31. What if the event is disrupted?**

If a meeting or a Hearing is disrupted by technical or other issues, the ExA may adjourn it, or part of it, to another time, date or format. Time has been reserved in the Examination timetable for this to occur if required. If the events are not disrupted, reserved events are unlikely to proceed. The ExA may also decide that it is possible for further written submissions to be made on any agenda items that were not able to be considered at a meeting or Hearing and will normally do so if anyone has lost what otherwise would have been a right or expectation to be heard orally.

**WHAT IF I NEED MORE HELP?**

Please contact the Case Team by telephone at 0303 444 5000 or by email at [aquind@planninginspectorate.gov.uk](mailto:aquind@planninginspectorate.gov.uk)

## **An Introduction to the Preliminary Meeting**

### ***Background***

The Preliminary Meeting for the AQUIND Interconnector will take place virtually online, but the format, content and procedure will be very similar to the traditional, face-to-face Preliminary Meetings that have been held for other DCO Examinations.

The Examining Authority (ExA) is conscious of videoconferencing fatigue and aims to keep the proceedings focussed and as efficient as possible. This Annex provides the detailed information that would usually be included in the ExA's introductory comments following the opening of a Preliminary Meeting. Please read this carefully as, on the day, the ExA will only be presenting a summary of the key points.

### ***The Examining Authority***

The three members of the panel will introduce themselves at the start of the Preliminary Meeting. They are:

#### *Lead Member of the Panel: Andrew Mahon*

Andrew Mahon is a Chartered Environmentalist and a Chartered Landscape Architect with academic qualifications in ecological science and business administration. He is a Principal EIA Practitioner on the Institute of Environmental Management and Assessment register.

Before becoming an Examining Inspector, he had extensive experience of environmental assessment and the promotion of infrastructure projects, including a nuclear power station, electricity transmission schemes, and onshore and offshore wind farms.

He was recently a member of the ExA that examined the DCO application for the Cleve Hill Solar Park in Kent.

Mr Mahon has made a declaration of interests responding to the Planning Inspectorate's conflict of interest policy and he has confirmed that he has no declarable interests in relation to this appointment.

#### *Member of the Panel: Stephen Roscoe*

Stephen Roscoe is a Chartered Civil Engineer with academic qualifications in civil engineering and project management. As well as being an Examining Inspector, he undertakes a variety of work for the Planning Inspectorate including general planning appeals, specialist casework, licence appeals and statutory Order Inquiries. He was recently a member of the ExA panels that examined the DCO applications for the Lake Lothing Third Crossing and the Richborough Connection Project.

Mr Roscoe has made a declaration of interests responding to the Planning Inspectorate's conflict of interest policy and he has confirmed that he has no declarable interests in relation to this appointment.

*Member of the Panel: David Wallis*

David Wallis is a Chartered Member of the Royal Town Planning Institute with academic qualifications in environmental planning. As well as being an Examining Inspector, he undertakes appeals casework for the Planning Inspectorate under section 78 of the Town and Country Planning Act 1990 (as amended).

Mr Wallis has made a declaration of interests responding to the Planning Inspectorate's conflict of interest policy and he has confirmed that he has no declarable interests in relation to this appointment.

***The Case Team***

The ExA will be supported before and during the meeting by the Planning Inspectorate Case Team. Hefin Jones is the Case Manager for this application, supported principally by Steve Parker and Candice Patten. A member of the team will be welcoming and admitting participants into the virtual Preliminary Meeting, and they are available to answer questions by email before and after the meeting. The contact address is: [aquind@planninginspectorate.gov.uk](mailto:aquind@planninginspectorate.gov.uk)

***Purpose of the Preliminary Meeting***

The Preliminary Meeting is being held to discuss the arrangements for the Examination of an application for Development Consent for the AQUIND Interconnector, which is a Nationally Significant Infrastructure Project, and which will generally be referred to in the Preliminary Meeting and Examination as the 'Proposed Development'. The application has been made by AQUIND Limited, who will be referred to as 'the Applicant'.

