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To: All Interested Parties

Our Ref: TR010022

Date: 20 February 2020

Dear Sir/ Madam

The Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 8(3), 9 and 13

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

Procedural Decisions, Variation to the Examination Timetable and Notification of Hearings

On 17 February 2020 the Applicant made two written submissions, which were published to the project website on 18 February 2020. These submissions were considered at the Issue Specific Hearings that were held on 18 and 19 February 2020. The Applicant's submissions and our consideration of them are summarised below.

Notices advertising the Hearings on 18 and 19 February 2020

The Applicant advised that the Notices of the Issue Specific and Compulsory Acquisition Hearings on 18 and 19 February 2020 were not advertised correctly because of an administrative error. The Applicant's submission is available at the following link:

<http://infrastructure.planninginspectorate.gov.uk/document/TR010022-001023>

The requirements of Rule 13(6) of The Infrastructure Planning (Examination Procedure) Rules 2010 for notification of hearings have therefore not been followed.

This matter was discussed at Issue Specific Hearing 3. Representations were taken from parties present at that hearing and our decisions were provided to the hearing. An audio recording of the hearing will be published to the project website as soon as is practicable.

In summary, we are satisfied that all Interested Parties were given notification of the Hearings by the Planning Inspectorate more than 21 days in advance and that further notification was provided on the project website. On that basis we decided that the Hearings should go ahead.

We also considered that further action was appropriate to address matters of fairness for any parties that may have been relying on notifications that were not provided in the local press. We therefore decided to hold a further set of Issue Specific and Compulsory Acquisition Hearings. This letter provides the necessary variations to the Examination Timetable and notification of the further Hearings.

Air Quality agenda item at Issue Specific Hearing 4 on 19 February 2020

The Applicant requested removal of the Air Quality agenda item due to an ongoing commission from the Department for Transport that the Applicant considered could have a significant bearing on how it would respond to Air Quality matters raised at the Examination. The Applicant’s submission is available at the following link:

<http://infrastructure.planninginspectorate.gov.uk/document/TR010022-001022>

This matter was discussed at Issue Specific Hearings 3 and 4. Representations were taken from parties present at the hearings and our decisions were provided to the hearings. An audio recording of the hearings will be published to the project website as soon as is practicable.

In summary, we decided that the Air Quality agenda item would not be addressed in full during the Hearing but that any parties present would still be provided with an opportunity to raise any Air Quality matters at the Hearing. In order to provide further opportunities for Examination of this issue we also decided to schedule further dates for the Applicant to clarify its’ position, for further written submissions and for an additional Issue Specific Hearing at which Air Quality would be included as an agenda item.

This letter provides the necessary variations to the Examination Timetable and notification of the further Hearings.

Variation to the Examination Timetable

Under Rule 8(3), and for the reasons set out above, we have decided to vary the Examination Timetable contained in Annex B of the (Rule 8) letter of 11 October 2019 and now advise that the Examination Timetable for the remainder of the Examination will be as follows:

Item	Matters	Due Dates
18.	Issue by the ExA of: <ul style="list-style-type: none"> Notification of the date, time and place for hearings on 19 March 2020 	Thursday 20 February 2020
19.	Deadline 6 Deadline for receipt by the ExA of: <ul style="list-style-type: none"> The Applicant’s final draft Development Consent Order (dDCO) and Explanatory Memorandum Written summaries of oral contributions at the hearings held on 18 and 19 February 2020 	Tuesday 3 March 2020

	<ul style="list-style-type: none"> • Post-hearing submissions requested by the ExA, including responses to Air Quality agenda items • The Applicant's clarification of its updated position regarding Air Quality 	
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 • Any further information requested by the ExA under Rule 17 	Tuesday 10 March 2020
21.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Agendas for the hearings to be held on 19 March 2020 • The ExA's schedule of changes to the dDCO (if required) • Report on Implications for European Sites (RIES) (if required) 	Thursday 12 March 2020
22.	<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 • 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 	Tuesday 17 March 2020
23.	<p>Time reserved for hearings:</p> <ul style="list-style-type: none"> • Issue Specific Hearing • Compulsory Acquisition Hearing 	Thursday 19 March 2020
24.	<p>Deadline 9</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on submissions for deadline 8 • Written summaries of oral contributions at hearings (if required) • Post-hearing submissions requested by the ExA (if required) • Applicant's updated Book of Reference, Statement of Requirements, Statements of Common Ground and documents certified under Schedule 10 of the dDCO. • Any further information requested by the ExA under Rule 17 	Thursday 26 March 2020
25.	<p>Deadline 10</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on submissions for deadline 9 	Thursday 2 April 2020

	<ul style="list-style-type: none"> Any further information requested by the ExA under Rule 17 	
22.	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.	Wednesday 8 April 2020

Notification of Hearings

Under Rule 13, I announce the dates, times and places of hearings to be held on 19 March 2020:

Reference	Event	Date	Time
Planning Act 2008 - Section 91	Issue Specific Hearing 5 <ul style="list-style-type: none"> Transport networks and traffic Air quality Noise and vibration The water environment Biodiversity and ecological conservation Landscape and visual impact Land use, social and economic impact The historic environment Other policy and factual issues Draft Development Consent Order 	Thursday 19 March 2020	10.00am (seating from 9.30am)
Planning Act 2008 - Section 92	Compulsory Acquisition Hearing 3	Thursday 19 March 2020	3.00pm (seating from 2.30pm)

The hearings will be held at **Best Western The Stuart Hotel**, 119 London Road, Derby, Derbyshire DE1 2QR. Free car parking will be provided. The main car park is down the right side of the main entrance to the hotel. The car park has a barrier. When you arrive, drive up to the barrier and it will raise automatically. Ask the hotel reception for an exit code when you leave.

If you plan to attend any of these hearings (even if you do not wish to speak), please let the Planning Inspectorate's Case Team know using the details set out at the top of this letter. Please confirm this **no later than Thursday, 12 March 2020**.

When notifying the Case Team of your attendance at any of these hearings it will assist us if you could please inform them of:

- the hearing(s) that you will attend, whether you wish to speak and the matter(s) that you would like to speak about; and
- any special requirements you may have (e.g. disabled access, hearing loop, need for a British Sign Language interpreter, etc).

Please ensure that you include your Interested Party reference number in your correspondence. This is provided either in the email covering this letter or on the postcard you have received.

The matters listed under Issue Specific Hearing 5 include the full range of topics that may need to be covered. Further consideration will be given to the subject matter following the receipt of the information requested by Deadlines 6, 7 and 8 of the Examination Timetable.

The agendas of the hearings will be published to the project website on **Thursday 12 March 2020**. The project website can be found at:

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

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

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

Yours faithfully

Stuart Cowperthwaite

Stuart Cowperthwaite, Lead Member of the Panel

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