



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

Frequently Asked Questions (FAQ)

Version 3.0 issued on 27 May 2020

This FAQ document aims to assist persons involved in the Examination who have questions about the Examination Timetable, procedures and arrangements. It may from time to time be updated at the discretion of the Examining Authority (ExA).

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THE EXTENSION TO THE EXAMINATION

1. Why have you extended the Examination and issued a new Timetable?

The public health restrictions during the coronavirus (COVID-19) pandemic prevent us from holding a range of events such as Hearings that involve travel and public gatherings. The ExA postponed Hearings that were due to take place on 19 March because of these restrictions.

Following those postponements, the ExA continued to review the effect of the postponed hearings and coronavirus on the Examination. The ExA concluded that for it to examine remaining issues and to ensure fairness, more time was needed than the original Examination end date of 8 April 2020 would have allowed. Therefore, a request was made to the Secretary of State to extend the Examination. On 27 March 2020, the Secretary of State set a new deadline for completion of the Examination on or before 8 September 2020.

On 3 April 2020 the ExA issued a [Rule 8\(3\) letter](#) to provide an update to the Examination Timetable and initial information on the proposed new arrangements.

2. Has the Examination been extended for five months and will all that time be used?

The new deadline set for completion of the Examination is 5 months later than the original deadline. However, the Examination has not been extended for the full 5 months. The Examination will use the minimum additional time necessary for the examination of remaining issues and to ensure fairness. The ExA anticipates being able to close the Examination shortly after the last timetabled event provided for in the [Examination Timetable](#).

The ExA recognises that unprecedented public health controls were introduced during March 2020. It also recognises that the imposition of further controls that might affect the Examination cannot be ruled out at this stage. Whilst the ExA does not currently intend to use any more or any less time than currently indicated in the [Examination Timetable](#), it will keep the Examination process under continuous review in the light of any changing circumstances.

3. How will the additional time for the Examination be used?

The remainder of the Examination is being used for further written questions and there will be opportunities for further written submissions. The ExA has also decided to hold further Hearings. The 5-month extension to the deadline for completion of the Examination also provides some flexibility for unforeseen events.

CONSIDERATIONS FOR HEARINGS AND THE NEW FORMAT

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

The ExA requested representations on Hearings on 21 April 2020. It has considered those representations, how best to examine the remaining issues and how best to ensure fairness given the practical constraints arising from COVID-19. Following that consideration, the ExA decided to hold further Hearings on the dates reserved in the Examination Timetable. The date, time and place of those Hearings were notified on 5 May 2020 and the Agendas were issued on 27 May 2020.

Nevertheless, the Examination is primarily a written process and the ExA also published further written questions on 5 May 2020.

5. Why have so many dates been identified for Hearings?

Several alternative dates for Hearings have been reserved in the [Examination Timetable](#) and notified in order to provide some flexibility in case the ExA considers that they are required, for example due to more time being needed or if a Hearing is disrupted by technical or other issues. All speakers at Hearings are asked to reserve these dates in their diary. It is anticipated that most dates will not be needed.

If any of the Hearings are no longer required, reasonable notice will be provided of the ExA's decision to cancel them by the posting of a banner on the project

website. The ExA may decide that some of the issues will be covered through written submissions rather than in a Hearing.

Please check the project website regularly, and shortly before each Hearing, for updates. The project website is at:

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

6. How can any Hearings be held when there are coronavirus restrictions in place?

Due to the Coronavirus (COVID-19) measures introduced by the Government <https://www.gov.uk/coronavirus>, social distancing and travel restrictions are in place.

As a consequence, we will not be conducting Hearings in the way that we have done before. Instead, we will be conducting Hearings over the internet, or by telephone link as explained below. Therefore, you will be able to take part at home or from a safe place. We will do this in as fair and robust a way as possible.

These arrangements reflect the Government advice at 27 May 2020. Should the Government's advice change to the extent that arrangements need to change, this will be reflected in the agendas and detailed arrangements for the Hearings or by a banner on the project website.

