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All Interested Parties, Statutory Parties

Your Ref:

Our Ref: TR010029

Date: 12 November 2020

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Dear Sir/ Madam

## **Planning Act 2008 – Section 88 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 4, Rule 6, Rule 9**

### **Application by Highways England for an Order Granting Development Consent for M25 Junction 28 Improvements**

#### **Invitation to the Preliminary Meeting, draft Examination Timetable**

I write to you following my appointment by the Secretary of State as the lead member of the Examining Authority (the ExA) to carry out an examination of the above application. The ExA comprises two members; the other being Rod MacArthur. A copy of the appointment notice can be viewed at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010029/TR010029-000257-Notice%20of%20Appointment%20of%20Panel%20of%20Examiners.pdf>

We would like to thank those of you who submitted Relevant Representations. These representations have assisted us when preparing our proposals regarding how to examine this Application.

Thank you for your continued contributions you have made so far, including your Relevant Representations and the return of the completed procedural questionnaire requesting information to help us decide how we might examine the Application in these circumstances.

We have now made proposals taking account of your input and the current and likely effect of ongoing public health controls. We propose to start the Examination using virtual methods but to remain flexible so that, should public health requirements allow, we have the option of holding physical events if we can.

We have updated the Examination **Frequently Asked Questions** (FAQs) to explain how virtual events will be held and how you can get involved. Please read this material carefully. We will update the FAQs from time to time at the discretion of the ExA.

## **Invitation to the Preliminary Meeting**

This letter is an invitation to the Preliminary Meeting to discuss Examination procedures for the M25 Junction 28 Improvements Examination. It contains important annexes, including **Annex A** (the Agenda) and **Annex B** which introduces the ExA's remarks about the Examination process, how it will be conducted and how you can participate.

**Dates of meeting:** **Friday 11 December 2020 and  
Thursday 7 January 2021**

**Arrangements conference:** **from 9.20am on both days**

**Meeting begins** **10.00am on both days**

**Venue:** **Virtual event  
(please refer to Annexes A, B & the Frequently  
Asked Questions)**

**Please note that the Preliminary Meeting will adjourn on Friday 11 December 2020 rather than close. Thursday 7 January 2021** has been reserved for the resumption of the Preliminary Meeting, following an adjournment to allow for the consideration of written submissions by Interested Parties who did not make oral submissions.

## **Purpose of the Preliminary Meeting**

The purpose of the Preliminary Meeting is to enable views to be put to us about the way in which the application is to be examined. **At this stage we are looking at the procedure only, and not the merits of the Application.** The merits of the Application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed.

The agenda for the meeting is at **Annex A**. This has been set following our Initial Assessment of Principal Issues arising from our reading of the application documents and the Relevant Representations received. That assessment is set out in **Annex C**.

As a result of this assessment we wish to hear from the Applicant, Local Authorities, Interested Parties and Statutory Parties where they consider changes may be needed to the draft Examination Timetable, which is set out in **Annex E**, and other procedural arrangements. You can use the [Preliminary Meeting Involvement Form](#) to request to be heard at the meeting, to identify the matters you would like to discuss or to make submissions in writing for consideration if you are unable to attend. You must complete the form by **Procedural Deadline A (Friday 4 December 2020)**.

**Please note that due to the nature of the event, we can only accommodate Interested Parties' participation on the day by those who register to speak by this date, and numbers may need to be limited.**

We will give written submissions the same weight as any oral contributions made during the Preliminary Meeting. It will not be necessary to repeat any written submission through speaking at the Preliminary Meeting.

### **Attendance at the Preliminary Meeting**

We wish to run fair, efficient and effective meetings so that all relevant views can be heard. As the Preliminary Meetings are to be held virtually, they will be held in three parts (Preliminary Meeting: Part 1, Adjournment and Preliminary Meeting: Part 2). A full explanation of the approach is provided in **Annex H**.

The Preliminary Meeting will be live-streamed and recorded. The recording will be published on the [National Infrastructure Planning website](#) as soon as practicable after the adjournment and then again after the resumption session

Because participation in a virtual Preliminary Meeting relies on the provision of a joining link or telephone number in advance, it is critically important that you think about whether you wish to speak and confirm your involvement by **Procedural Deadline A (Friday 4 December 2020)**.

We strongly encourage groups of individuals who have similar views on the procedure to choose one representative to speak for the group. People who have not made an involvement request will still be able to access a live-stream or the recording and so the meeting will be in public.

On receipt of requests to participate from Interested Parties, we will consider them and may contact some parties to confirm their type of involvement in line with the information provided in the Involvement form, in advance of the Preliminary Meeting taking place. As such, prospective participants are advised to keep the whole day available.

Please note that **you are not required to make oral or written submissions at the Preliminary Meeting in order to participate in the Examination**. If you are an Interested Party, you will still be able to make a Written Representation and comment on the Written Representations made by other Interested Parties. You will also be able to participate in any hearings that are arranged. Should you no longer wish to be an Interested Party and do not wish to be involved in the Examination process, you can notify the Case Team of this in writing.

### **After the Preliminary Meeting**

After the Preliminary Meeting you will be sent a letter setting out the finalised Examination Timetable. A recording and a note of the meeting will also be published on the project webpage on the National Infrastructure Planning website. The Examination will be held using a combination of written and hearing procedures that are explained in **Annex B**. **Annex H** also answers questions on procedure and the methods of conducting virtual events.

All hearings are held in public. Where hearings take place virtually, they will be recorded and made available to view on the National Infrastructure (NI) project website by live-stream and shortly after each event. Where physical hearings can take place, a recording will be published on the NI project website.

All relevant and important matters will be taken into account when we make a recommendation to the Secretary of State for the Department for Transport, who will take the final decision in this case.

### **Procedural Decisions made by the Examining Authority**

We have made some Procedural Decisions regarding the acceptance of documents after the Application submission as well as some requests for other documents during the Examination. These are set out at **Annex D**.

### **Managing Examination correspondence**

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email and using online questionnaires, as electronic communication is more environmentally friendly and cost effective for the taxpayer.

If you have received a postal letter and/or postcard but are able to receive communications by email, please confirm this with the Case Team using the contact details at the top of this letter, as soon as possible.

Up-to-date information about the project and the Examination can be obtained from: <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/m25-junction-28-improvements/>

As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with this resource.

There is a function on the right-hand side of the project web page called 'E-mail updates'. This provides you with an opportunity to register to receive e-mail updates. We would encourage you to make use of this. You will receive an e-mail every time the banner is updated on the project page, at key stages during the Examination. It is likely, if the Preliminary Meeting is to be live-streamed, that the link to the event will be made available here, shortly before the event is to take place.

### **Your status in the Examination**

You have received this letter because you fall within one of the groups described in the Planning Inspectorate's document '[What is My Status in the Examination?](#)':

If your reference number begins with '2002', '2528-0', '2528-AFP', '2528-S57' '2528-APP' you are in Group A. If your reference number begins with '2528-SP' you are in Group B. If your reference number begins with '2528-OP' you are in Group C. The meaning and purpose of those groups are explained in the document published at the link above.

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

## **Deadlines**

Please note that all deadlines in the draft Examination Timetable and as referred to in this letter are at 23:59 on the deadline day.

## **Award of costs**

We also 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 Examining Authority) and a record of any advice which has been provided by the Planning Inspectorate, is published at:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/m25-junction-28-improvements/>

All Examination Documents can also be viewed electronically at the locations listed in **Annex G**.

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 working with all parties in the examination of this application.

Yours faithfully

*Richard Allen*

## **Lead Member of the Examining Authority**

### **Annexes**

- A** Agenda for the Preliminary Meeting
- B** ExA opening remarks for the Preliminary Meetings
- C** Initial Assessment of Principal Issues
- D** Procedural Decisions made by the ExA
- E** Draft Examination Timetable
- F** Report on the Implications for European Sites (RIES)
- G** Availability of Examination Documents
- H** Virtual Events – FAQ etc

## **Rule 6 Annexes Contents**

Annex A - Agenda for the Preliminary Meeting

Annex B - The Examining Authority's open remarks for the Preliminary Meetings

Annex C - Initial Assessment of Principal Issues

Annex D - Procedural Decisions made by the ExA

Annex E - Draft Examination Timetable

Annex F - Report on the Implications for European Sites (RIES)

Annex G - Availability of Examination documents

Annex H - Virtual FAQ etc

## Agenda for the Preliminary Meeting Part 1

**Date:** Friday 11 December 2020

**Joining available from:** 9.20am

**Meeting start time:** 10.00am

**Venue:** **Virtual Event (Microsoft Teams)**

Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who register to participate

**Attendees:** **Invited Parties who have pre-registered**

The meeting will be also be available for people to observe live online via a link which will be advertised on the project page National Infrastructure Planning website shortly before the meeting is due to open. See **Annex H** for further details.

