



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

Frequently Asked Questions (FAQ)

Version 2.0 issued on 5 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).

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 an Issue Specific Hearing and a Compulsory Acquisition Hearing 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.

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.

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 potential 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. 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 will be made for any Hearings to be as accessible to Interested and Statutory Parties as they reasonably can be in the current circumstances.

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

identified other parties that have raised issues on specific topics that the ExA would like to consider in an Issue Specific Hearing in the notification of Hearings letter published on 5 May 2020.

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 must be provided of a wish to speak in accordance with 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 is unlikely to be able to accommodate any wish to speak that are not made in accordance with this request. Similarly, the technical arrangements mean that we will need advance notice of any visual material that is to be used in the Hearings.

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.

Please contact the case team by telephone at 0303 444 5000 or by email at A38DerbyJunctions@planninginspectorate.gov.uk if you are not sure of your status.

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.

7. How could any Hearings be held when there are coronavirus restrictions in place?

In light of the public health situation surrounding coronavirus (COVID-19), it is not currently possible to hold Hearings that require people to attend in person.

We will not be conducting Hearings in the way we have done before. Instead, we will be conducting Hearings over the internet, or by telephone for anyone without internet access. Instead of travelling to the Hearing you will be able to participate from your own home or office. We will conduct Hearings robustly and fairly and in a way that mirrors as far as possible the way in which Hearings have been conducted previously.

The aim is to make access to any Hearing straightforward and manageable.

These arrangements reflect the Government advice at 5 May 2020. Should the Government's advice change to the extent that arrangements for this Hearing need to change, this will be reflected in the agendas and detailed arrangements for the Hearings or by a banner on the project website

8. Can you provide more details about the teleconferencing and video conferencing referred to in the [Rule 8\(3\) letter](#)?

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

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

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

9. I want to take part in the Hearings but have never done teleconferencing or video conferencing before and am not sure if I will be able to. How will you cater for my needs?

The ExA is sensitive to catering for different needs and considered the representations on Hearings when deciding that they will be held.

Further consideration will be given to those representations, how best to examine the remaining issues and how best to ensure fairness given the practical constraints arising from COVID-19 as the arrangements for Hearings and the support and guidance to Hearing participants are developed..

The support offered to Hearing participants is likely to include a Hearings access trial run with a member of the Case Team during week commencing 1 June 2020.

10. What equipment and software will I need?

The ExA is considering the use of readily available equipment and software, which most people are likely to have already. Details of the requirements and relevant guidance and support will be provided in due course and will take account of the representations received.

11. How will I be able to join a Hearing and participate?

If your wish to speak at a Hearing is accepted, we will contact you by email or telephone with joining instructions including a web address and/or telephone number.

Before the Hearings, during week commencing 1 June 2020, a member of the Case Team will contact speakers for a trial run of their access to the Hearing(s). This will also be an opportunity to raise any technical queries about access and how to join and participate in the Hearing(s).

More information on the joining instructions and on the Hearings access trial run will be published on the project website on Wednesday 27 May 2020.

Speakers will use the web address or telephone number to join an Arrangements Conference, which will be held half an hour before the start of each Hearing. This gives time for the Case Team to admit everyone to the Hearing, review their connection and explain the format. When you are in the Hearing you will then be able to follow the proceedings by video and/or audio. As before, 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.

As before, the Hearings are subject to the ExA's powers of control over the conduct of the Hearings. Parties wishing to make a representation will be invited to do so at the ExA's discretion.

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

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 unlikely to be able to provide streaming broadcasts of the Hearings.

13. 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](#).

14. 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.

Please contact the case team by telephone at 0303 444 5000 or by email at A38DerbyJunctions@planninginspectorate.gov.uk if you are not sure of your status.

15. 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.

16. What additional information will be provided?

The [Examination Timetable](#) includes several activities in relation to secure, accessible and practical Hearings. It sets out when any Hearing agendas will be issued and when information will be provided on detailed arrangements and procedures for Hearings. Information will be provided on the methods that will be used at Hearings, on any trials and testing in advance of the Hearing to assist with allowing parties to understand the new format, and on the support that will be provided to participants.

17. 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.