



## Application by Highways England for an Order Granting Development Consent for the M25 Junction 10 / A3 Wisley Interchange scheme

### Frequently Asked Questions (FAQ)

#### Version 2.0 issued on 5 June 2020

This FAQ document aims to assist Interested Parties (IPs) and Affected Persons (APs) involved in the Examination who have questions about the [Examination Timetable](#), procedures and arrangements. It may from time to time be updated at the discretion of the Examining Authority (ExA). For ease of reference it has been divided into topics.

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## The Examination

### 1. Why has the Examination been extended and why has a new Examination Timetable been issued?

The public health restrictions during the coronavirus (COVID-19) pandemic have prevented us from holding the Hearings that were originally scheduled for 24 to 26 March 2020 because their holding would have involved travel and public gatherings contrary to the restrictions that were in force at that time. The ExA therefore postponed the Compulsory Acquisition Hearing (CAH), Issue Specific Hearings (ISHs), and second Open Floor Hearing (OFH) that had been scheduled.

Following those postponements, the ExA continued to review the effect of the postponed hearings and COVID-19 on the Examination. The ExA concluded that for it to examine remaining issues and to ensure fairness, more time was needed than the original Examination end date of 12 May 2020 would have allowed for. Therefore, on 3 April 2020 a request was made to the Secretary of State to extend the Examination. On 27 April 2020, the Secretary of State granted an additional two months for the completion of the Examination and that extension has been confirmed in a Written Ministerial Statement issued on 13 May 2020. The Examination must now be completed by no later than Sunday 12 July 2020.

On 5 May 2020 the ExA issued a 'Rule 8(3)' letter updating the Examination Timetable to take account of the Examination's extension and that letter also includes initial information on the proposed new arrangements.

## **2. How will the additional time for the Examination be used?**

During the remainder of the Examination the ExA will be holding a 'virtual' CAH using Microsoft Teams software. It will be the responsibility of CAH participants to abide by the Government's COVID-19 travel and/or social distancing restrictions that are applicable at all times when the CAH is being held.

In addition, the ExA will ask further written questions and there will be opportunities for IPs and APs to make further written submissions.

## **3. Does the ExA need to hold any more Hearings at all?**

The ExA considered how best to examine the remaining issues and ensure fairness, given the practical constraints that we all currently face. The Examination is primarily a written process. However, as the ExA has had requests for a CAH to be held and one has not been held prior to the postponement of the March Hearings, there is a need for a CAH.

## **4. How should I keep up to date with the latest news about the Examination?**

Please visit the project website regularly for updates:

[https://infrastructure.planninginspectorate.gov.uk/projects/South%20East/M25-  
junction-10A3-Wisley-interchange-improvement/](https://infrastructure.planninginspectorate.gov.uk/projects/South%20East/M25-<br/>junction-10A3-Wisley-interchange-improvement/)

The project website also has a facility for you to sign up to receive updates by email when the page is updated [https://infrastructure.planninginspectorate.gov.uk/email-  
subscription.php?project=TR010030&email=](https://infrastructure.planninginspectorate.gov.uk/email-<br/>subscription.php?project=TR010030&email=).

## **5. As an Affected Person (AP) will I be able to make a submission on the matters that are covered in the virtual CAH if I decide that I don't want to speak at them?**

Yes. APs who do not speak at the virtual CAH will be able to make a written submission on the specific matters included in the CAH Agenda or arising at the Hearing. If you did not attend the CAH but wish to make a written submission then, if possible, you should listen to the recording of the CAH prior to making your submission. Written submissions are to be made by 3 July 2020 (Deadline 11).

## **6. Can I still take part in the Examination if I am not an AP?**

Yes. For matters other than the Applicant's proposed Compulsory Acquisition and Temporary Possession of land that will be discussed at the virtual CAH, Interested Parties and Statutory Parties will be able to continue to participate in the Examination through the written process as per the opportunities set out in the revised [Examination Timetable](#).

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

Please contact the case team by email at [M25Junction10@planninginspectorate.gov.uk](mailto:M25Junction10@planninginspectorate.gov.uk) if you are not sure of your status.

## The Compulsory Acquisition Hearing (CAH)

### **7. What happens at a CAH?**

A CAH explores the issues relating to compulsory acquisition matters. This is where the application includes powers that allow the applicant to compulsorily acquire land and interests in land (e.g. tenancies and access rights), that are needed for the development to go ahead. This hearing can be requested by an "Affected Person" (AP) – a person who possesses rights or interests over the land that is proposed to be subject to compulsory acquisition (CA) or temporary possession (TP).