<b>9.20am<sup>1</sup></b>	Please arrive at 9.20am to enter the Preliminary Meeting Lobby and join the virtual Arrangements Conference. From here, you will be admitted to the meeting by the Case Team, greeted and given further instructions.
<b>9.45am</b>	The Arrangements Conference will commence at 9.45am. This will outline the house keeping for the Preliminary Meeting and allow for an opportunity to raise any concerns about participating in the Hearing.
<b>10.00am Item 1</b>	Introductions and the Examining Authority's (ExA) opening remarks about the Examination process – <b>Annex B</b>
<b>Item 2</b>	Initial Assessment of Principal Issues – <b>Annex C</b>
<b>Item 3</b>	Procedural Decisions taken by the ExA – <b>Annex D</b>
<b>Item 4</b>	Draft Examination Timetable – <b>Annex E</b> Deadlines for submissions and notifications Dates and format for hearings Arrangements for site visits

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<sup>1</sup> If you are joining as an active participant, please follow the joining instructions for the virtual event carefully and connect into the Preliminary Meeting in good time. In common with traditional Preliminary Meetings, the event will start at 10am irrespective of any late arrivals, for whom access may not be possible.

<b>Item 5</b>	Any remaining questions or submissions regarding procedural matters not set out in the agenda that have been submitted to the Planning Inspectorate in advance of the Preliminary Meeting
<b>Item 6</b>	Any other matters
<b>Adjournment of the Preliminary Meeting until Thursday 7 January 2021 at 10.00am</b>	



## Agenda for the Preliminary Meeting Part 2

**Date:** Thursday 7 January 2021

**Joining available from:** 9.20am

**Meeting start time:** 10.00am

**Venue:** **Virtual Event (Microsoft Teams)**  
Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who register to participate

**Attendees:** **Invited Parties who have pre-registered**

The meeting will be also be available for people to observe live online via a link which will be advertised on the project page National Infrastructure Planning website shortly before the meeting is due to open. See **Annex H** for further details.

<b>9.20am</b>	Please arrive at 9.20am to enter the Preliminary Meeting Lobby and join the virtual Arrangements Conference. From here, you will be admitted to the meeting by the Case Team, greeted and given further instructions.
<b>9.45am</b>	The Arrangements Conference will commence at 9.45am. This will outline the house keeping for the Preliminary Meeting and allow for an opportunity to raise any concerns about participating in the Hearing.
<b>10.00am</b> <b>Item 1</b>	Resumption of the Preliminary Meeting and welcome
<b>Item 2</b>	The Examining Authority's (ExA) remarks about written submissions about the procedures and conduct of the Examination received by Procedural Deadline B
<b>Item 3</b>	Any procedural representations on matters that could not be raised at the previous sitting of the Preliminary Meeting
<b>Item 4</b>	Any other matters
<b>Close of the Preliminary Meeting</b>	

**Please note:**

The Preliminary Meeting relates only to the specific agenda items and it will not explore the merits of the project or the application. The event will start at 10.00am irrespective of any late arrivals, for whom access may not be possible.

The agenda is subject to change at the discretion of the ExA and will be concluded as soon as all relevant contributions have been made. It is recommended that you are available for the duration of the meeting.

Depending on the number of participants and requests to speak on each of the agenda items, we may decide to hold the Preliminary Meeting in a series of discrete sessions, with timed attendance invitations. As such, prospective participants are advised to keep the whole day available.

The adjournment to **10.00am on Thursday 7 January 2021** will allow Interested Parties (IPs) who were unable to attend the Preliminary Meeting the opportunity to make written submissions on agenda items, or to respond in writing to oral representations on agenda items made by active participants in the Preliminary Meeting. The digital recording of the Preliminary Meeting (whether adjourned or not) will be made available on the project webpage on the National Infrastructure Planning website as soon as possible following the close or adjournment of the meeting.

The digital recording of the Preliminary Meeting will be made available on the project webpage as soon as possible following the close or adjournment of the meeting.

All written submissions must be received by **Procedural Deadline B (Monday 21 December 2020)**. Preliminary Meeting Part 2 is not an opportunity for submissions made at Preliminary Meeting Part 1 to be repeated. The Preliminary Meeting relates only to the specific agenda items and it will not explore the merits of the project or the application.

**Relevant documents**

Please make sure that you read the Rule 6 letter and all annexes before you attend the Preliminary Meeting. The ExA draws particular attention to **Annex H** on virtual events, and the National Infrastructure Planning Privacy Notice which can be found by clicking the following link: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2018/05/ni-privacy-statement.pdf>

Our FAQ document which contains important information about how data protection legislation is applied at our events:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-6-virtual-examination-events/>

## The Examining Authority's Opening Remarks about the Examination Process

### The Principle of Virtual Meetings

For reasons that are no doubt obvious to you all, the Preliminary Meeting for the M25 Junction 28 scheme (the Proposed Development) will take place virtually, online. However, the format, content and procedure will be very similar to the traditional, face-to-face Preliminary Meetings that have been held for other National Infrastructure Examinations. It is highly likely that any Open Floor Hearings, Issues Specific Hearings and/or Compulsory Acquisition Hearings will also take place virtually.

The Examining Authority (ExA) accepts that virtual meetings may present a challenge to some parties to participate in and may be unfavourable and unpalatable to others. However, the Government has been explicitly clear that examinations of Nationally Significant Infrastructure Projects (NSIPs) must continue to proceed at this time (see **Annex H**). The safest and most appropriate way to undertake this is to hold meetings virtually.

For these reasons, the ExA will not entertain discussions on the principle or appropriateness of holding virtual meetings either prior to, or at the Preliminary Meeting. Nor will we consider a postponement of the examination until physical meetings can once again take place. Should IPs wish to make known their objections to either of the above, they should do so in writing to the Planning Inspectorate via the project email address [M25Junction28@planninginspectorate.gov.uk](mailto:M25Junction28@planninginspectorate.gov.uk). The ExA wishes to stress that should the situation change, and restrictions be lifted on such matters early on in the examination period, the ExA may be able to consider an alternative to virtual meetings.

At the Preliminary Meeting, the ExA will seek to minimise videoconferencing fatigue. To this end, we aim to keep the proceedings focussed and as efficient as possible. Accordingly, the ExA will not seek to repeat or summarise in any detail the remarks set out in this Rule 6 letter and annexes. The ExA will instead briefly draw on any specific and key points it wishes to raise and then allow IPs to speak against the specific item they have indicated. This approach will not only maximise the time for IPs to speak, but also allow the Preliminary Meeting to be brought to a prompt adjournment and closure. The ExA therefore requires IPs to have read and digested the Rule 6 letter and annexes and to have a copy with them for the Preliminary Meeting to refer to, if required.

### The Examining Authority

The ExA comprises two members. Richard Allen has been appointed by the Secretary of State for Housing, Communities and Local Government (SoSHCLG) to be the lead member of the panel to examine the Application. Rod MacArthur has been appointed by the SoSHCLG to be a member of the panel. The ExA's appointment letters can be found in Examination Library reference [[PD-003](#)]

## The Case Team

The ExA will be supported before and during the meeting by the Planning Inspectorate Case Team. Paige Hanlon is the Case Manager for this application, supported by members of the Case Team. A member of the team will be welcoming and admitting participants into the virtual Preliminary Meeting via the Arrangements Conference, and they will be available to answer questions by email before and after the meeting. The contact email address is:

[M25Junction28@planninginspectorate.gov.uk](mailto:M25Junction28@planninginspectorate.gov.uk)

## The Preliminary Meeting

### Purpose

The Preliminary Meeting is being held to discuss the arrangements for the Examination of an Application for Development Consent for the Proposed Development, which is an NSIP, and which will generally be referred to in the Preliminary Meeting and Examination as the 'Proposed Development'. **The Preliminary Meeting focuses on the process only, and it will not be looking at the substance or merits of the proposal.** Questions, discussions and representations about the merits of the Proposed Development are for the Examination itself which will begin the day after the close of the Preliminary Meeting, which is **Friday 8 January 2021**.

The Application has been made by Highways England, who will be referred to as the Applicant. You will find information about the application and, in due course, documents produced for this Examination on the National Infrastructure Planning website. This has a dedicated page for the project with links to Examination procedure, the timetable, Relevant Representations and Examination documents (in the form of an Examination Library). The address is:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/m25-junction-28-improvements/?ipcsection=overview>

You are encouraged to look at the website if you haven't already done so, because it is used to communicate with you and to provide access to documents throughout the Examination. There is an option on the project web page to register to receive updates throughout the Examination and it is recommended that you register so that you will receive an e-mail at key stages during the Examination.