PARTICIPATION IN THE HEARINGS

7. Will the Examination be held in public and will there be any restrictions on who can take part?

The ExA will continue to hold the Examination in public. It will not have any private discussions with any parties. Arrangements are being made for any Hearings to be as accessible as they reasonably can be in the current circumstances.

Previously in the Examination the ExA has used its discretion to permit parties other than Interested Parties to attend Hearings and to accept oral submissions from them.

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

Advanced notice was requested of a wish to speak in the notification of Hearings letter published on 5 May 2020. The practicalities of the technical arrangements that need to be made in advance of the Hearings mean that the ExA may not be able to accommodate any wish to speak that are not made in accordance with this request.

Technical and management considerations may result in the ExA limiting the number of speakers at any Hearings. The ExA will prioritise Interested Parties and those speaking on behalf of a group of people. The ExA will give the same consideration to any matter, whether it is raised once or several times.

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

The ExA has considered the notifications that we have received of a wish to speak and has considered who they would like to receive oral submissions from. Further to that consideration the ExA has identified the parties that are invited to speak at each Hearing, and these are listed in the relevant Annex to the Hearing Agendas letter that was published on 27 May 2020.

8. What if I am not identified as a participant in a Hearing, but would like to take part?

If any of the following parties object to Compulsory Acquisition or Temporary Possession and would like to speak at a Compulsory Acquisition Hearing, then please contact the Case Team by **4.00pm on Monday 1 June 2020**:

- Any Affected Person
- Statutory Undertakers, Crown bodies and other bodies with special statutory protections under the Planning Act 2008 (as amended)

Similarly, if you have not been invited to speak at an Issue Specific Hearing but would like to do so, please contact the Case Team by **4.00pm on Monday 1 June 2020**.

Participation is at the discretion of the ExA. Any parties not invited to speak at a Hearing are invited to access the recordings of the Hearings and to make a written submission on the specific matters either included in the Hearing Agendas or arising at the Hearings.

ARRANGEMENTS FOR USING MICROSOFT TEAMS

9. Why is Microsoft Teams being used?

The arrangements for the Hearings have been developed in light of the practical constraints arising from Coronavirus (COVID-19) and following consideration of representations made to the ExA. The ExA decided to enable access to the Hearings by computer or tablet connected to the internet, or by telephone.

Following a review of the available technology options and consideration of the need to allow fair access and participation in Hearings, the ExA decided to use Microsoft Teams.

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 Hearing over the internet using a video link. You may have used video links to talk to friends and family using FaceTime, Skype or WhatsApp, for example. If you have, this will give you an idea of what to expect. 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 Hearings using a telephone with a keypad.

11. Will help be available and will I be able to have a trial run?

A member of the Case Team will contact participants who have indicated that they are not confident about accessing the Hearings on **Monday 1 June 2020** or **Tuesday 2 June 2020**.

We will hold a brief Test Event on **Wednesday 3 June 2020 at 11.30am** to give participants a chance to practice using Microsoft Teams. If you are unable to join the Test Event, please contact the Case Team before **4pm on Monday 1 June 2020**.

The Test Event will also give participants the opportunity to use Microsoft Teams and the main controls that are likely to be useful. It will also be an opportunity to ask any questions you may have in relation to the technology or the arrangements. Please note, this will not be an opportunity to air any views in relation to the merits of the application and the Examining Authority will not participate in it. We estimate that the Test Event will take around 30 minutes.

Joining Instructions for the Test Event will be emailed to participants on **Tuesday 2 June 2020**.

12. How will Microsoft Teams be used for a Hearing?

If you are invited to speak at a Hearing, the Joining Instructions will be issued to you by email between 1 hour and 24 hours before the start of each Hearing.

- All participants are required to attend an Arrangements Conference with the Case Team that will start 30 minutes before each Hearing. This will not be an opportunity to air any views in relation to the merits of the application and the ExA will not participate in it.