You will find information about the application and, in due course, documents produced for this Examination on the Planning Inspectorate's National Infrastructure website. This has a dedicated landing page for the project with links to Examination procedure, the timetable, Relevant Representations and Examination documents. The address is: <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/>

You are encouraged to look at the website if you haven't already done so, because it is used to communicate with you and to provide access to documents throughout the Examination. The option on the project web page to register to receive updates is recommended, so that you will receive an e-mail every time the banner is updated on the project page, at key stages during the Examination.

The main business of the Preliminary Meeting is to make arrangements for the Examination of the application for the Proposed Development. It focuses on the process only, and it will not be looking at the substance of the proposal: questions, discussions and representations about the merits or disadvantages of the Proposed Development and the application are for the Examination itself. This will begin the day after the close of this Preliminary Meeting.

The proposals for the Examination are set out in the Rule 6 letter of 3 July 2020, to which this is an Annex. The Preliminary Meeting will be your opportunity to influence the process that the ExA intends to follow, and you should read the Rule 6 letter and all of its Annexes thoroughly beforehand. The agenda for the Preliminary Meeting is attached to the Rule 6 letter at Annex A. It is important to have the letter and the agenda in front of you and to refer to them during the course of the Preliminary Meeting. If you are not experienced with videoconferencing and manipulating various documents on a screen, you may wish to print these out in advance of the meeting for reference.

#### *Government guidance and policy*

The Secretary of State has directed that the Proposed Development should be dealt with as a Nationally Significant Infrastructure Project under the Planning Act 2008 regime, and that the *Overarching National Policy Statement for Energy* (NPS EN-1) should apply to the Examination and decision-making relating to this application.

The ExA will consider the Proposed Development within the parameters of relevant National Policy Statements and any other policy that it deems important and relevant. The Planning Act 2008 makes it clear that, in making a decision, the Secretary of State '*must decide the application in accordance with any relevant NPS*' (s104(3)), subject to certain provisos. Essentially, the provisos are that the application must not breach legal obligations, and that any adverse impact of the Proposed Development would not outweigh its benefits.

The Secretary of State is entitled to disregard any representations that relate to the merits of designated National Policy Statements: in practice, this means that the ExA will not spend time examining representations that challenge policy set out in National Policy Statements, or the validity of National Policy Statements themselves. The focus will be on the merits of the Proposed Development, tested to the appropriate extent using relevant National Policy Statements that have been designated and so are in force.

Other important and relevant planning policy that the ExA may consider includes policies in the relevant local authorities' development plans. However, if these conflict with policy in a National Policy Statement, then the National Policy Statement will take precedence.

In summary terms, the Preliminary Meeting will establish the procedures and timetable for the Examination of the Proposed Development. It will thus set a framework for the ExA's task to enable the Secretary of State to consider and decide the application, by identifying relevant policy and examining the application in the light of it. In doing so, the ExA will have regard to:

- the positions and representations of all Interested Parties;
- any Local Impact Report prepared and provided by a relevant local authority;
- other prescribed matters and any other matters that appear to be both relevant and important to the Secretary of State's decision.

### ***Preliminary Meeting Invitees***

The Applicant is invited to the Preliminary Meeting and is generally given the opportunity to reply to any representations made, either orally at the time or in writing following the close of the meeting.

Everyone who has made a written Relevant Representation has been registered as an Interested Party and has been sent this Rule 6 letter. Each Interested Party is entitled to involvement in the Examination going forward.

Each person or organisation with an interest in land or rights that are affected by a Compulsory Acquisition request in the application is an Affected Person. In addition to a general entitlement to involvement in the Examination going forward, Affected Persons have a right to be heard in relation to any objection about the effects of a Compulsory Acquisition request on their interests in land, and a right to be notified of any Compulsory Acquisition Hearing. Affected Persons become an Interested Party, whether or not they have made a Relevant Representation.