The Preliminary Meeting will be your opportunity to influence the process that the ExA intends to follow, and you should read this Rule 6 letter and all annexes thoroughly beforehand. The agenda for the Preliminary Meeting is attached to the Rule 6 letter at **Annex A**. It is important to have the letter and the agenda in front of you during the Preliminary Meeting. If you are not experienced with videoconferencing and manipulating various documents on a screen, you may wish to print these out in advance of the meeting for reference.

### Invitees

The Applicant is invited to the Preliminary Meeting and is generally given the opportunity to reply to any representations made, either orally at the time or in

writing during the adjournment of the meeting. Everyone who has made a written Relevant Representation has been registered as an IP and has been sent this Rule 6 letter. Each IP is entitled to involvement in the Examination going forward. Each person or organisation with an interest in land or rights that are affected by a Compulsory Acquisition (CA) request in the Application is also an IP (as an 'Affected Person'). In addition to a general entitlement to involvement in the Examination going forward, Affected Persons have a right to be heard in relation to any objection about the effects of a CA request on their interests in land at a Compulsory Acquisition Hearing.

Affected Persons are IPs whether or not they have made a Relevant Representation. Certain bodies are 'Prescribed Consultees' or statutory parties. They are bodies that can elect to become Interested Parties without having made a Relevant Representation. The ExA has the power to involve people who are not IPs in the examination, including inviting them to the Preliminary Meeting. However, this is only likely to happen in exceptional circumstances, for example if it was clear that the application would materially affect a person, and for a good reason they had been unable to take the necessary action to register as an IP.

Further information on your status can be found at:

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

### *Running the event*

It is possible that the Preliminary Meeting could take several hours to complete. However, in running the event virtually there are limitations on the number of people who can speak at any one time. Therefore, in order to ensure that everyone who wishes to speak can do so, we have requested IPs state which items they wish to speak against before the meeting takes place so we can apportion appropriate time.

Part 1 of the Preliminary Meeting will take place on **Friday 11 December 2020**. When the meeting is concluded, it will be adjourned. Part 2 of the Preliminary Meeting will take place on **Thursday 7 January 2021**. This approach is a departure from normal practice where only one Preliminary Meeting would be held. However, the ExA needs to allow for any technology failure at the Preliminary Meeting Part 1. An adjournment allows comments that may ordinarily be raised at a physical event to be made in writing and which can be considered by the ExA before Preliminary Meeting is closed.

Participants may have to make allowances and be patient if there are any delays associated with the technology. In recognition of the strain of onscreen communication, the ExA will take short breaks as necessary. Your joining instructions will provide more information about the final structure and format of the meeting.

A digital recording of proceedings will be made available on the project page on the National Infrastructure Planning website as soon as practicable following each part of the meeting. The digital recording allows any member of the public who is interested in the application and the Examination to find out what has happened, whether they were able to attend or observe the meeting or not. In this regard, anyone speaking

at the Preliminary Meeting will need to introduce themselves each time they speak to ensure that someone listening to the recording after the event knows who is speaking. A note of the Preliminary Meeting will be produced following the closure of the meeting.

As the digital recordings are retained and published, they form a public record that can contain personal information to which the General Data Protection Regulation (GDPR) applies. **Participants must do their best to avoid providing any information to this public record which should otherwise be kept private and confidential.** If there is a need to submit such information, it should be in written form. Although this will also be published, the personal content can be redacted or removed before it is made publicly available. Any person who is unclear on this point should contact the Case Team prior to the meeting and ask for guidance before they place personal and private information into the public domain.

The Planning Inspectorate's practice is to publish the recordings and retain them for a period of five years from the Secretary of State's (SoS) decision on the Development Consent Order (DCO).

If you actively participate in the Preliminary Meeting, it is important that you understand that you will be recorded and that you consent to the retention and publication of the digital recording.

Following the ExA's introductions, the ExA will ensure all participants are online or on the telephone. The ExA will then conduct the meeting in accordance with the agenda. For those participants joining by Teams, should you prefer not to have your image recorded, you can switch off your camera. If this is the case, please make this known to the Case Team at the Arrangements Conference prior to the Preliminary Meeting.

## **The Examination**

NSIPs are considered under the Planning Act 2008. Section 87 states that "*it is for the Examining Authority to decide how to examine the application.*"

We believe that this system has six attributes; and we will focus on these to describe the system and ways in which we, as the ExA, intend to operate it in this case.

These are:

- Independence and impartiality;
- Rigour;
- A focus on evidence and justification;
- Openness;
- Fairness; and
- Timeliness.

### *Independence and impartiality*

Examining Inspectors are employed by the Planning Inspectorate. The Planning Inspectorate is a joint Executive Agency of the Ministry of Housing, Communities and Local Government (MHCLG). This is an application for development consent in the

form of a DCO. It is not an approved scheme and should not be seen as such. The ExA's role is to examine this application and to prepare an independent and impartial report with a recommendation to the relevant SoS. In the case of this project, this is the Secretary of State for Transport. The recommendation we will make will be based solely on the evidence that has been presented before us in the Examination. Our recommendation will be either:

- That the DCO should be made with or without modification (that development should be granted); or
- That the DCO should not be made/consent is withheld (that development should be refused).

Whatever recommendation we ultimately will make, it is important for all IPs to understand that **it is the SoS who will make the decision on the application, not the ExA.**

The SoS is not bound to accept the recommendation of the ExA. So, throughout the forthcoming examination, you will see that the ExA will need to test, and eventually prepare a DCO to accompany our report and recommendation. We will need to do this regardless of what our recommendation will be. For example, if the ExA were to recommend to the SoS that the DCO should not be made, the SoS may not accept our recommendation and may decide to instead make the DCO, and thus they would need an DCO to lay before Parliament. Discussions and preparation of a DCO are therefore not prejudicial or pre-determinative of the ExA's eventual recommendation, and it should not be taken that the ExA has already made its mind up by participating in such discussions. Equally, no IP will prejudice their position by participating in such discussions.

### Rigour

NSIP examinations under the Planning Act 2008 are underpinned by an inquisitorial rather than an adversarial system. For those who are not familiar with those terms, this means that the examination is led, and questions are posed, by the ExA rather than by advocates from IPs. The process also relies primarily on written evidence. This is gained through a rigorous process of IPs providing written representations; of the ExA asking a wide range of focussed questions; requiring adequate responses to these; and of IPs commenting on the responses of other parties.

In addition, we ask for specific reports and other information including a Local Impact Report prepared by Local Authorities and may ask for matrices prepared initially by the Applicant to enable us to produce a Report on the Impact on European Sites (RIES).

This written evidence is or can be supported by hearings. There are three different types of hearing:

*i) Open Floor Hearing*

An Open Floor Hearing (OFH) is for all IPs who wish to have an opportunity to expand upon the representations they have made in writing, orally. It is led from the floor so-to-speak and IPs will generally have a set time in which to make a statement or talk on a matter of interest to them. Depending on the numbers of IPs

who wish to speak, the ExA may need to time limit the speaker to allow, within the time permitted, as many as those persons the opportunity to address us. OFHs are not an opportunity for IPs to simply repeat the representations they have already made in writing. Representations made in writing carry the same weight as representations made orally. Repeating a representation orally therefore does not assist the process. An OFH will be held if any IPs requests this, and you will have until **Deadline 1, Thursday 21 January 2021** in the Examination Timetable to do this. Should an additional OFH be requested, the ExA will issue some guidance prior to the event taking place.

*ii) Issue Specific Hearing*

An Issue Specific Hearing (ISH) may deal with some or all of the key issues that are relevant to the Examination of the Application. The ExA will determine whether an ISH is required and the topics to be discussed. The process is led by the ExA and will focus on a particular matter (e.g traffic) and will ask questions of the Applicant and invite responses particularly from those who have raised such issues in Relevant Representations or Written Representations. Importantly, these hearings may include the nature of the scheme itself and are very likely to focus on the draft DCO.

As we have stated above, ISHs support the written process. Thus, if we decide not to hold an ISH on a particular issue, this does not mean that it has no or little importance in the examination, or that the ExA has made its mind up on that particular issue. It may mean that we have obtained the evidence we need through the written process and we do not need to ask any further questions or obtain additional information at an ISH. The matter will be fully considered by us in preparing our report and recommendations to the SoS.

*iii) Compulsory Acquisitions Hearing*

Finally, and relevant to this application there are hearings related to an application for CA. As with an OFH, these are held again if one AP requests this. If no such request is made, we may choose not to hold a Compulsory Acquisition Hearing (CAH). However, should no request be made, the ExA will monitor responses from APs during the Examination to determine, as with an ISH, whether a CAH is necessary to resolve issues.