A CAH is an opportunity for an AP to directly give oral evidence to the ExA on CA and/or TP matters and for the Applicant to respond.

### **8. How will the virtual CAH be conducted?**

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

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

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

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

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

### **9. Will the CAH be held in public and will there be any restrictions on who can take part?**

In light of the public health situation surrounding COVID-19, it is not currently possible to hold Hearings that require people to attend in person. Therefore, we will not be conducting Hearings in the way we have done before. Instead, we will be conducting virtual Hearings over the internet, or by telephone for anyone without internet access. Instead of travelling to the Hearing you will be able to participate from your own home or office. We will conduct virtual Hearings robustly and fairly and in a way that mirrors as far as possible the way in which in-person Hearings have been conducted previously.

The ExA will hold the virtual CAH in public and it will not have any private discussions with any parties. Arrangements will be made for the CAH to be as accessible to APs and the Applicant as it reasonably can be in the current circumstances.

Previously in the Examination the ExA has used its discretion to permit other parties to attend Hearings and to accept oral submissions from them. However, for the CAH the priority will be given to APs to have their say. This is because the virtual CAH is being held to enable APs to exercise their statutory right to be heard in connection with the Applicant's proposals for Compulsory Acquisition.

Due to the practical limitations of virtual hearings, **advanced notice must be provided of an AP's wish to speak**. The practicalities of the technical arrangements that need to be made in advance of the CAH means that it may not be possible to accommodate any requests to speak that were not made by 19 May 2020.

Please contact the case team by email at [m25junction10@planninginspectorate.gov.uk](mailto:m25junction10@planninginspectorate.gov.uk) if you are not sure of your status.

Recordings will be made of the CAH and will be the formal record of the Hearing as has always been the case for Examinations. The recordings will not be live streamed but will be made available on the project website as soon as is practicable after the Hearing.

## **10. Why have so many days been identified for the CAH?**

A number of days for the CAH have been reserved in the revised [Examination Timetable](#) in order to provide some flexibility and reserve time in case, for example, the earlier sessions are disrupted by technical or other issues. All potential participants are asked to reserve these days in their diary. However, it is anticipated that the full six days will not be needed.

## The virtual hearing

### **11. Can you provide more details about the telephone conferencing and video conferencing referred to in the Rule 8(3) letter?**

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

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

The Planning Inspectorate has decided to use Microsoft Teams to deliver the events. This software is widely available already and you may have used it before. Guidance on using Microsoft Teams is referred to below.

**12. I want to take part in the virtual CAH but have never done tele or video conferencing before and am not sure if I will be able to. How will you cater for my needs?**

The ExA is sensitive to catering for different needs. The ExA is working with the Planning Inspectorate to make any CAH as accessible as possible and will make arrangements for support and guidance to be provided to the CAH's participants. Those who have signed up to participate in the hearings have had an opportunity to request a trial run in the week preceding the first week allocated to the CAH. This will also be an opportunity to raise any technical queries about access and how to join and participate in the CAH. The case team have contacted those who have expressed an interest in attending a trial event.

**13. What equipment and software will I need?**

If you have a computer, laptop, tablet or smartphone (a digital device) that is connected to the internet, you will be able to access and speak at a Hearing over the internet using a video link. If you do not wish to appear on video, you can switch off your camera and use voice only.

Depending on the performance of your digital device or the internet in your locality, it may be that you join by video and audio, or by audio alone. If you have a slow or intermittent connection, switching off your video camera and using just your audio connection can improve the quality and reliability of your involvement.

If you do not have an internet connection, or you do not feel confident or able to use a digital device, then you will be able to access and speak at the Hearings using a telephone with a keypad.

Please see the sections below on 'Joining via computer' and 'Joining via telephone'.

**14. How will I be able to join the CAH?**

If you have contacted us to say that you wish to speak at the CAH we will contact you by email with joining instructions, including a web address and/or telephone number for the purposes of signing-in to the CAH, between 1 and 24 hours before the start of each event.

**15. What can I expect once I'm signed into the event?**

All participants are required to attend an Arrangements Conference with the Case Team that will start 30 minutes before each morning and afternoon session Hearing.

When you follow the joining instructions, you will be held in a virtual 'lobby' until the Case Team is able to admit you, one by one, into the Arrangements Conference. This will typically be for a few minutes but may be for 10-20 minutes if there are a lot of participants. There is not usually music or messages while you are waiting so it may seem as if there is a lost connection when in fact this should not be the case.

The arrangements conference is not an opportunity to air any views in relation to the merits of the application and the ExA will not participate in it. It is important that you join **at the start** of the Arrangements Conference as this gives time for the Case Team to sign everyone into the Hearing, review their connection and explain the format.