Certain bodies are 'Prescribed Consultees' or statutory parties. They are bodies that can elect to become Interested Parties without having made a Relevant Representation.

The ExA has the power to involve 'Other Persons' in the Examination as though they are Interested Parties. However, this is only likely to happen in exceptional circumstances, for example if it was clear that the application would materially affect a person, and for a good reason they had been unable to take the necessary action to register as an Interested Party.

### ***The Preliminary Meeting itself***

Past experience suggests that a Preliminary Meeting for a project of this size and complexity could take up to a few hours, though participants may have to make allowances and be patient if there are any delays associated with the technology. In recognition of the particular strains of on-screen communication, the ExA will take short breaks if and when considered necessary.

A note of this meeting will be produced, and a digital recording will be made available on the project page of the Planning Inspectorate's National Infrastructure website (address above) as soon as possible following the meeting.

The digital recording allows any member of the public who is interested in the application and the Examination to find out what has happened, whether they are able to attend or observe the meeting or not. In this regard, anyone speaking at the Preliminary Meeting will need to introduce themselves each time they speak.

As the digital recordings are retained and published, they form a public record that can contain personal information to which the General Data Protection Regulation (GDPR) applies. Participants must do their best to avoid providing any information to this public record which should otherwise be kept private and confidential. If there is a need to submit such information, it should be in written form. Although this will also be published, the personal content can be redacted or removed before it is made publicly available.

The Planning Inspectorate's practice is to publish the recordings and retain them for a period of five years from the Secretary of State's decision on the Development Consent Order (DCO).

If you actively participate in the Preliminary Meeting, it is important that you understand that you will be recorded and that you consent to the retention and publication of the digital recording. If you prefer not to have your image recorded, you can switch off your camera.

Following the ExA's introductions, each participant who has been registered to speak will be asked to introduce themselves, including any organisations or groups that they represent. The ExA will then conduct the meeting in accordance with the Agenda.

### ***The Examination process***

The examination of a Nationally Significant Infrastructure Project is a very different process to that, for example, of a Public Inquiry into a planning appeal following the refusal of planning permission. The main differences are that the examination of a Nationally Significant Infrastructure Project is primarily a written one and it has an inquisitorial approach as opposed to an adversarial one.

This means that the ExA will probe, test and assess the evidence primarily through written questions. While some Hearings may be held to provide supplementary evidence, any questions to the Applicant or to witnesses will come from the ExA, and no questioning or cross-examination of witnesses by other parties will generally be allowed.

In terms of opportunities to provide evidence in writing, the draft Examination Timetable makes provision for the following written processes:

- i. Local authorities can make Local Impact Reports if they wish. Whilst these are voluntary, they must be considered by the Secretary of State in reaching a decision. Consequently, Local Impact Reports are a very important method for local authorities to communicate issues of concern to them and their residents.

- ii. Interested Parties can make Written Representations and comment on Written Representations made by other parties.
- iii. Interested Parties can respond to the ExA's written questions and comment on responses to these written questions provided by others.
- iv. Interested Parties may be asked to contribute to the making of Statements of Common Ground if it appears that there are matters on which they and the applicant agree, and if it would be useful for this to be clarified.

The draft Examination Timetable includes a series of numbered Deadlines for receipt of written submissions. For clarity, the statutory deadline for acceptance of written submissions will be at 23.59 on the date specified in the final Examination Timetable. Documents received after the relevant Deadline may not be accepted to ensure fairness to all parties.

These written processes will be the principal means used by the ExA to gather information, evidence and views about the application. However, the Examination will only be effective if all parties resolve to give timely, full, frank and clear answers to every question that is relevant to their interests and to engage fully with any other related processes such as the completion of Written Representations and Statements of Common Ground.

There is no merit in withholding or delaying information, or in failing to co-operate, and, should it occur, any unreasonable behaviour that caused another party to incur wasted expenditure could lead to an award of costs against the offending party.