As many of you will be aware, the Ministry of Housing Communities and Local Government (then DCLG) issued [guidance on procedures for the compulsory acquisition of land in September 2013](#), and those affected are encouraged to read this.

*A focus on evidence and justification*

The ExA will make its recommendation solely on the evidence presented during the Examination period. We will demand that any evaluation or assessment by any IP is supported by evidence. To this end, we cannot afford any weight to unsubstantiated assertions.

The Planning Act 2008 allows the ExA to disregard representations if we find them to be:



- Vexatious or frivolous;
- Relate to the merits of policy set out in a national policy statement (NPS) – any held views on the legality or content of an NPS, or what it should or should not say, is not a matter for the ExA;
- Are repetitive; or
- Relate to compensation for compulsory acquisition of land or of an interest in or right over land. (s87(3)).

### Openness

As you will see when you look at the National Infrastructure Planning website, all the Examination material related to this Application is published online. In other words, all information submitted into the Examination is available to view by all IPs and the public. You will also see publication of advice prior to the submission of the Application (known as s51 advice as it refers to s51 of the Planning Act 2008 given by the Planning Inspectorate to the Applicant and others, including notes of meetings and of telephone conversations. Just to be clear to all, such meetings were with Planning Inspectorate staff only. They did not involve the ExA as our appointment was made on 25 June 2020 and thus post-dated the Application's acceptance for Examination on 24 June 2020.

This commitment to openness will continue once the Examination starts. Indeed, the proper running of the Examination demands that all the questions that we put, all the evidence that you provide, all the responses to that evidence and all other material is placed online for all to see.

This aim is supported by the publication of an [Examination Library](#) which is updated at regular intervals to list all the documents that have been submitted to the Examination and all the documents issued by the ExA. For future reference, all communication the ExA issues will reference the Examination Library reference and not that used by the Applicant.

### Fairness

The procedure for examining applications for NSIPs is designed to give all IPs an equal right to put forward their views and evidence and an equal access to all the information related to the application.

It is, for example, the exception that cross questioning (also known as cross—examination) will take place at any hearings. We are called Examining Inspectors because we adopt an inquisitorial approach in putting forward written questions and in asking the questions at hearings. We all intend that the examination will be as constructive as possible and will not intimidate anyone taking part.

### Timeliness

The legislation sets an absolute time limit on our Examination of this application. We are required to complete the examination by the end of a period of six months beginning with the day after the Preliminary Meeting. The close of the examination is scheduled for **Wednesday 7 July 2021**. However, the ExA can close the examination period earlier than this date if we determine that we have all the necessary evidence to make our recommendation. Once the examination is closed,

the ExA is forbidden to view any further evidence submitted after this date and any such submissions will be withheld from us.

The draft timetable is set out in **Annex E** of this letter. We must stress now that the effectiveness of this process depends on all of us meeting the deadlines that are set out in that timetable. Adherence to the timetable is essential for us to examine the application within the statutory timetable. We actively discourage late submissions and there is no guarantee they will be accepted into the Examination.

It is recognised that improvements to the Proposed Development may emerge as a result of consultation and representation from IPs. Whilst these types of change are not discouraged, the applicant should be confident that the current design process for the Proposed Development has been completed, ready for examination and that there is no need to iterate through design changes during the examination period.

Turning to the issue of costs. The Rule 6 Letter draws your attention to the revised guidance on costs ([\*Awards of costs: examinations of applications for development consent orders\*](#)) that was issued by the Department of Communities and Local Government in July 2013. This guidance sets out details of two areas where costs may be awarded. The first, in summary, is where the party against whom the award is sought has acted unreasonably; and the unreasonable behaviour has caused the party applying for the award of costs to incur unnecessary or wasted expense during the examination. Secondly, separate provisions apply to the award of costs in relation to an application for compulsory acquisition. The guidance contains useful detail and examples.

If you have already read this, you will know that, for costs purposes only, the examination is treated as starting at the beginning of the Preliminary Meeting.

### **Accompanied and Unaccompanied Site Inspections**

Given the uncertain times and the nature of the Proposed Development, the ExA is not proposing to undertake an Accompanied Site Inspection. This may come as a disappointment to you and for that, we apologise. As a result, we will hold an Unaccompanied Site Inspection supported by written and photographic material. Should the situation change significantly and should the ExA consider it is necessary and safe to do so, an ASI may take place towards the end of the Examination. We have allocated time in the draft timetable for it (see **Annex E**).

We will be undertaking at least one Unaccompanied Site Inspection on a date to be determined. We would welcome your views on areas you consider the ExA should visit by **Procedural Deadline B, Monday 21 December 2020**. Notes of Unaccompanied Site Inspections are published on the project page of the National Infrastructure website.

## Initial Assessment of Principal Issues

This is the Initial Assessment of the Principal Issues (IAPI) prepared under s88(1) of the Planning Act 2008 (PA2008). They have been identified by the Examining Authority (ExA) following its reading of:

- The application documents;
- the Relevant Representations received in respect of the application; and
- its consideration of any other important and relevant matters.

The ExA wishes to make the following points:

- The IAPI is not a comprehensive or exclusive list of the issues that will be subject to examination. The ExA will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report to the SoS after the Examination has concluded.
- The order of the IAPI listed does not imply any order of prioritisation or importance.
- The policy and consenting requirements and documents associated with the Planning Act 2008 are an integral part of the Examination and are therefore not listed as main issues.
- Whilst the effects of the proposal in relation to human rights and equalities duties are not listed as main issues, the ExA will conduct all aspects of the Examination with these in mind.

Principal Issues	Brief Amplification to include but not necessarily limited to:
Scope of Development and Environmental Impact Assessment	<ul style="list-style-type: none"> <li>• The parameters and description of the Proposed Development;</li> <li>• The need for the Proposed Development including whether the proposal represents inappropriate development in the Green Belt;</li> <li>• Adequacy of surveys and baseline data, the approach to flexibility and definitions of the significance of impacts in the Environmental Statement;</li> <li>• Whether correct or up-to-date policies and guidance have been used;</li> <li>• Exploration of reasonable alternatives relevant to the Proposed Development particularly concerning route selection;</li> <li>• The effectiveness of mitigation measures including the content of the outline Construction and Environmental Management Plan and the Register of Environmental Actions and Commitments;</li> <li>• Whether all other necessary consents and licences have been considered; and</li> <li>• Cumulative and in-combination effects on, and with, other major projects and proposals.</li> </ul>

Air Quality	<ul style="list-style-type: none"> <li>• Effects on human health caused by potential increased traffic and proximity to residential dwellings;</li> <li>• Effects from emissions;</li> <li>• Effects on the Air Quality Management Areas at Brook Street and at Gallows Corner; and</li> <li>• The effectiveness of mitigation measures.</li> </ul>
Biodiversity and Habitats Regulations Assessment	<ul style="list-style-type: none"> <li>• Effects on protected species and species of conservation concern;</li> <li>• Effects on protected habitats and habitats of conservation concern including ancient woodland, other woodland, trees and hedgerows;</li> <li>• Effects in the Ingrebourne Valley Site of Metropolitan Importance;</li> <li>• Effects on groundwater dependent ecosystems;</li> <li>• Use of appropriate metrics to determine overall effect;</li> <li>• Mitigation and monitoring, including whether the proposed development should result in biodiversity net gain and/or ecological enhancements;</li> <li>• Timing of works and potential seasonal effects;</li> <li>• Need for Habitat Regulations Assessment / Appropriate Assessment and;</li> <li>• The effectiveness of mitigation measures.</li> </ul>
Compulsory Acquisition/Temporary Possession	<ul style="list-style-type: none"> <li>• The need and the amount of the land proposed to be subject to Compulsory Acquisition and Temporary Possession;</li> <li>• Effects on those impacted by compulsory acquisition and/or temporary possession, including any effects of replacing an existing development or use of the site with the proposed or preventing a development or use on a neighbouring site from continuing;</li> <li>• Alternatives in relation to individual plots;</li> <li>• The requirement for the powers sought and the need to establish a compelling case in the public interest;</li> <li>• The position and/or effects of Statutory Undertakers and protected provisions and whether the tests of s127 and s138 of the Planning Act 2008 (PA2008) are satisfied;</li> <li>• The current position in relation to Crown land;</li> <li>• The adequacy and security of funding for compensation; and</li> <li>• Whether the proposals meet the requirements of PA2008 in all other respects.</li> </ul>
Draft Development Consent Order (draft DCO)	<ul style="list-style-type: none"> <li>• The structure of the draft DCO;</li> <li>• The appropriateness of the proposed provisions; and</li> </ul>

