



National Infrastructure Planning
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To Interested Parties, Statutory Parties
and Other Persons invited to the
Preliminary Meeting

Your Ref:

Our Ref: TR010022

Date: 11 October 2019

Dear Sir/ Madam

The Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8 etc

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

Examination Timetable and Procedure

This letter provides you with the Examination Timetable, details of the publication of the Examining Authority's (ExA) Written Questions, details of the publication of the ExA's Record of their First and Second Unaccompanied Site Inspections and other important information about the Examination.

All documentation associated with this project, including a note of the Preliminary Meeting and the audio recording taken at that meeting, can be found using this link:

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

Annex A provides details of locations in the vicinity of the Proposed Development at which all Examination documents can be viewed electronically, free of charge.

Advice to Interested Parties about how to access and navigate the Examination Library is also provided at **Annex A**.

The Examination Timetable

We have made a Procedural Decision about the way the application will be examined. The final Examination Timetable is attached at **Annex B**.

The Examination Timetable replaces the draft timetable that was included in the Rule 6 letter dated 23 August 2019¹. In finalising the Examination Timetable we have sought to accommodate requests and suggestions made at the Preliminary Meeting.

At the Preliminary Meeting the Applicant requested 42 days notification of hearings to accommodate their processes and deadlines at midnight rather than noon to allow more time up to the deadline. Both matters were put to Interested Parties for comment and no objections were received. Following further consideration by the ExA of any other impacts of those changes, both requests have now been incorporated into the Examination Timetable, with the request for a midnight deadline being adjusted to 11.59pm.

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

We request that Interested Parties send, where practicable, electronic copies of their submission as email attachments to A38DerbyJunctions@planninginspectorate.gov.uk on or before the applicable deadline. Electronic attachments should be clearly labelled with the subject title and not exceed 12MB for each email. Providing links to websites where your submissions can be viewed is not acceptable. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website.

If we consider it necessary to vary the Examination Timetable during the Examination, notification will only be sent to Interested Parties and Other Persons² invited to the Preliminary Meeting. The changes will be published on the A38 Derby Junctions project page of the National Infrastructure Planning website.

Written Representations

All Interested Parties are now invited to submit Written Representations and any comments on the Relevant Representations already submitted. These should be submitted by **Tuesday 5 November 2019** (Deadline 1 of the Examination Timetable, **Annex B**).

Written Representations can cover any relevant matter and are not restricted to the matters set out in our Initial Assessment of Principal Issues discussed at the Preliminary Meeting and included in our Rule 6 letter³. Nor are they restricted to the content of our First Written Questions (see next heading, below).

Any person, other than the Applicant, who submits a Written Representation must identify those parts of the application with which they agree and those parts with

¹ Your invitation to the Preliminary Meeting

² Other Persons are persons that we chose to invite to the Preliminary Meeting, in addition to the prescribed persons listed in section 88(3) of the Planning Act 2008 – see 'Your status in the Examination and future notifications' below

³ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010022/TR010022-000717-rule%206%20and%20annexes.pdf>

which they do not agree, explaining the reasons why⁴. Interested Parties should also provide with their Written Representations “*the data, methodology and assumptions used to support their submissions*”⁵.

Further written submissions will be requested by the ExA at various points in the Examination.

ExA’s First Written Questions

We have compiled our First Written Questions (FWQ) about the application and the representations received so far. These questions are published on the National Infrastructure Planning website and can be accessed through the following link:

<http://infrastructure.planninginspectorate.gov.uk/document/TR010022-000758>

Answers to our FWQs must be provided by **Tuesday 5 November 2019** (Deadline 1 of the Examination Timetable, **Annex B**).

If you require a hard copy of our FWQs, please contact the Case Team using the details at the top of this letter and they will send you a copy.

Some of our FWQs are directed to specific Statutory Parties⁶ which have not, at the time of writing, confirmed that they wish to become Interested Parties for the purposes of the examination of the application.

All relevant Statutory Parties will receive this correspondence and we request for each to check our FWQs carefully in order that they may identify and respond to any questions posed to them. No party should feel inhibited or restricted in responding to any question we ask, even if it is directed elsewhere.

Site Inspections

We have completed our First and Second Unaccompanied Site Inspection (USI), which were planned having regard to the applicant’s environmental statement and the Relevant Representations. These enabled the ExA to obtain views of the application site and surrounding area. The ExA’s record of the USI is published on the National Infrastructure Planning website and can be accessed through the following link:

<http://infrastructure.planninginspectorate.gov.uk/document/TR010022-000763>

We will undertake further Unaccompanied Site Inspections at times convenient to us.