During the Arrangements Conference you will be asked to provide your name, and you may also be asked for your Affected Person reference number and/or any further identifying information that the Case Team requests of you.

The Case Team will control the Arrangements Conference. The ExA will control the Hearing. When you are in the virtual CAH you will then be able to follow the proceedings by video and/or audio. The ExA will control the CAH and will invite APs to speak at the appropriate time, which will be as set out in the agenda.

## **16. What will be the format of the virtual CAH?**

The CAH is divided into two sessions: Session 1 will cover overarching compulsory acquisition and temporary possession matters, while Session 2 will address the site-specific concerns of APs. All APs will need to register to speak at these Sessions and will need to indicate whether they wish to speak at Session 1, Session 2 or both Sessions. Also, any APs who intend to watch or listen but not speak at either or both of the Sessions should also register to do so and should indicate for which of the Session(s) they intend to watch or listen.

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

Please contact the case team by telephone at 0303 444 5000 or by email at [M25Junction10@planninginspectorate.gov.uk](mailto:M25Junction10@planninginspectorate.gov.uk) and explain your circumstances. We will do our best to accommodate your needs and enable different means of involvement.

## **18. How should I prepare for a virtual Hearing?**

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

- check that you know how to join the Hearing;
- decide where you'll sit for the Hearings, it should be quiet and private;
- let anybody close by know that you will be in a Hearing, so that you are less likely to be interrupted;
- make sure the computer, tablet or mobile telephone you'll use is fully charged or plugged in, so you do not get cut off;
- have any documents you'll need ready beforehand either in hard copy or downloaded onto your device. These should include the Agenda Letter, the Examination Library and documents referred to in the Agenda;

- set your mobile phone to silent if you are not using it to access the Hearing;
- be ready at least 15 minutes before the Arrangements Conference. If you are joining by video, please dress as if you were coming into a building for a Hearing; and if possible, have something plain behind you like a blank wall or make use of the Microsoft Teams background options.
- If you are part of a group of participants all representing the same person or group consider ahead of time how you might communicate privately with each other during the event if needed.

We recommend printing, or otherwise having to hand, the details sent to you in the joining instructions, in case of a complete computer failure just before or during the Hearing.

### **19. What else do I need to know about a virtual Hearing?**

The virtual CAH is unlikely to go exactly as a hearing would have previously. There may be longer pauses and gaps whilst participants find their place in a document or consult privately between themselves outside of the hearing. If you are speaking and need time to do such please alert the ExA rather than leave a long, unexplained, pause. Please do likewise if you are finding the pace too quick and need more time to follow, e.g. to find the documents being referred to.

Whilst this is a formal event, we understand that participants will, for the most part, be joining from their home, not their place of work. Whilst we would ask you to try to make arrangements to remove as many distractions and interruptions as you can we are also aware that participants may have children, or other dependents, at home. We would ask all participants to be sensitive to other participants' circumstances.

### **20. What happens if the ExA announces a break?**

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

If the break is a short one you should remain connected. However, should you choose to leave you can re-connect using the Joining Instructions and make sure you are back in the hearing at the resumption time announced.

Please alert the ExA or case team if you are signing out intentionally and if you will be returning, this is to avoid the case team trying to make contact in case your connection has failed.

### **21. What functions within MS Teams will be available to use in the CAH?**

You may already be aware of the functions available in MS Teams, some of which we will be using in the CAH:

- Video/camera (not available for telephone participants): the ExA will have their camera on during the hearing so you will be able to see them. Each participant can choose to 'pin' the ExA so they are always visible on their screen if they wish. Other participants can choose to have their own camera turned on or off. A recording of the event will include video, therefore if you do not want your image recorded please turn your camera off.

- Mute/unmute: We ask all participants to remain on mute unless they are speaking to reduce background noise and disruption. The case team may mute you for this reason but only you can unmute yourself. Instructions for doing so depend on if you are joining via computer or telephone and will be set out in the relevant section below.
- Raise your Hand: this function is only available for some participants (not telephone participants) and will depend which version of MS Teams you have and your device. Those who have the function may use it to get our attention if needed. If you do not have this function, please unmute your microphone at a convenient time and ask for the case team or ExA.
- Sharing screens (not available for telephone participants): This will only be done by PINS staff and participants will not be able to share their screen.
- Backgrounds (not available for telephone participants): if you are happy to be seen on video MS Teams has a function which will allow you to blur your background or show an image in the background if you wish your home image to be concealed. This is personal choice for each participant. If you chose a background please ensure it is suitable for the event.