	<ul style="list-style-type: none"> <li>• Whether the draft DCO is satisfactory in all other respects.</li> </ul>
Flood Risk, Drainage and Water	<ul style="list-style-type: none"> <li>• Effects on water courses and water bodies through excavation and deposition of materials, spillages and construction run-off;</li> <li>• The effectiveness of the Flood Risk Assessment;</li> <li>• Whether sufficient or additional mitigation is required outside of the application boundary;</li> <li>• Surface water drainage strategy;</li> <li>• Compliance with the Water Framework Directive; and</li> <li>• The effectiveness of mitigation measures.</li> </ul>
Geology and Soils	<ul style="list-style-type: none"> <li>• Effects on groundwater;</li> <li>• Effects on agricultural land;</li> <li>• Effects on ground stability;</li> <li>• Effects on land contamination;</li> <li>• The adequacy of waste disposal and management; and</li> <li>• The effectiveness of mitigation measures.</li> </ul>
Historic Environment	<ul style="list-style-type: none"> <li>• Whether further archaeological investigation is required to understand potential significant deposits;</li> <li>• Impact on the historic landscape and surrounding listed buildings;</li> <li>• The effectiveness of mitigation measures.</li> </ul>
Landscape and Visual Impact	<ul style="list-style-type: none"> <li>• The effects on the landscape character and landscape designations;</li> <li>• Effects of lighting;</li> <li>• Construction effects;</li> <li>• Long-term and short-term visual effects;</li> <li>• Effect on trees including any protected, notable and veteran trees and ancient woodlands;</li> <li>• Design of landscape mitigation and replacement planting; and</li> <li>• The effectiveness of mitigation measures.</li> </ul>
Noise and Vibration	<ul style="list-style-type: none"> <li>• Construction effects particularly at night;</li> <li>• The effects on Noise Important Areas (NIA) particularly the Havering NIA;</li> <li>• Noise and vibration including the management of and monitoring of effects;</li> <li>• Dust pollution including the management of and monitoring of effects; and</li> <li>• The effectiveness of mitigation measures.</li> </ul>
Materials and Waste	<ul style="list-style-type: none"> <li>• The effects on local and regional waste infrastructure; and</li> <li>• The effectiveness of mitigation measures.</li> </ul>

People and Communities	<ul style="list-style-type: none"> <li>• Socio-economic impacts of the Proposed Development;</li> <li>• The effects on the operation of Maylands Golf Course and whether mitigation has been adequately explored;</li> <li>• Effects on Grove Farm;</li> <li>• Effects on green space and other amenity land;</li> <li>• Effects on public rights of way/non-motorised user routes and other footpaths;</li> <li>• Effects on business, agriculture, and social/community facilities;</li> <li>• Effects on living conditions of surrounding residents, both from construction and operational activities; and</li> <li>• The effectiveness of mitigation measures.</li> </ul>
Traffic and Access	<ul style="list-style-type: none"> <li>• Effects on local road network and roads in residential areas including access, congestion and disruption and to community and emergency services, particularly in respect of Woodlands Avenue and for existing access from A12 slip road;</li> <li>• Effects on the strategic road network including maintained access for the A12 eastbound slip road, Brook Street and at Gallows Corner;</li> <li>• Alternative routes / solutions;</li> <li>• Junction designs and placement;</li> <li>• Displaced traffic during construction, including highway safety; and</li> <li>• The effectiveness of mitigation measures.</li> </ul>
Climate Change	<ul style="list-style-type: none"> <li>• The effects of the construction and operation of the Proposed Development on climate change.</li> </ul>

## Procedural Decisions made by the Examining Authority

The ExA has made Procedural Decisions in respect of the following under Section 89(3) of the PA2008:

1. Virtual Preliminary Meeting;
2. Request for Statements of Common Ground;
3. Request under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations);
4. Request for Compulsory Acquisition Schedule;
5. Request for a Guide to the Application;
6. Documents to facilitate a virtual hearing; and
7. Acceptance of additional submissions and / extension to the Relevant Representation period. Acceptance of additional submissions and extension to the Relevant Representation period.

### 1. Virtual Preliminary Meeting

As set out in the Rule 6 letter, the ExA has made the Procedural Decision to hold the Preliminary Meeting virtually, online. We have also decided that reasoned requests to participate actively or to comment on the agenda must be received by **Procedural Deadline A, Friday 4 December 2020**. We have decided to include an option in the Examination Timetable to adjourn the meeting on the first date, and to reserve a date for a resumption three weeks later. This would permit written submissions about pertinent matters to be made by **Procedural Deadline B, Monday 21 December 2020**, ten days after the adjournment of the Preliminary Meeting. We have also requested that we receive submissions of nominated locations / sites for the ExA to include as part of an Unaccompanied Site Inspection, including information on whether the site / area can be accessed on public land and for the reasoning behind any such nomination, by **Procedural Deadline B, Monday 21 December 2020**. In the absence of any certainty around progress with the lifting of Government restrictions on public meetings relating to the COVID-19 pandemic, the ExA has decided, as a starting point, to assume that all meetings and hearings for the Examination will also need to be held virtually, and the Examination Timetable has been drafted on this basis. Should restrictions be relaxed sufficiently to hold future events in either a face-to-face or blended format, the ExA will publish further decisions on this, noting that the Examination Timetable is sufficiently flexible to accommodate a range of possible event formats.

### 2. Request for Statements of Common Ground (SoCG)

The ExA notes that only one SoCG was submitted with the Application, that being between the Applicant and the Environment Agency (EA) [[APP-099](#)]. The Applicant has not indicated [[APP-001](#)] which parties it intends to sign SoCGs with, stating that it will *"provide and update as and when SoCGs are agreed with other stakeholders and IPs"*.

The ExA would be assisted by the preparation of SoCGs between the Applicant and certain IPs. The draft Examination Timetable at **Annex E** requires regular updated submissions of SoCGs, with all final SoCGs to be submitted at **Deadline 6, Tuesday 27 April 2021**.

The aim of a SoCG is to agree factual information to inform the ExA and all other parties by identifying where agreement or differences lie at an early stage in the examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. The reasons for the differences and interpretation of the implications of a difference can then be expanded in the evidence.

In addition to that of the EA, SoCGs are requested to be prepared between the Applicant and the named party:

Party(ies)	Topics
London Borough of Havering Brentwood Borough Council Essex County Council Greater London Authority	<ul style="list-style-type: none"> <li>• Planning policy.</li> <li>• The Need and Principle of the Proposed Development and Examination of Alternatives.</li> <li>• Development in the Green Belt</li> <li>• Biodiversity.</li> <li>• People and Communities.</li> <li>• The Draft Development Consent Order.</li> <li>• Flooding and Water.</li> <li>• Historic Environment.</li> <li>• Landscape and visual impacts.</li> <li>• Traffic and Access.</li> <li>• Air Quality.</li> <li>• Noise and Vibration.</li> <li>• Cumulative Impacts.</li> <li>• The draft DCO</li> </ul>
Transport for London	<ul style="list-style-type: none"> <li>• The effects on the highway network from construction and operational phases.</li> <li>• Scope of works and design information</li> <li>• Land ownership and rights.</li> <li>• Environmental impacts.</li> <li>• The draft DCO.</li> </ul>
Historic England	<ul style="list-style-type: none"> <li>• The effects on heritage assets.</li> <li>• Archaeological considerations.</li> <li>• Outline Construction Environmental Management Plan (including Record of Environmental Actions and Commitments).</li> <li>• The draft DCO.</li> </ul>
Natural England	<ul style="list-style-type: none"> <li>• Ecology, habitats and nature conservation including issues related to (a) the Applicant's Habitats Regulations Assessment report and effects on European sites and features; (b)</li> </ul>



	<p>the effects on protected species and habitats; and (c) mitigation measures and enhancements, including likely effectiveness of mitigation, monitoring procedures, how mitigation will be secured within the draft DCO, and the content of the Construction Environmental Management Plan / Register of Environmental Actions and Commitments.</p> <ul style="list-style-type: none"> <li>• Licence applications.</li> <li>• The draft DCO.</li> </ul>
<p>National Grid (Electricity and Gas) Cadent Gas EPN (Eastern Power Networks) Network Rail</p>	<ul style="list-style-type: none"> <li>• The effects on existing services, apparatus and infrastructure.</li> <li>• Protective Provisions contained within the draft DCO.</li> <li>• The provisions set out in section 127 of the Planning Act 2008</li> </ul>
<p>DEFRA Forestry Commission</p>	<ul style="list-style-type: none"> <li>• The effect on woodlands</li> <li>• Crown land consent</li> </ul>
<p>Internal Drainage Boards Lead Local Flood Authorities (if applicable)</p>	<ul style="list-style-type: none"> <li>• Drainage matters and water resources.</li> <li>• Protective Provisions.</li> </ul>

SoCGs should cover where relevant:

- Methodology for environmental assessments including assessment of cumulative effects.
- Data collection methods.
- Baseline data.
- Data/statistical analysis, approach to modelling and presentation of results
- Full expression of expert judgements and assumptions.
- Identification and sensitivity of relevant features and quantification of potential impact.
- Likely effects, including construction and operational effects
- Feasible and deliverable mitigation and method for securing such mitigation within the DCO.