The ExA has discretion to make changes to the Examination Timetable for the wider benefit of the Examination. If possible, events will be arranged for times when all relevant parties are available, but the ExA is under a duty to complete the Examination of the application by the end of the period of six months beginning after the close of the Preliminary Meeting. This requirement is set by the legislation, and while the ExA will try to rearrange event dates to accommodate all relevant parties, in practice there will be very limited scope to alter the dates set out in the draft Examination Timetable.

The statutory time limit for the Examination means that everyone must strive for a 'right first time' approach to matters set out in writing. Where there are things that still need to be discussed and agreed between the Applicant and Interested Parties, it will be very helpful to the ExA if these could be progressed as early as possible.

### **Hearings**

The draft Examination Timetable includes provision for Hearings, at which the ExA takes oral evidence from the various parties.

Any registered Interested Party may request an *Open Floor Hearing* to make oral representations about the application, if they believe this to be preferable to restricting their representation to the written form, though both carry equal weight. Oral submissions should be based on representations previously made in

writing, but they should not simply repeat matters previously covered in the written submission. Rather, they should focus on specific detail, explanation and evidential corroboration to help inform the ExA. There should be no new or unexpected material in oral presentations. A summary written note with any supporting evidence or references will be requested of each speaker after the Hearing.

As with all Examination events, Open Floor Hearings are subject to the powers of control of the ExA, as set out in the Planning Act 2008 and supporting legislation. Participants must register in advance by the Deadline shown on the Examination Timetable and in accordance with the instructions; an agenda will be circulated; it is common practice for the ExA to set a time limit for each speaker; and those with common points are asked to come together to nominate a spokesperson or representative speakers to cover specific topics, so as to avoid repetition.

The Applicant's draft DCO provides for the Compulsory Acquisition of land and rights, and registered Affected Persons (i.e. those whose rights in land are affected) have a right to be heard at a *Compulsory Acquisition Hearing*. If one or more Affected Persons request to be heard, then a Compulsory Acquisition Hearing will be held. Provisional dates for these are included in the draft Examination Timetable along with a Deadline for requests to be heard.

The ExA has the discretion to hold *Issue Specific Hearings* if they would aid the Examination and there is a specific reason this would be more helpful than reliance on written evidence only. The lack of an Issue Specific Hearing on one or more topics does not suggest that that topic is less important than others which are subject to a Hearing. Rather, it is an indication that the ExA is satisfied that the issues can be fully considered through written submissions and responses to its written questions and that each party has had fair opportunity to put its case.

The Examination Timetable includes a number of reservations for Issue Specific Hearings and Interested Parties may make suggestions for topics in their written or oral representations to the Preliminary Meeting.

It may be necessary for the ExA to hold an Issue Specific Hearing on the draft Development Consent Order. This is normal practice, and it would be held on a without prejudice basis. Parties can suggest modifications and amendments to the draft Order provided with the application by the Applicant, without prejudicing their overall position on the application. Holding such a Hearing would not imply that the ExA had reached any judgements on the application. Whatever its ultimate recommendation, the ExA must make sure that the draft Order is fit for purpose if the Secretary of State decides to approve the application, as any consent will be subject to requirements and conditions set out in the Development Consent Order.

At Hearings, it will not normally be necessary for parties to make long and detailed submissions that need IT support such as PowerPoint presentations, nor would facility for this be provided. Any such detail can be provided in writing after a Hearing and before the relevant Deadline.

***Site inspections***

As part of the Examination process, members of the ExA may undertake site inspections. These can be either unaccompanied or accompanied, though all would be subject to any Government restrictions relating to COVID-19 in force at the time.

The purpose of these is for the ExA to see features of the proposal within the context of the evidence put forward. Notes of Unaccompanied Site Visits (USIs) are published on the project web page of the Planning Inspectorate's National Infrastructure website (address above).