⁴ Required under Rule 10(4) of The Infrastructure Planning (Examination Procedure) Rules 2010

⁵ <https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent>

⁶ Statutory Parties are the parties listed in Schedule 1 to The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015

We do wish to ensure that we have been to all the places that Interested Parties are most concerned for us to visit and will consider proposals for further site inspections. Nominations for additional locations to be inspected must be received by **Tuesday 5 November 2019** (Deadline 1 of the Examination Timetable, **Annex B**). Please indicate the reason for the nomination, whether we can proceed with the inspection unaccompanied and, if not, why not. Please be aware that we cannot carry out Unaccompanied Site Inspections on private land or where special safety measures must be followed.

Please note that an Accompanied Site Inspection is not an opportunity to make any oral representations on the proposal. However, we may invite participants to indicate specific features or sites of interest. Although there may be an opportunity for a small number of interested parties to attend an Accompanied Site Inspection, it is likely that attendance would need to be limited for logistical and safety reasons.

Statements of Common Ground (SoCG)

We requested SoCGs between the Applicant and certain Interested Parties in the Rule 6 letter dated 23 August 2019⁷. We now formally invite submission of all final signed versions of the SoCGs by **Tuesday 5 November 2019** (Deadline 1 of the Examination Timetable, **Annex B**).

Where a particular SoCG cannot be agreed between the parties by Deadline 1, or in so far as any local authority position represents an officer level view only, draft versions of that SoCG are requested to be submitted **by the Applicant** to Deadline 1. The position of the relevant Interested Parties should then be confirmed in the course of the Examination.

The content of SoCGs is necessary to help inform us as to the need to hold any Issue Specific Hearings in December 2019, and to enable notice to be given of such hearings at least 21 days in advance of them taking place.

Local Impact Reports (LIRs)

A LIR is a report in writing giving details of the likely impact of a Proposed Development on a local authority's area (or any part of that area). For more information about the importance and content of LIRs see our Advice Note One: Local Impact Reports⁸.

Local authorities⁹ are invited to submit LIRs by **Tuesday 5 November 2019** (Deadline 1 of the Examination Timetable, **Annex B**).

Hearings

⁷ Your invitation to the Preliminary Meeting

⁸ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

⁹ Defined in s56A of the Planning Act 2008

The Examination Timetable at **Annex B** includes periods of time reserved for any hearings to be held, and we will notify all Interested Parties of any hearings scheduled as part of the Examination at least 21 days in advance of them taking place. That notification will include an additional deadline for Interested Parties to inform the Planning Inspectorate if they wish to attend the notified hearing(s).

Annex C provides details about the notification of hearings, hearing agendas, what Interested Parties should include in a request to be heard at a hearing, and the procedure that will be followed at hearings.

Your status in the Examination

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

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

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

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

Award of costs

We draw your attention to the possibility of the award of costs against Interested Parties who behave unreasonably. You should be aware of the relevant costs guidance 'Awards of costs; examinations of applications for development consent orders' which applies to Nationally Significant Infrastructure Projects. This guidance is available at:

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

Management of information

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

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

All Examination documents can also be viewed electronically at the locations listed in **Annex A**.

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 continuing to work with all parties in the examination of this application.

Yours faithfully

Stuart Cowperthwaite

Stuart Cowperthwaite, Lead Member of the Panel

Annexes

- A** Availability of representations and application documents
- B** Examination Timetable
- C** Requests to appear and procedure to be followed at hearings

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

Availability of representations and application documents

All application documents and representations submitted to the Examination are available to view on the project page on the National Infrastructure Planning website:

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

For ease of navigation, we recommend that you use the Examination Library (EL) which is accessible via a blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

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

Each document is provided with a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the National Infrastructure Planning website is provided. **Please use the unique reference numbers applied in the EL when referring to any Examination documents in representations that you make.**

Documents can also be viewed electronically at the following locations close to the application site, free of charge. Please note that you may need to bring a form of identification to use a computer at these locations. If you have difficulty accessing any documentation, please contact the Case Team using the details provided at the top of this letter.

Electronic deposit locations

Local authority	Library/ address	Opening hours
	Riverside Library Council House Corporation Street Derby DE1 2FS Tel: 01332 641702 Email: riverside.library@derby.gov.uk	Mon: 8:30am-5pm Tues: 8:30am-5pm Wed: 8:30am-5pm Thurs: 8:30am-5pm Fri: 8:30am-5pm Sat: 9am-1pm Sun: closed
	Mickleover Library Holly End Road Mickleover Derby DE3 0EA	Mon: Closed Tues: 10am-5pm Wed: Closed

	Tel: 01332 718926 Email: mickleover.library@derby.gov.uk	Thurs: 10am-7pm Fri: 10am-5pm Sat: 10am-1pm Sun: Closed
	Derby Local Studies and Family History Library Riverside Chambers Derby DE1 3AF Tel: 01332 642240 Email: localstudies.library@derby.gov.uk	Mon: 9:30am-1pm Tues: 9:30am-1pm Wed: Closed Thurs: 9:30am-7pm Fri: 9:30am-4pm Sat: 10am-1pm Sun: Closed
Printing costs	Black and white	Colour
A4	Single-sided: 14p	Single-sided: 45p

All printing charges quoted are correct as of Friday 23 August 2019.