- You will be held in a 'lobby' until the Case Team is able to admit you to the Arrangements Conference. This will typically be for a few minutes but may be for 10-20 minutes.
- You will then be able to follow the proceedings by video or audio, depending on how you have connected.
- During the Arrangements Conference you will be asked to provide your name, your Interested Party reference number and/or any further identifying information that the Case Team requests of you.
- Subject to successful authentication, the Case Team will then transfer you to the Hearing.
- The Case Team will control the Arrangements Conference. The ExA will control the Hearing. They will invite you to speak when it is your turn.

As before, the Hearings are subject to the ExA's powers of control over the conduct of the Hearings.

13. How should I prepare for a Hearing?

Please prepare for the Hearings and give the Hearings and other participants the same respect as you have previously:

- check that you know how to join the Hearing;
- decide where you'll sit for the Hearings, it should be quiet and private;
- let anybody close by know that you will be in a Hearing, so that you are less likely to be interrupted;
- make sure the computer, tablet or mobile telephone you'll use is fully charged or plugged in, so you do not get cut off;
- have any documents you'll need ready beforehand, including the Agenda Letter, the Examination Library and documents referred to in the Agenda;
- set your mobile phone to silent if you are not using it to access the Hearing;
- be ready at least 15 minutes before the Arrangements Conference.

If you are joining by video, please dress as if you were coming into a building for a Hearing; and if possible, have something plain behind you like a blank wall.

PARTICIPATING USING A COMPUTER, TABLET OR SMART PHONE

14. Will I be able to participate in the Hearing from a computer, tablet or smart phone 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: <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 that can be downloaded (free of charge) available for most types of device. It will work without an application on an internet browser such as Microsoft Edge or Google Chrome.

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

On a smartphone or tablet there are Teams applications 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/microsoft-365/microsoft-teams/download-app>.

15. How will I be able to join from a computer, tablet or smart phone?

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

- Forward the Joining Instructions to the email account on the computer or tablet that you are due to join on.
- Click on the web address link provided in the Joining Instructions for the specific Arrangements Conference that you want to join. Please note that a different web address link is provided for each Hearing.
- 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 or tablet camera (if it has one), microphone and speakers are turned on. Some computers or tablets require them to be physically plugged in. Some require settings or permissions to be changed and the browser, computer or tablet restarted before you can connect.
- The Teams application or your browser should prompt you to enter your name, then connect you to a 'lobby' from where a member of the Case Team can ask you into the Arrangements Conference.
- Subject to successful authentication, a member of the Case Team will transfer you into the Hearing.

16. 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. You would need to provide any alternative email address from the one we are currently using for you by **4pm on Monday 1 June 2020** at the latest. This is so that we can send out the invitation with the link for joining the planned Test Event and for the actual Hearing.

Please check with your internet or email service provider or an intended alternative email service provider before the 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.

Please also refer to the privacy advice provided in the 'Arrangements for using Microsoft Teams' letter that was issued on 27 May 2020.

17. How will I know which documents the ExA refers to during the event as I won't be able to see them?

A small number of documents will be shared during the Hearings. These include the Agendas and documents identified in and linked from the Agendas. All documents referred to by the ExA will be shared so you will see them on screen. 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 a Hearing, providing its Examination Library reference number where appropriate. The Examination Library is at: <http://infrastructure.planninginspectorate.gov.uk/document/TR010022-000671>.

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

Everybody with access to a web browser, including those who access a Hearing 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.

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

If you connect using computer, tablet or smart phone you will be able to speak and be spoken to and you will be able to see other participants and they will be able to see you. The ExA will make it clear in their opening statement that all parties have to introduce themselves every time they intend to speak.

19. Will I be able to mute my microphone?

Your microphone may be muted during the event by you or, if necessary, by the Case Team (see below).

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

20. 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 Teams toolbar and use voice only.

PARTICIPATING BY TELEPHONE AND/OR BY USING THE TELEPHONE NUMBER

21. Can I join the Hearing by using any telephone?

Yes, any telephone including a mobile, smart phone or standard landline telephone with a keypad will work perfectly well.

22. How will I be able to join by telephone?

Please join from a telephone as follows:

- Enter the conference ID number from the Joining Instructions (nine figures) on your keypad, followed by the # (hash) key.
- The phone should prompt you to record your name and will then connect you to a 'lobby' from where a member of the Case Team can ask you into the Arrangements Conference.
- Subject to successful authentication, a member of the Case Team will transfer you into the Hearing.