All of the SoCGs listed above should cover the Articles and Requirements in the draft DCO. Any IPs seeking for an Article or Requirement to be reworded should provide the form of words which are being sought within the SoCG.

Where a particular SoCG cannot be agreed between the parties by **Deadline 2, Thursday 4 February 2021** 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 by Deadline 2, Thursday 4 February 2021**. The position of the relevant IPs should then be confirmed during the Examination.

The content of SoCGs is necessary to help inform the ExA as to the need to hold any Issue Specific Hearings in March/April 2021, and to enable the ExA and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

The ExA also requests at regular intervals a Statement of Commonality of Statements on the progress being made with SoCGs.

Unless otherwise stated or agreed, the SoCG should be submitted by the Applicant.

### **3. Request under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations)**

The Examination must include a process that provides sufficient information to enable the SoS to meet their statutory duties as the competent authority under the Habitats Regulations relating to European protected sites. In order to inform the ExA's Report and Recommendation to the SoS on this Application and to provide stand-alone information for the SoS, the Applicant is requested to complete matrices to:

- Summarise the likely significant effects for each European site assessed; and
- summarise the implications for the integrity of each European site assessed, where a likely significant effect either alone or in combination with other plans and projects has been identified.

Templates for these matrices are available to download from the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/06/Advice-note-10v4.pdf>

The date by which the completed matrices must be received from the Applicant will be discussed at the Preliminary Meeting.

### **4. Request for Compulsory Acquisition Schedule**

The ExA requests that at each deadline, the Applicant provides an updated document which provides the most up-to-date information regarding agreements with APs in respect to CA and Temporary Possession. A final version must be submitted **by Deadline 8, Wednesday 9 June 2021**.

### **5. Request for Guide to the Application**

The ExA requests that at each deadline, the Applicant provides an updated Guide to the Application document which provides a list of the most up-to-date documents before the Examination. A final version must be submitted **by Deadline 8, Wednesday 9 June 2021**. This document should form part of the certification of plans identified within the draft DCO and should not be removed from subsequent drafts if submitted during the Examination.

## 6. Documents to facilitate a virtual hearing

We request that screen resolution documents are provided to allow for display on screen at virtual events. The ExA requests that the Applicant provides screen resolution copies of the following documents by **Deadline 1, Thursday 21 January 2021**. They should be labelled as screen-resolution versions with a reference to the original document reference and the Planning Inspectorate's Exam Library number. The size should be no greater than 6MB, and a document can be broken down into clearly labelled component parts to facilitate the maximum size whilst retaining clarity and legible detail on screen. Any low-resolution versions of examination documents do not need to be published in the examination library.

- Application drawing number TR010029/APP/2.7 – SCHEME LAYOUT PLANS REGULATION 5(2)(o) SHEET 1 OF 4
- Application drawing number TR010029/APP/2.7 – SCHEME LAYOUT PLANS REGULATION 5(2)(o) SHEET 2 OF 4
- Application drawing number TR010029/APP/2.7 – SCHEME LAYOUT PLANS REGULATION 5(2)(o) SHEET 3 OF 4
- Application drawing number TR010029/APP/2.7 – SCHEME LAYOUT PLANS REGULATION 5(2)(o) SHEET 4 OF 4
- Application drawing number TR010029/APP/2.3 – WORK PLANS REGULATION 5(2)(j) SHEET 1 OF 4
- Application drawing number TR010029/APP/2.3 – WORK PLANS REGULATION 5(2)(j) SHEET 2 OF 4
- Application drawing number TR010029/APP/2.3 – WORK PLANS REGULATION 5(2)(j) SHEET 3 OF 4
- Application drawing number TR010029/APP/2.3 – WORK PLANS REGULATION 5(2)(j) SHEET 4 OF 4
- Application drawing number TR010029/APP/2.2 – LAND PLANS REGULATION 5(2)(i) SHEET 1 OF 4
- Application drawing number TR010029/APP/2.2 – LAND PLANS REGULATION 5(2)(i) SHEET 3 OF 4
- Individual aerial photograph image files representing the views submitted within TR010029-000311-M25 Junction 28 Aerial Photographs.pdf

## 7. Acceptance of additional submissions in the Examination and / Extension to the Relevant Representation period

The Applicant informed the Planning Inspectorate that a number of persons had not received notification about the period for registration of Interested Parties. The Applicant sent or re-sent notifications to those persons, extending the deadline of the period for registration for those persons.

On the 25 June 2020 we made a Procedural Decision to request additional information on landscape and visual impact assessment resources and a clarification on works to be undertaken between Maylands Golf Course and the M25 carriageway.

Since the acceptance of the application, a number of documents, including the information requested in the Procedural Decision set out above, have been accepted into the Examination:

The ExA made a Procedural Decision on 21 July 2020 to accept the following:

- [[AS-001](#)] - Highways England - Responses to the Procedural Decision
- [[AS-002](#)] - Highways England - Environmental Statement - Chapter 9: Landscape and visual figures - photomontages viewpoint A
- [[AS-003](#)] - Highways England - Environmental Statement - Chapter 9: Landscape and visual figures - photomontages viewpoint B
- [[AS-004](#)] - Highways England - Environmental Statement - Chapter 9: Landscape and visual figures- photomontages viewpoint C
- [[AS-005](#)] - Highways England - Environmental Statement - Chapter 9: Landscape and visual figures - photomontages viewpoint D
- [[AS-006](#)] - Highways England - Environmental Statement - Chapter 9 Landscape and visual figures - photomontages viewpoint E
- [[AS-007](#)] - Highways England - Environmental Statement - Chapter 9: Landscape and visual figures - photomontages viewpoints location plan
- [[AS-008](#)] - Highways England - Environmental Statement - Appendix 9.2: Photomontage methodology

The ExA made a Procedural Decision on 21 September 2020 to accept the following:

- [[AS-009](#)] - Highways England - Updated Book of Reference (Clean)
- [[AS-010](#)] - Highways England - Updated Book of reference (Tracked)
- [[AS-011](#)] - Highways England - Regulation 16 Notice - Certificate of Compliance

The ExA made a Procedural Decision on 25 September 2020 to accept the following:

- [[AS-012](#)] - Highways England - Panorama Photo A - E
- [[AS-013](#)] - Highways England - Panorama 1 - 10a
- [[AS-014](#)] - Highways England - Site Context Panorama Location Plan Rev B
- [[AS-015](#)] - Highways England - M25 Junction 28 Maylands Golf Course Photographs
- [[AS-016](#)] - Highways England - Aerial Photographs
- [[AS-017](#)] - Highways England - Panorama Photographs 11a - 15a

The ExA made a Procedural Decision on 07 October 2020 to accept the following:

- [[AS-018](#)] - Highways England - s56 notice issued on 30 September 2020

The ExA made a Procedural Decision on 08 October 2020 to accept the following:

- [[AS-019](#)] - Highways England - Updated position on s56 notice
- [[AS-020](#)] - Highways England - S56 Notice - PiLs and Consultation Bodies

The ExA made a Procedural Decision on 16 October 2020 to accept the following:

- [[AS-021](#)] - Highways England – Updated Book of Reference (Clean)
- [[AS-023](#)] - Highways England – Updated Book of Reference (Tracked)

The ExA made a Procedural Decision on 19 October 2020 to accept the following:

- [[AS-024](#)] - Highways England - Environmental Statement - Chapter 8 - road drainage and the water environment (clean)
- [[AS-022](#)] - Highways England - Environmental Statement - Chapter 8 - road drainage and the water environment (tracked)

The ExA made a Procedural Decision on 03 November 2020 to accept the following:

- [[AS-025](#)] - Highways England - S56 Compliance Certificate
- [[AS-026](#)] - Highways England - Certificate of Compliance with Reg 16 EIA
- [[AS-027](#)] - Highways England - Cover letter for S56
- [[AS-028](#)] – Highways England - S59 Compliance Certificate

## Draft Examination Timetable

The 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.