Accompanied Site Inspections (ASI) will only be necessary to view land to which there is no public right of access, or with no clear view from nearby locations with open public access. The draft Examination Timetable includes a Deadline for the submission of prospective locations by Interested Parties. The purpose of ASIs is familiarisation and no discussion on the merits of the Proposed Development will be entertained.

**The Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17 request for information**

**Summary of Responses**

We wrote to you on 11 May 2020 with a questionnaire to gauge the responsiveness, ability and willingness of Interested Parties to engage with the Preliminary Meeting and the remaining Examination process via virtual methods. Responses to the questionnaire were due by 1 June 2020. We summarise our consideration of the responses as follows.

Of the 199 Interested Parties that submitted Relevant Representations, a total of 54 responses were received, representing approximately 25% of the total number that had registered. Of these responses, 23 were from residents (or their representatives), 20 were from organisations (including the MMO, Environment Agency, Highways England, Forestry Commission, Friends of the Earth, Network Rail and Sainsburys), 8 from the local planning authorities (including the host and neighbouring authorities) and one was from the Applicant itself.

Respondents were generally confident about being able to use a computer, tablet or smart phone to participate in the Examination, though several noted that some additional information and training would be welcome. Only three respondents expressed significant concern. For the potential Issue Specific Hearings, there was an even spread of interest across the topics identified with no more than 15 respondents wishing to speak on any one topic.

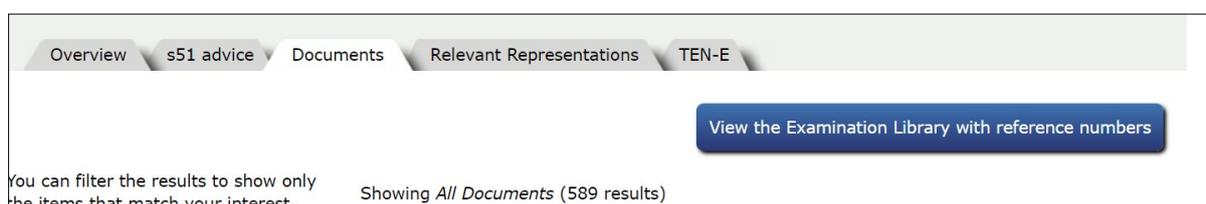
Based on the responses, we believe that the Preliminary Meeting and, potentially, some or all of any subsequent Hearings are suitable in principle for video conferencing and teleconferencing and, with appropriate support for participants, we consider that events conducted in this way would be manageable, useful, fair and inclusive. We will continue to review the situation and develop further initiatives to ensure fairness and accessibility, working with the Applicant and other parties where appropriate.

## Availability of Examination Documents

The application documents and Relevant Representations are available on the project web page of the Planning Inspectorate's National Infrastructure website: <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/?ipcsection=docs>.

All further documents submitted in the course of the Examination will also be published on this project page.

For ease of navigation, please refer to the Examination Library, which is accessible via a blue button under the 'Documents' tab (screenshot below). The Examination Library is updated regularly throughout the Examination.



The Examination Library records and provides a hyperlink to:

- each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the project webpage is also provided. Please use the unique reference numbers applied in the Examination Library when referring to any Examination documents in any future submissions that you make.

Documents can be viewed electronically, free of charge, at the following locations. However, in view of the COVID-19 pandemic, the Government's guidance and restrictions, and in the interests of health and safety, we strongly encourage you whenever possible to view the documents from home on our website, as described above.

The information listed below was correct in March 2020. However, there may now be some changes resulting from the COVID-19 restrictions. As such, should you consider it is absolutely necessary and safe to visit a deposit location, you should make contact in advance to check its current opening hours. Please note that you may need to bring a form of identification to use a computer at these locations.