Examination Timetable

The Examining Authority (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. All deadlines are at 11.59pm, unless noted otherwise.

Item	Matters	Due Dates
1.	Preliminary Meeting	Tuesday 8 October 2019 (10.00am)
2.	An issue specific hearing relating to the draft Development Consent Order (dDCO)	Tuesday 8 October 2019 (1.30pm)
3.	Issue by the ExA of: <ul style="list-style-type: none"> • Updated examination timetable • The ExA's First Written Questions • The ExA's record of their First and Second Unaccompanied Site Inspections 	As soon as practicable after the Preliminary Meeting
4.	Issue by the ExA of: <ul style="list-style-type: none"> • Notification of the date, time and place for hearings(s) on 10, 11 and 12 December 2019 (if required) 	Tuesday 29 October 2019
5.	Deadline 1 Deadline for receipt of: <ul style="list-style-type: none"> • Written summaries of oral contributions at hearings • Post-hearing submissions requested by the ExA • The Applicant's updated draft Development Consent Order (dDCO), Explanatory Memorandum (EM), Book of Reference (BoR) and Statement of Reasons (SoR) • Comments on Relevant Representations (RRs) • Written Representations (WRs) • Local Impact Reports from local authorities • Statements of Common Ground (SoCG) requested by the ExA – see Annex E • Responses to the ExA's First Written Questions • Comments on any additional representations or submissions accepted into the Examination prior to the Preliminary Meeting • Representations relating to locations to view at the project or in the surrounding area which are considered to be relevant for the ExA during further Unaccompanied Site Inspections or during 	Tuesday 5 November 2019

	<p>an Accompanied Site inspection</p> <ul style="list-style-type: none"> • Notification of wish to speak at a Compulsory Acquisition Hearing or an Open Floor Hearing • Notification from statutory parties, or a local authority without direct responsibility in the proposed development area, of a wish to be considered an Interested Party 	
6.	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • Notification of the date, time and place for an Accompanied Site Inspection on 9 December 2019 (if required) • Notification of topics to be discussed at Issue Specific Hearings(s) on 10, 11 and 12 December 2019 (if required) 	Tuesday 12 November 2019
7.	<p>Deadline 2</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on submissions for deadline 1. • Applicant's updated dDCO, EM, BoR and SoR • The Applicant's proposed itinerary for an Accompanied Site Inspection (if required) • Any further information requested by the ExA under Rule 17 	Tuesday 19 November 2019
8.	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • Agenda(s) for hearing(s) on 10, 11 and 12 December 2019 (if required) 	Tuesday 3 December 2019
9.	<p>Time reserved for an Accompanied Site Inspection (if required)</p>	Monday 9 December 2019
10.	<p>Time reserved for hearings (if required):</p> <ul style="list-style-type: none"> • Issue Specific Hearing(s) (if required) • Compulsory Acquisition Hearing (if required) • Open Floor Hearing (if required) 	Tuesday 10 December 2019 Wednesday 11 December 2019 Thursday 12 December 2019
11.	<p>Deadline 3</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Written summaries of oral contributions at hearings (if required) • Post-hearing submissions requested by the ExA (if required) • Applicant's updated dDCO, EM, BoR and SoR • Any further information requested by the ExA under Rule 17 	Thursday 19 December 2020

12.	Issue by the ExA of: <ul style="list-style-type: none"> • Notification of the date, time and place for hearings(s) (if required) on 18 and 19 February 2019 	Tuesday 7 January 2019
13.	Issue by the ExA of: <ul style="list-style-type: none"> • The ExA's Second Written Questions 	Tuesday 14 January 2020
14.	Deadline 4 Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Comments on submissions for deadline 3 • Responses to the ExAs Second Written Questions • Applicant's updated dDCO, EM, BoR and SoR • Any further information requested by the ExA under Rule 17 	Monday 3 February 2020
15.	Deadline 5 Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Comments on submissions for deadline 4 • Any further information requested by the ExA under Rule 17 	Monday 10 February 2020
16.	Issue by the ExA of: <ul style="list-style-type: none"> • Agenda(s) for hearing(s) (if required) on 18 and 19 February 2019. 	Tuesday 11 February 2020
17.	Time reserved for hearings (if required): <ul style="list-style-type: none"> • Issue Specific Hearing(s) (if required) • Compulsory Acquisition Hearing (if required) 	Tuesday 18 February 2020 Wednesday 19 February 2020
18.	Deadline 6 Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • The Applicant's final dDCO and EM • The Applicant's updated BoR and SoR • Written summaries of oral contributions at hearings (if required) • Post-hearing submissions requested by the ExA (if required) • Any further information requested by the ExA under Rule 17 	Tuesday 25 February 2020
19.	Publication by the ExA of: <ul style="list-style-type: none"> • The ExA's schedule of changes to the draft DCO (if required) • Report on Implications for European Sites (RIES) 	Tuesday 3 March 2020