The Examination of the Application is primarily a written process, however, where necessary the ExA will hold hearings. Written and oral submissions are afforded the same weight in the consideration of the application, and so it is not necessary to repeat written submissions at an oral event.

Please note that all deadlines in the draft Examination Timetable, and as referred to in this letter, are at 23:59 on the deadline day.

Item	Matters	Due Dates
1.	<p><b>Procedural Deadline A</b></p> <p>Deadline for receipt by the ExA of written submissions, if required, from the Applicant and any Interested Party or Affected Persons on:</p> <ul style="list-style-type: none"> <li>• Any changes that are considered necessary to the draft Examination Timetable; and</li> <li>• agenda items the parties wish to speak on, points to make, and why these need to be made orally rather than in writing.</li> </ul>	<p><b>Friday 4 December 2020</b></p>
2.	<p><b>Preliminary Meeting <sup>2</sup></b></p>	<p><b>Friday 11 December 2020</b></p>
3.	<p><b>Procedural Deadline B</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Written submissions, if required, from the Applicant and any Interested Party on procedural matters relating to the purpose or proceedings of the Preliminary Meeting;</li> <li>• Submissions of suggested locations/site for the Panel to include as part of the Unaccompanied Site Inspection, information on whether the site can be</li> </ul>	<p><b>Monday 21 December 2020</b></p>

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<sup>2</sup>The Meeting will be adjourned rather than closed following the day's business to allow time for written responses

	accessed on public land and reasoning for each nominated site.	
4.	<b>Resumption of Preliminary Meeting</b>	<b>Thursday 7 January 2021</b>
5.	<b>Issue by the ExA of:</b> <ul style="list-style-type: none"> <li>• Examination Timetable;</li> <li>• The ExA's Written Questions (WQ1).</li> </ul>	<b>As soon as practical after the close of the Preliminary Meeting</b>
6.	<b>Deadline 1</b>  Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• Local Impact Reports (LIR) from Local Authorities;</li> <li>• Written Representations (WRs);</li> <li>• Notification of wish to speak at a Compulsory Acquisition Hearing;</li> <li>• Notification of wish to speak at an Open Floor Hearing;</li> <li>• Responses to Relevant Representations;</li> <li>• Comments on the Applicant's response to the Planning Inspectorate's s51 advice;</li> <li>• Progressed statements of Statement of Common Grounds (SoCG);</li> <li>• Progressed of Statements of Commonality for SoCG;</li> <li>• The Compulsory Acquisition Schedule;</li> <li>• Any further information request by the ExA under Rule 17 of the Examination Rules.</li> </ul>	<b>Thursday 21 January 2021</b>
7.	<b>Deadline 2</b>  Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• Responses to ExAs WQ1;</li> <li>• Responses on LIR(s);</li> <li>• Responses on WRs;</li> <li>• Comments on responses for Deadline 1;</li> <li>• Progressed SoCG;</li> <li>• Progressed Statement of Commonality for SoCG;</li> <li>• An updated Guide to the Application;</li> <li>• Updated Compulsory Acquisition Schedule in clean and tracked versions;</li> <li>• Updated draft Development Consent Order (draft DCO) both a clean and tracked changed versions;</li> <li>• Schedule of changes to the draft DCO;</li> </ul>	<b>Thursday 4 February 2021</b>

	<ul style="list-style-type: none"> <li>Any further information requested by the ExA under Rule 17 of the Examination Rules.</li> </ul>	
8.	<p><b>Deadline 3</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Comments on responses to ExA's WQ1;</li> <li>Comments on responses to LIR(s);</li> <li>Comments on responses to WR(s);</li> <li>Comments on responses for Deadline 2;</li> <li>An updated Guide to the Application;</li> <li>An updated version of the draft DCO in clean and tracked versions;</li> <li>Progressed SoCG;</li> <li>Progressed Statements of Commonality for SoCG;</li> <li>Any further information requested by the ExA under Rule 17 of the Examination Rules.</li> </ul>	<p><b>Thursday 18 February 2021</b></p>
9.	<p><b>Hearings</b></p> <p>Dates reserved (if required) for any:</p> <ul style="list-style-type: none"> <li>Open Floor Hearing(s).</li> <li>Compulsory Acquisition Hearing(s).</li> <li>Issue Specific Hearing(s).</li> </ul>	<p><b>Week Commencing Monday 1 March 2021</b></p>
10.	<p><b>Deadline 4</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Written summaries of oral submissions put at any Hearings held during the weeks commencing 1 March;</li> <li>Comments on responses for Deadline 3;</li> <li>An updated Guide to the Application;</li> <li>Updated Compulsory Acquisition Schedule in clean and track changed versions;</li> <li>Updated draft DCO clean and track changed versions;</li> <li>An updated Schedule of Changes to the draft DCO;</li> <li>Progressed SoCG;</li> <li>Progressed Statement of Commonality of SoCG;</li> <li>Any further information requested by the ExA under Rule 17 of the Examination Rules.</li> </ul>	<p><b>Tuesday 16 March 2021</b></p>
11.	<p><b>Issue by the ExA of:</b></p> <ul style="list-style-type: none"> <li>Further Written Questions (WQ2) (if required).</li> </ul>	<p><b>Thursday 25 March 2021</b></p>

12.	<p><b>Deadline 5</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Responses to ExA WQ2 (if required);</li> <li>• Comments on responses for Deadline 4;</li> <li>• An updated Guide to the Application;</li> <li>• Updated Compulsory Acquisition Schedule in clean and track changed versions;</li> <li>• Updated draft Development Consent Order both a clean and track changed versions;</li> <li>• Progressed SoCG;</li> <li>• Progressed Statements of Commonality for SoCG;</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules.</li> </ul>	<p><b>Tuesday 13 April 2021</b></p>
13.	<p><b>Deadline 6</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on responses to the ExA WQ2 (if required);</li> <li>• Comments on responses for Deadline 5;</li> <li>• An updated Guide to the Application;</li> <li>• Updated Compulsory Acquisition Schedule;</li> <li>• Updated draft DCO both a clean and tracked changed versions;</li> <li>• Progressed SoCGs;</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules.</li> </ul>	<p><b>Tuesday 27 April 2021</b></p>
14.	<p><b>Hearings</b></p> <p>Dates reserved (if required) for any:</p> <ul style="list-style-type: none"> <li>• Open Floor Hearing(s).</li> <li>• Compulsory Acquisition Hearing(s).</li> <li>• Issue Specific Hearing(s).</li> </ul>	<p><b>Week commencing Monday 10 May 2021</b></p>
15.	<p><b>Deadline 7</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Written summaries of oral submissions put at any Hearings held during the week commencing Monday 10 May 2021;</li> <li>• Comments responses submitted at Deadline 6</li> <li>• An updated Guide to the Application;</li> <li>• Updated Compulsory Acquisition Schedule;</li> </ul>	<p><b>Tuesday 18 May 2021</b></p>



	<ul style="list-style-type: none"> <li>Updated draft Development Consent Order both a clean and tracked changed versions;</li> <li>Finalised SoCGs;</li> <li>Any further information requested by the ExA under Rule 17 of the Examination Rules.</li> </ul>	
16.	<p><b>Issue by the ExA of:</b></p> <ul style="list-style-type: none"> <li>The Report on the Implications for European Sites (RIES) (if required)</li> <li>The ExA's proposed schedule of changes to the draft DCO (if required);</li> <li>Notice to hold the Accompanied Site Inspection the week commencing Monday 14 June 2021 if the ExA considers it necessary and safe to do so.</li> </ul>	<b>Wednesday 19 May 2021</b>
17.	<p><b>Deadline 8</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Comments on the RIES (if required);</li> <li>Comments on the ExA's proposed schedule of changes to the draft DCO;</li> <li>Applicant's suggested draft Itinerary for the ASI (if required);</li> <li>Submission of suggested locations / sites for the ExA to include as part of the ASI including the issues to be observed there, information on whether the site can be accessed on public land and reasoning for each nominated site;</li> <li>Any further information requested by the ExA under Rule 17 of the Examination Rules (if required);</li> <li>An updated Guide to the Application;</li> <li>An updated version of the draft DCO in clean and tracked versions;</li> <li>An updated Compulsory Acquisition Schedule;</li> <li>Comments on responses submitted for Deadline 7;</li> <li>Any further information requested by the ExA under Rule 17 of the Examination Rules.</li> </ul>	<b>Wednesday 09 June 2021</b>
18.	<b>Date reserved for Accompanied Site Inspection<sup>3</sup> if deemed necessary and safe to do so</b>	<b>Week Commencing Monday 14 June 2021</b>

<sup>3</sup> Please note: an ASI can only go ahead if Government guidance on COVID-19 at that time permits. In the event it cannot be undertaken as a physical visit, alternative approaches (including the use of technology) will be explored, and all participants will be notified.