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

The default setting is that your number will be visible to parties who chose to participate in the Hearing by video.

If you do not want to display your telephone number, please add a privacy prefix before you dial the telephone number. 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 Hearing or Test 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.

Please also refer to the privacy advice provided in the 'Arrangements for using Microsoft Teams' letter that was issued on 27 May 2020.

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

If you connect using the telephone number 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 their opening statement that all parties have to introduce themselves every time they intend to speak.

25. Will I be able to mute my phone's microphone during the meeting?

Your microphone may be muted during the event by you or if necessary, by the Case Team.

You can switch the microphone on and off when you are in the Arrangements Conference or Hearing by pressing *6 on your telephone keypad.

26. How will I know which documents the ExA refers to during the event as I won't be able to see them?

A small number of documents will be shared during the Hearings. These include the Agendas and documents identified in and linked from the Agendas. 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 a Hearing, providing its Examination Library reference number where appropriate. The Examination Library is at:

<http://infrastructure.planninginspectorate.gov.uk/document/TR010022-000671>.

Everybody who accesses a Hearing by telephone, should be able to access the documents at the appropriate time by clicking on the internet link in the Agenda or in the Examination Library on the project website.

27. 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 call charges can be found on the UK government website: <https://www.gov.uk/call-charges>.

CONDUCT AND MANAGEMENT OF THE HEARINGS

28. How will the Hearings be conducted?

The Hearings are being held at the discretion of the ExA to consider matters that they consider to be important and relevant to the effective and robust examination of the application. Consequently, the business of a Hearing will be limited to the matters identified in the Agenda. Other matters that the ExA wishes to examine through oral submissions have already been considered at previous Hearings.

Oral participation is at the invitation and discretion of the ExA. Oral submissions must address the matters, issues and questions identified in this Agenda. Oral submissions on other subject matters or from persons who have not been invited to speak by the ExA may only be heard at the discretion of the ExA, who may decide that such matters are not heard in the interests of relevance or time efficiency.

Guidance under the Planning Act 2008 and the Examination Procedure Rules provides that at Hearings it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the Hearing will therefore be led by the ExA. Parties wishing to make a representation will be invited to do so at the ExA's discretion.

The ExA will start a Hearing by making introductory comments, introductions and running through housekeeping matters and how the Hearing will be conducted. The ExA will then raise and invite responses to the questions set out in the Agenda, take further contributions, ask further questions and allow the Applicant to reply.

The ExA will invite any parties that it has accepted advanced notice of a request to speak, to make a brief oral submission, which are anticipated to take no more than 5 minutes each and are not to repeat matters set out in written submissions. Time allowing, and at its' discretion, the ExA will then allow other participants to raise a matter on the topic. The ExA may question those parties and will allow the Applicant to reply.

The ExA's expectation is that each Hearing will typically last for 20-90 minutes. However, the actual duration will depend on the progress made on the day and will subject to the ExA's powers of control over the conduct of the Hearings.

29. Why might the Case Team mute my microphone during the Hearing?

The Case Team will have the right to mute any participants microphone, for example to reduce a background noise (if you're not speaking).

The Case Team can also mute your microphone for any disruptive behaviour that will affect the ability of other parties to participate as such behaviour will not be tolerated. If necessary, the ExA will then remove a disruptive person from the Hearing and costs may be awarded against them. However, we feel sure that will not be necessary and thank you for your support.

30. When and how will I be able to speak and present my case in the Hearing?

The ExA will control the Hearing and will invite you to speak at the appropriate time, which will normally be as set out in the Agenda.

31. What do I do if the ExA announces a break?

If there is a break, then the ExA will make an announcement about the arrangements.

Depending on the length of the break, you should remain connected, however, should you choose to leave you can re-connect using the Joining Instructions.

WHAT IF THINGS GO WRONG?