## Electronic deposit locations

<b>Local authority</b>	<b>Library/ address</b>	<b>Opening hours</b>
<b>Hampshire County Council</b>	<b>Winchester Discovery Centre</b> Jewry Street Winchester SO23 8SB	Monday: 09:00-19:00 Tuesday: 09:00-19:00 Wednesday: 09:00-19:00 Thursday: 09:00-19:00 Friday: 09:00-19:00 Saturday: 09:00-17:00 Sunday: 11:00-15:00
<b>Portsmouth City Council</b>	<b>North End Library</b> Gladys Avenue Northend Portsmouth PO2 9AX	Monday: 09:30-18:00 Tuesday: 09:30-18:00 Wednesday: 09:30-18:00 Thursday: 09:30-17:30 Friday: 09:30-17:00 Saturday: 10:00-15:30 Sunday: CLOSED
<b>Portsmouth City Council</b>	<b>Cosham Library</b> Spur Road Cosham Portsmouth PO6 3EB	Monday: 09:30-18:00 Tuesday: 09:30-18:00 Wednesday: 09:30-17:00 Thursday: 09:30-18:00 Friday: 09:30-17:00 Saturday: 10:00-15:30 Sunday: CLOSED
<b>Portsmouth City Council</b>	<b>Milton Beddow Library</b> Milton Road Milton Portsmouth PO4 8PR	Monday: 09:30-17:00 Tuesday: 09:30-17:00 Wednesday: 09:30-18:00 Thursday: 09:30-18:00 Friday: 09:30-17:00 Saturday: 10:00-15:30 Sunday: CLOSED
<b>Portsmouth City Council</b>	<b>Alderman Lacey Library</b> Tangier Road Copnor Portsmouth PO3 6HU	Monday: 09:30-12:30 then 13:30-18:00 Tuesday: 09:30-12:30 then 13:30-18:00 Wednesday: CLOSED Thursday: 09:30-12:30 then 13:30-17:00 Friday: 09:30-12:30 then 13:30-17:00 Saturday: 10:00-15:30 Sunday: CLOSED
<b>Hampshire County Council</b>	<b>Waterlooville Library</b> The Precinct Waterlooville PO7 7DT	Monday: 09:00-17:00 Tuesday: 09:00-17:00 Wednesday: 09:00-17:00 Thursday: 09:00-19:00

		Friday: 09:00-19:00 Saturday: 09:00-17:00 Sunday: CLOSED
<b>Portsmouth City Council</b>	<b>Central Library</b> Guildhall Walk, Portsmouth PO1 2DX	Monday: 09:30-17:00 Tuesday: 9:30-18:00 Wednesday: 9:30-18:00 Thursday: 9:30-18:00 Friday: 09:30-17:00 Saturday: 10:00-15:30 Sunday: CLOSED
<b>Hampshire County Council</b>	<b>Horndean Library</b> 12 Fiveheads Road Horndean PO8 9NW	Monday: 14:00-17:00 Tuesday: CLOSED Wednesday: 10:00-13:00 then 14:00-17:00 Thursday: 14:00-17:00 Friday: 14:00-19:00 Saturday: CLOSED Sunday: CLOSED
<b>Hampshire County Council</b>	<b>Petersfield Library</b> 27 The Square, Petersfield GU32 3HH	Monday: 09:00-17:00 Tuesday: 09:00-17:00 Wednesday: 09:00-19:00 Thursday: 09:00-17:00 Friday: 09:00-19:00 Saturday: 09:00-17:00 Sunday: CLOSED
<b>Hampshire County Council</b>	<b>Havant Library</b> Havant Meridian Centre Havant PO9 1UN 0300 555 1387	Monday: 09:30-17:30 Tuesday: 09:30-17:30 Wednesday: 09:30-13:00 Thursday: 09:30-17:30 Friday: 09:30-17:30 Saturday: 09:30-17:00 Sunday: CLOSED
<b>Printing costs</b>	<b>Black and white</b>	<b>Colour</b>
Winchester Discovery Centre	Single-sided: A3-10p / A4 - 20p	Single-sided: A4-40p / A3 - 80p
Central Library	Single-sided: A4 - 10p / A3 - 20p	Single-sided: A4 - £1 / A3 - £1.50