



National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Customer  
Services: 0303 444 5000  
e-mail: A38DerbyJunctions@planninginspectorate.gov.uk

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To: All Interested Parties

Our Ref: TR010022

Date: 5 May 2020

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Dear Sir/ Madam,

## **The Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 13 and 14**

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

#### **Notification of Hearings, outline arrangements for Hearings, request for notification of a wish to speak at Hearings and further written questions**

In our letter of 3 April 2020, we wrote to you with an update to the Examination Timetable and initial information on the proposed new arrangements for the Examination considering the public health situation and disruption caused by the coronavirus (COVID-19) pandemic. The Examination Timetable identified time reserved for Hearings, should they be required.

We wrote to you again on 21 April 2020 to request representations regarding Hearings. Our thanks to all of you who made a representation. We summarise our consideration of those representations as follows:

- 44 responses were received, including 33 from the Applicant's team, 8 from Interested Parties including 1 from an Affected Party, and 3 from other parties;
- nobody considered that video conferencing or teleconferencing would not be suitable for the hearings; none of the respondents said that they did not have access to a suitable computer, tablet or smart phone; and only 1 respondent expressed concern regarding the performance of their equipment;
- all but 2 respondents were at least 'reasonably confident' about being able to use a computer, tablet or smart phone to participate in a hearing where they could see and be seen, speak and be spoken to, by participants in real time;
- interest in the Issue Specific Hearings was evenly spread amongst the topics identified and no more than 8 respondents wished to speak on any single topic;
- based on the responses we believe that the Hearings are suitable in principle for video conferencing and/or teleconferencing; and
- with appropriate support for participants, we consider that these arrangements would be fair and inclusive and that hearings conducted in this way would be manageable and make a worthwhile contribution to the Examination.

Public health considerations in light of COVID-19 continue to require social distancing and restrictions in travel and it is likely that there will continue to be constraints in some form for the period of time remaining in the Examination. We recognise that the restrictions may be adjusted in the weeks ahead and will keep the arrangements under constant review in the light of any changing circumstances.

We have considered the 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, we have now decided to hold further Hearings on the dates reserved in the Examination Timetable.

In accordance with the Examination Timetable and Rules 13 and 14 of The Infrastructure Planning (Examination Procedure) Rules 2010, this letter provides:

1. Notification of our further written questions
2. Notification of the date, time, place of Hearings to be held on 9, 10, 11, 16, 17 and 18 June 2020;
3. Our request for notification of any wishes to speak at Hearings; and
4. Notification of outline arrangements for the Hearings.

## 1. FURTHER WRITTEN QUESTIONS

Our further written questions, dated 5 May 2020, are published to the project website at: <http://infrastructure.planninginspectorate.gov.uk/document/TR010022-001299>

These further written questions are directed to specified parties, but responses will also be accepted from any Interested Parties and, at the Examining Authority's (ExA's) discretion, from other parties.

Responses are requested by Deadline 12, on **Tuesday 12 May 2020**. Comments on the responses are requested by Deadline 13, on **Tuesday 19 May 2020**.

## 2. NOTIFICATION OF HEARINGS

Notification of the dates, times and places of Issue Specific Hearings is provided in accordance with section 91 of the Planning Act 2008. Issue Specific Hearings are being held because the ExA would like to hear oral representations on particular issues.

Notification of the dates, times and places of Compulsory Acquisition Hearings is provided in accordance with section 92 of the Planning Act 2008. Compulsory Acquisition Hearings are being held because the application includes a request for an order granting development consent to authorise compulsory acquisition (CA) of land or CA of an interest in or right over land.