32. What if I lose my connection?

If you experience problems with your connection, then please try again using the same Joining Instructions. If that doesn't work, then you should immediately contact the Case Team by email or telephone using the contact details provided in the Joining Instructions. They will attempt to help you to join or re-join the Hearing at an appropriate point. It may be that, if you initially joined by video, you can re-join by audio or by telephone, to limit the effect of any technical issues that you may have been experiencing.

33. What if I can't re-join?

If you cannot join or re-join the Hearing at all, the ExA will consider the most appropriate way for you to still be able to participate in the Examination. This may include requesting you to view or listen to a recording of the Hearing and/or to make a submission in writing by the deadline for post-Hearing submissions identified in the Examination Timetable.

34. What if the Hearing is disrupted?

If a Hearing is disrupted by technical or other issues, the ExA may adjourn it, or part of it, to another date or format. Time has been reserved in the Examination Timetable for this to occur. If the Hearing is not disrupted, the reserved Hearing(s) will not proceed.

HEARING RECORDINGS AND OTHER PARTICIPATION IN THE EXAMINATION

35. Will I be able to observe the Hearings if I decide that I don't want to speak at them?

As is normal practice for National Infrastructure hearings, the Hearings will be recorded, and the recordings will be published to the project website as soon as is practicable after the Hearings. The project website is at:

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

Recordings will be made of Hearings and will be the formal record of the Hearings as has always been the case for Examinations. The recordings will be made available on the project website as soon as is practicable after each Hearing. Technical limitations of the technology that we are likely to be using for the Hearings mean that we are unable to provide streaming broadcasts of the Hearings.

We may also record the Test Event(s) and Arrangements Conferences for training and quality assurance purposes. We will not publish the recording of a Test Event or Arrangements Conference.

36. Will I be able to make a submission on the matters that are covered in Hearings if I decide that I don't want to speak at them?

Parties who do not speak at the Hearings, but who wish to access the recordings, are invited to make a written submission on the specific matters included in the Hearing Agendas or arising at the Hearings. These submissions are to be made at the deadline for post-Hearing submissions identified in the [Examination Timetable](#).

37. Can I still take part in the Examination if I am not able to speak at a Hearing or observe it?

Yes. Interested Parties and Statutory Parties can continue to participate in the Examination through the written process. Deadlines for written submissions are identified in the [Examination Timetable](#).

Previously in the Examination the ExA has used its discretion to accept submissions from other parties. The ExA's intention is to continue to do that when it considers it likely that this would assist the Examination.

38. What if I'm not able to participate in the Examination now or my circumstances change?

Please contact the Case Team by telephone at 0303 444 5000 or by email at A38DerbyJunctions@planninginspectorate.gov.uk and explain your circumstances. We will do our best to accommodate your needs and enable different means of involvement.

FURTHER INFORMATION AND KEEPING UP TO DATE

39. What other information is available?

Please visit the project website for further information;
<https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derbyjunctions/>

The 'Agendas and detailed arrangements for Hearings in June 2020' letter issued on 27 May 2020 provides further information on:

- Agendas for Hearings to be held on 9, 10, 11, 16, 17 and 18 June 2020; and
- The detailed arrangements for those Hearings.

The 'Arrangements for using Microsoft Teams' letter issued on 27 May 2020 provides further information on:

- how to use Microsoft Teams;
- a **Privacy Notice Amendment** and recommendations to avoid the disclosure of your telephone number or private email address when participating in a Test Event or Hearing;
- a **Test Event** to be held on Wednesday 3 June 2020 and for which Joining Instructions will be provided on Tuesday 2 June 2020;

- the issue of **Joining Instructions** for Hearings by email between 1 hour and 24 hours before the start of each Hearing;
- the **Arrangements Conference** that will start 30 minutes before each Hearing at which your attendance will be registered; when reminders will be given about how to participate in the Hearing; and from which Speakers will be transferred into the Hearing; and
- what to do if things go wrong.

The next steps in the Examination are set out in the [Examination Timetable](#).

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

Please visit the project website regularly for updates:

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

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

41. What if I need more help?

Please contact the Case Team by telephone at 0303 444 5000 or by email at A38DerbyJunctions@planninginspectorate.gov.uk.