	(if required)	
20.	<p>Deadline 7</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on submissions for deadline 6 • Comments on the ExA's schedule of changes to the dDCO (if required) • Comments on RIES (if required) • Any further information requested by the ExA under Rule 17 	<p>Tuesday 10 March 2020</p>
21.	<p>Deadline 8</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on submissions for deadline 7 • Responses to comments on the ExA's schedule of changes to the dDCO (if required) • Responses to comments on RIES (if required) • Any further information requested by the ExA under Rule 17 	<p>Tuesday 17 March 2020</p>
22.	<p>The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.</p>	<p>Wednesday 8 April 2020</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:

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

Each document will be given a unique reference. These references will be used by the ExA during the Examination.

Report on the Implications for European Sites

The Examination must include a process that provides sufficient information to enable the Secretary of State for Transport to meet his statutory duties as the competent authority under the Habitats Regulations relating to European protected sites.

The Applicant has provided a Habitat Regulation Assessment – No Significant Effects Report (NSER) with their application. This includes matrices which exclude

the potential for likely significant effects to arise alone or in combination with other plans and projects.

This information will inform the ExA's Report and Recommendation to the Secretary of State on this application and its' provision of stand-alone information for the Secretary of State.

In addition, the ExA may decide to issue a Report on the Implications for European Sites (RIES) during the examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. If a RIES is prepared, then comments on it will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the Secretary of State.

The Secretary of State may rely on any consultation on the RIES to meet its obligations under Regulation 63(3) of the Habitats Regulations¹.

¹ The Conservation of Habitats and Species Regulations 2017

Requests to appear and procedure to be followed at hearings

The Examination Timetable (**Annex B**) reserves two periods of time for two series of hearings to be held, if required, in December 2019 and in February 2020.

Notifications of the hearings to be held and details of the date, time and place for hearings will be published on the project website on the dates indicated in the Examination Timetable (**Annex B**).

Hearing agendas

The ExA will publish detailed draft agendas for Issue Specific Hearings and Compulsory Acquisition hearings on the project website on the dates indicated in the Examination Timetable (**Annex B**). However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Agendas for Open Floor Hearings will not be published unless, in consideration of the number of participants notified to the Planning Inspectorate, the ExA decides that establishing a running order will facilitate the process on the day.

Requests to appear at hearings

Interested Parties are required to notify the Examining Authority (ExA) in writing of their wish to take part in an Open Floor Hearing (OFH) or Compulsory Acquisition Hearing (CAH). We request notification from Interested Parties in this regard on or before **Tuesday 5 November 2019** (Deadline 1 of the Examination Timetable, **Annex B**).

If no written requests to take part in an OFH or CAH are received by the above deadline, we are not required to hold such a hearing; although we may choose to do so nonetheless.

We may also choose to hold Issue Specific Hearings (ISH) about topics that we think need to be explored orally.

The time, date and place of any confirmed hearing will be notified in writing to all Interested Parties, providing at least 21 days' notice.

If an Interested Party wishes to attend an OFH or ISH they should indicate which topics in their Relevant Representation or Written Representation they wish to address at the hearing. Similarly, any Affected Person wishing to attend a CAH should identify clearly the plots of land about which they wish to speak.

Notifications from Interested Parties in respect of the above should be sent separately from any other written submission, and appropriately titled to allow us to quickly identify which event the notification relates to.

Procedure at hearings

The procedure to be followed at hearings is set out in The Infrastructure Planning (Examination Procedure) Rules 2010¹. Any oral representations must be based on either the Relevant Representation or Written Representation made by the person by whom, or on whose behalf, the oral representations are made.

The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties².

Our Examination will be principally undertaken through the exchange of written submissions, and we will decide whether a hearing on a issue or topic is necessary. This decision is not connected to how relevant or important we consider an issue or topic to be.

Action points arising from the hearings

The ExA will aim to publish a summary of the action points arising from a hearing as soon as practicable after the hearing.

¹ Rule 14

² Rule 14(5)