Event	Date	Time
<b>Compulsory Acquisition Hearing 4</b>	Tuesday 9 June 2020	10.00am (Arrangements Conference at 9.30am)

Event	Date	Time
<b>Issue Specific Hearing 6</b> <ul style="list-style-type: none"> <li>• Transport networks and traffic</li> <li>• Land use, social and economic impact</li> </ul>	Tuesday 9 June 2020	1.30pm (Arrangements Conference at 1.00pm)
<b>Issue Specific Hearing 7</b> <ul style="list-style-type: none"> <li>• Noise and vibration</li> <li>• The water environment</li> <li>• Biodiversity and ecological conservation</li> <li>• Landscape and visual impact</li> <li>• The historic environment</li> </ul>	Tuesday 9 June 2020	4.00pm (Arrangements Conference at 3.30pm)
<b>Issue Specific Hearing 8</b> <ul style="list-style-type: none"> <li>• Air quality</li> <li>• Climate change</li> <li>• Other policy and factual issues</li> </ul>	Wednesday 10 June 2020	10.00am (Arrangements Conference at 9.30am)
<b>Issue Specific Hearing 9</b> <ul style="list-style-type: none"> <li>• Draft Development Consent Order</li> </ul>	Wednesday 10 June 2020	2.00pm (Arrangements Conference at 1.30pm)

The ExA intends to cover all matters in Compulsory Acquisition Hearing 4 and in Issue Specific Hearings 6-9. However, notification is also made of further Hearings 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:

Event	Date	Time
<b>Issue Specific Hearing 10</b> <ul style="list-style-type: none"> <li>• Transport networks and traffic</li> <li>• Land use, social and economic impact</li> <li>• Noise and vibration</li> <li>• The water environment</li> <li>• Biodiversity and ecological conservation</li> <li>• Landscape and visual impact</li> <li>• The historic environment</li> </ul>	Thursday 11 June 2020	10.00am (Arrangements Conference at 9.30am)
<b>Issue Specific Hearing 11</b> <ul style="list-style-type: none"> <li>• Air quality</li> <li>• Climate change</li> <li>• Other policy and factual issues</li> <li>• Draft Development Consent Order</li> </ul>	Thursday 11 June 2020	2.00pm (Arrangements Conference at 1.30pm)
<b>Compulsory Acquisition Hearing 5</b>	Thursday 11 June 2020	5.00pm (Arrangements Conference at 4.30pm)
<b>Compulsory Acquisition Hearing 6</b>	Tuesday 16 June 2020	10.00am (Arrangements Conference at 9.30am)

Event	Date	Time
<b>Issue Specific Hearing 12</b> <ul style="list-style-type: none"> <li>• Transport networks and traffic</li> <li>• Land use, social and economic impact</li> </ul>	Tuesday 16 June 2020	1.30pm (Arrangements Conference at 1.00pm)
<b>Issue Specific Hearing 13</b> <ul style="list-style-type: none"> <li>• Noise and vibration</li> <li>• The water environment</li> <li>• Biodiversity and ecological conservation</li> <li>• Landscape and visual impact</li> <li>• The historic environment</li> </ul>	Tuesday 16 June 2020	4.00pm (Arrangements Conference at 3.30pm)
<b>Issue Specific Hearing 14</b> <ul style="list-style-type: none"> <li>• Air quality</li> <li>• Climate change</li> <li>• Other policy and factual issues</li> </ul>	Wednesday 17 June 2020	10.00am (Arrangements Conference at 9.30am)
<b>Issue Specific Hearing 15</b> Draft Development Consent Order	Wednesday 17 June 2020	2.00pm (Arrangements Conference at 1.30pm)
<b>Issue Specific Hearing 16</b> <ul style="list-style-type: none"> <li>• Transport networks and traffic</li> <li>• Land use, social and economic impact</li> <li>• Noise and vibration</li> <li>• The water environment</li> <li>• Biodiversity and ecological conservation</li> <li>• Landscape and visual impact</li> <li>• The historic environment</li> </ul>	Thursday 18 June 2020	10.00am (Arrangements Conference at 9.30am)
<b>Issue Specific Hearing 17</b> <ul style="list-style-type: none"> <li>• Air quality</li> <li>• Climate change</li> <li>• Other policy and factual issues</li> <li>• Draft Development Consent Order</li> </ul>	Thursday 18 June 2020	2.00pm (Arrangements Conference at 1.30pm)
<b>Compulsory Acquisition Hearing 7</b>	Thursday 18 June 2020	5.00pm (Arrangements Conference at 4.30pm)

**Places of the Hearings.** The Hearings will be held with participants at different locations, such as their home or office. A web address and/or telephone number will be provided to allow access to the Hearings by a tablet or computer connected to the internet and/or by telephone.