19.	<p><b>Deadline 9</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on responses for Deadline 8;</li> <li>• Final version of the draft DCO in clean, tracked and word versions;</li> <li>• Final Guide to the Application;</li> <li>• Final Compulsory Acquisition Schedule;</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination (if required).</li> </ul>	<p><b>Wednesday 30 June 2021</b></p>
20.	<p><b>Deadline 10</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Any further information requested by the ExA under Rule 17 of the Examination (if required)</li> </ul>	<p><b>Tuesday 06 July 2021</b></p>
21.	<p><b>Close of Examination</b></p> <p>The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months.</p>	<p><b>Wednesday 07 July 2021</b></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 deadline. An Examination Library will be kept up to date throughout the Examination and can be accessed via the 'Documents' tab on the project webpage. Each document will be given a unique reference. These references will be used by the ExA during the Examination:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/m25-junction-28-improvements/?ipcsection=docs>

## **Report on the Implications for European Sites (RIES)**

Where an Applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the Application, the ExA may decide to issue a 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 SoS, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the relevant SoS.

The SoS may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Habitats Regulations 2017 and / or Regulation 28 of The Offshore Marine Regulations.

## Availability of Examination Documents

The application documents and Relevant Representations are available on the project webpage on the National Infrastructure Planning website:

[https://infrastructure.planninginspectorate.gov.uk/projects/south-east/m25-  
junction-28-improvements/](https://infrastructure.planninginspectorate.gov.uk/projects/south-east/m25-junction-28-improvements/)

All documents submitted in the course of the Examination will also be published on our website.

For ease of navigation, please refer to 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 made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the project webpage is also provided. Please use the unique reference numbers applied in the EL when referring to any Examination Documents in any future submissions that you make.

Documents can be viewed electronically, free of charge, at the following locations. Please note that you may need to bring a form of identification to use a computer at these locations. Please contact the venue before travelling to check their opening hours and availability given the impact from Coronavirus.

### Electronic deposit locations

Local authority	Venue address	Opening hours
Essex County Council	Brentwood Library, New Rd, Brentwood, CM14 4PM	Monday: 9am-6pm Tuesday: 9am-6pm Wednesday: 9am-1pm Thursday: 9am-6pm Friday: 9am-6pm Saturday: 9am-5pm Sunday: CLOSED
Essex County Council	Shenfield Library, Hutton Rd, Shenfield, Brentwood, CM15 8NJ	Monday: 9am-5:30pm Tuesday: 9am-5:30pm Wednesday: 9am-5:30pm Thursday: CLOSED Friday: 9am-5:30pm Saturday: 9am-5pm Sunday: CLOSED
Essex County Council	Ingatstone Library, Highstreet, Ingatstone, CM4 9EU	Monday: 1pm-5pm Tuesday: CLOSED Wednesday: 9am-1pm Thursday: 1-5pm

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		Friday: CLOSED Saturday: 9am-1pm Sunday: CLOSED
Chelmsford Council	Chelmsford Library, County Hall, Market Road, Chelmsford CM1 1QH	Monday: 9am to 5pm Tuesday: 9am to 5pm Wednesday: 9am to 5pm Thursday: 9am to 5pm Friday: 9am to 5pm Saturday: 9am to 5pm Sunday: CLOSED
North Melbourne Council	North Melbourne Library, Dickens Place Copperfield Road Chelmsford CM1 4UU	Monday: CLOSED Tuesday: 9am to 5pm Wednesday: CLOSED Thursday: CLOSED Friday: 9am to 5pm Saturday: 9am to 5pm Sunday: CLOSED
Broomfield Council	Broomfield Library, 180 Main Road Broomfield Chelmsford CM1 7AH	Monday: 1pm to 5pm Tuesday: CLOSED Wednesday: 9am to 1pm Thursday: 1pm to 5pm Friday: CLOSED Saturday: 9am to 1pm Sunday: CLOSED
Writtle Council	Writtle Library, 45 The Green Writtle Chelmsford CM1 3DT	Monday: 9am to 5pm Tuesday: 9am to 1pm and 1pm to 5pm Wednesday: 9am to 1pm Thursday: 1pm to 5pm Friday: 9am to 5pm Saturday: 9am to 1pm Sunday: CLOSED
Stock Council	Stock Library, Swan Lane Stock Ingatestone CM4 9BQ	Monday: CLOSED Tuesday: 2pm to 5pm Wednesday: CLOSED Thursday: 9am to 12pm and 2pm to 5pm Friday: CLOSED Saturday: 9am to 12pm Sunday: CLOSED
Springfield Council	Springfield Library, St Augustine's Way Chelmsford CM1 6GX	Monday: CLOSED Tuesday: 10am to 1pm Wednesday: CLOSED Thursday: 10am to 5pm Friday: 10am to 4pm Saturday: 10am to 1pm Sunday: CLOSED
Galleywood Council	Galleywood Library, Watchouse Road Galleywood	Monday: CLOSED Tuesday: 1pm to 5pm Wednesday: CLOSED

## Annex G

	Chelmsford CM2 8PU	Thursday: 9am to 1pm Friday: 1pm to 5pm Saturday: 9am to 1pm Sunday: CLOSED
South Woodham Ferrers Council	South Woodham Ferrers Library, Trinity Square South Woodham Ferrers Chelmsford CM3 5JU	Monday: CLOSED Tuesday: 9am to 5pm Wednesday: 9am to 1pm Thursday: 9am to 5pm Friday: 9am to 5pm Saturday: 9am to 5pm Sunday: CLOSED
Great Baddow Council	Great Baddow Library, 27 High Street Great Baddow Chelmsford CM2 7HH	Monday: 9am to 5pm Tuesday: CLOSED Wednesday: 9am to 5pm Thursday: 9am to 5pm Friday: CLOSED Saturday: 9am to 5pm Sunday: CLOSED
Danbury Council	Danbury Library, Main Road Danbury Chelmsford CM3 4NQ	Monday: CLOSED Tuesday: CLOSED Wednesday: 1pm to 5pm Thursday: 9am to 1pm Friday: 1pm to 5pm Saturday: 9am to 1pm Sunday: CLOSED
<b>Printing costs</b>	<b>Black and white</b>	<b>Colour</b>
Brentwood Library, Shenfield Library, Ingatestone Library	Single-sided: A4 – 20p	Not available
Chelmsford Library, Broomfield Library, Writtle Library, Stock Library Springfield Library, Galleywood Library, South Woodham Ferrers Library, Great Baddow Library, Danbury Library	Single Sided: A4 – 20p	Single Sided: A4 - £1.20

## Virtual Events – Frequently Asked Questions

The Planning Inspectorate has issued the [Advice Note 8.6](#), which is aimed at people and organisations who will be involved in the examination of an application for a Development Consent Order where virtual events will be used. Please click on the link to open the document. If you do not find an answer to your question in that document, please contact the Case Team on the email below.

A common and additional question asked is why the examination cannot be postponed until after the COVID-19 pandemic has passed.

The COVID-19 pandemic has had a significant impact on society. The Planning Inspectorate had to follow Government advice and respect the restrictions and so suspended public events such as site inspections and Hearings across all of its casework. There remains uncertainty as to when and to what extent events can be held in the traditional way.

At the same time, it is clear that the planning system has a vital role to play in supporting the UK's economic recovery. Planning decisions of all types still need to be made. If they were to be halted completely, substantial adverse employment consequences would follow in the design, construction and related sectors. A [Written Ministerial Statement](#) was made on 13 May 2020 by the SoSHCLG. The statement emphasised the importance of planning's role and called for the resumption of Hearings using online documents and virtual events. Given the importance of working towards economic recovery, there is no option, nor practical reason, to postpone this Examination indefinitely.

In addition, the Application includes proposals for the CA and temporary possession of land. As long as they remain unresolved, such proposals are economically and socially disruptive for the people and businesses that they affect. It is important that delay and uncertainty around the effects of such proposals is minimised.

Having undertaken extensive testing of processes for virtual Hearings and inquiries, the Planning Inspectorate is now actively delivering a rising volume of its casework using virtual methods.

It follows that the ExA is confident that the proposed Examination timetable outlined in the Rule 6 letter (Annex E) will allow for fair, open and impartial examination of the issues.

### **WHAT IF I NEED MORE HELP?**

Please contact the Case Team by telephone at 0303 444 5000 or by email at [M25Junction28@planninginspectorate.gov.uk](mailto:M25Junction28@planninginspectorate.gov.uk)