**Arrangements Conference.** All participants will be required to attend an Arrangements Conference before each Hearing. This will be held with the Case Team 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.

**Duration of the Hearings.** The ExA's expectation is that each Hearing will typically last for 30-90 minutes, up to a maximum of 120 minutes. However, the actual duration

will depend on the progress made on the day and will be subject to the ExA's powers of control over the conduct of the Hearings on the day.

**Cancellation of Hearings.** If any of the Hearings are no longer required, reasonable notice will be provided of our 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.

### 3. REQUEST FOR NOTIFICATION OF A WISH TO SPEAK AT HEARINGS

Advanced notice must be provided of a wish to speak at any Hearing. This notice is required to provide:

- your name and (if available) Interested Party reference number;
- your email address (if available), for us to send you arrangement details;
- a telephone number that we can contact you on before and during any Hearing;
- the name of any organisation that you are representing and your role;
- the Hearing(s) that you would like to speak at and the topic(s) that you would like to raise at each of those Hearings;
- an Examination Library reference number or copy of any new material that you would like to be shared visually at a Hearing; and
- your availability for a Hearings access trial run with a member of the Case Team during week commencing 1 June 2020.

Requests of a wish to speak at Hearings are to be provided to the Case Team by email to [A38DerbyJunctions@planninginspectorate.gov.uk](mailto:A38DerbyJunctions@planninginspectorate.gov.uk) or by telephone to 0303 444 5000. Requests are to be received by **Tuesday 12 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 or to share material visually at Hearings 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 would like to provide an opportunity for Affected Persons to make an oral submission on any Compulsory Acquisition matters that they would like to raise in a Hearing. The following parties, or their representatives, are invited to participate in, and therefore provide notice of a wish to speak in, the **Compulsory Acquisition Hearings**:

- The Applicant
- Any Affected Person who would like to object to Compulsory Acquisition
- Statutory Undertakers, Crown bodies and other bodies with special statutory protections under the Planning Act 2008 (as amended) who would like to object to Compulsory Acquisition

The parties noted in the table below have raised issues on specific topics that the ExA would like to consider in an **Issue Specific Hearing**. It will assist the ExA if those

parties could please participate in, and therefore provide notice of a wish to speak in, Issue Specific Hearings for the following topics:

Party	Topic (refer to key, below)										
	1	2	3	4	5	6	7	8	9	10	11
Applicant	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Derby City Council	✓	✓	✓	✓		✓		✓	✓	✓	✓
Derbyshire County Council	✓								✓	✓	✓
Erewash Borough Council			✓	✓	✓						
Environment Agency											✓
Derby Cycling Group	✓										
Intu Derby	✓	✓									
Derby Climate Coalition					✓				✓		
Friends of Markeaton Park		✓		✓	✓						

Key:

- Topic 1: Transport networks and traffic
- Topic 2: Land use, social and economic impact
- Topic 3: Noise and vibration
- Topic 4: The water environment
- Topic 5: Biodiversity and ecological conservation
- Topic 6: Landscape and visual impact
- Topic 7: The historic environment
- Topic 8: Air quality
- Topic 9: Climate change
- Topic 10: Other policy and factual issues
- Topic 11: Draft Development Consent Order

#### 4. OUTLINE ARRANGEMENTS FOR THE HEARINGS

We will conduct Hearings robustly and fairly and in a way which mirrors as far as possible the way in which we have previously conducted Hearings during the Examination.

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 your 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. 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.

Audio and/or video recordings will be made of Hearings and will be the formal record of the Hearings. The recordings will be made available on the project website as soon as is practicable after the Hearings. 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.

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.

The arrangements set out here reflect the Government advice at the time of writing. 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 at: <https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/a38-derby-junctions/>

The agendas and detailed arrangements for the Hearings will be published to the project website on **Wednesday 27 May 2020**.

A Frequently Asked Questions document, which may be updated from time to time, is at: <http://infrastructure.planninginspectorate.gov.uk/document/TR010022-001269>.

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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