## Joining the CAH via computer

### **22. Will I be able to participate in the Hearing from a computer, tablet or smart phone and will I need any special software?**

The following link will take you to information about how to use Microsoft Teams on a computer, laptop, tablet or smart phone:

<https://support.office.com/en-gb/teams>

You do not need to download any software to use Microsoft Teams on most computers or laptops, although there are applications that can be downloaded (free of charge) available for most types of device. It will work without an application on an internet browser such as Microsoft Edge or Google Chrome.

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

On a smartphone or tablet there are Teams applications for most devices, and you will normally need to install these (free of charge). Search for 'Microsoft Teams' in your device AppStore, PlayStore or equivalent.

Download advice is available here: <https://www.microsoft.com/en-gb/microsoft-365/microsoft-teams/download-app>.

### **23. How do I join from a computer, tablet or smart phone?**

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

- Forward the Joining Instructions email (to be sent just before the event) to the email account on the computer or tablet that you are due to join on. Please note that a different joining email with a different web address link will be provided for each session of the virtual CAH.
- Click on the web address link provided in the Joining Instructions



- Either join using Microsoft Teams (if you have it installed), or 'join on the web instead', which will use your internet browser.
- Check that your computer or tablet camera (if it has one), microphone and speakers are turned on. Some computers or tablets require them to be physically plugged in. Some require settings or permissions to be changed and the browser, computer or tablet restarted before you can connect.
- The Teams application or your browser should prompt you to enter your name (this will be visible to all participants), then connect you to a virtual 'lobby' from where a member of the Case Team will admit you into the Arrangements Conference.

#### **24. Will my personal information be shared with any other participants?**

Microsoft Teams will normally display the name, and may sometimes also display the email address, of participants to other participants using digital devices.

If you do not wish the email address that we are currently using to correspond with you to be seen by other parties, you can set up a free email account on-line to join with. Alternatively, your existing internet or email service provider may enable you to set up an alias email address such as 'hearing.participant123@freemail.com'.

These measures will protect your privacy. If you plan to do this please let us have the alternative email address as soon as you can so that we can send the joining instructions to the correct email address.

Please check with your internet or email service provider or an intended alternative email service provider before the Hearing or Test Event and ensure that you have taken any steps that you wish to take to prevent the disclosure of your actual email address to other users.

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

Where necessary, a small number of documents may be shared during the Hearing. These include the Agenda and documents identified in and linked from the Agenda. However, the sharing on screen of too many or too large documents can give rise to technical difficulties so you are advised to have the key documents available in either hard copy or already downloaded to your device. Alternatively, all documents, apart from the National Policy Statement for National Networks, are available in the Examination Library. The ExA will say when a document is being referred to during a Hearing, providing its Examination Library reference number where appropriate. The Examination Library is at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010030/TR010030-000272-Examination%20Library%20Published%20Version.pdf>

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

Everybody with access to a web browser, including those who access a Hearing by telephone, should be able to access the documents at the appropriate time by clicking on the link in the Agenda or in the Examination Library.

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

If you connect using computer, tablet or smart phone you will be able to see other participants and they will be able to see you. The ExA will make it clear in their opening statement that all parties have to introduce themselves every time they intend to speak. If the person speaking has the camera turned off their 'button' will usually glow to show that they are speaking. Alternatively, their name will be bold in the participants list, accessed via the Teams toolbar at the bottom of the screen.

## **27. Will I be able to mute my microphone?**

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

Please ensure that you mute when you are not speaking to avoid unnecessary background noise and disruption. The case team may mute you when you are not talking. Please note that the case team cannot unmute you, only you can unmute yourself. Please do this and say your name when asked to speak by the ExA.

## **28. What if I do not wish to appear on video?**

If you do not wish to appear on video, you can switch off your camera by clicking on the video icon within the Teams toolbar and use voice only.

## **Joining the CAH via telephone**

### **29. Can I join the Hearing by using any telephone?**

Yes, you can join using any telephone including a mobile, smart phone or standard landline telephone with a keypad.

### **30. How do I join by telephone?**

Joining Instructions will be sent by email between 1 and 24 hours before each Hearing. Please join from a telephone as follows:

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

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

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

If you do not want to display your telephone number, please add a privacy prefix before you dial the telephone number above. On most UK telephone networks you can dial 141 before the telephone number and this will ensure that you remain anonymous and your telephone number is not shared with any other users. Some networks require you to use a different method. Certain telephone handsets also allow you to withhold your telephone number using a setting that is specific to your handset.

Please check with your telephone service provider and read the instructions for your telephone handset before the Hearing or Test Event and ensure that you have taken any steps that you wish to take to prevent the disclosure of your telephone number to other users.

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

If you connect using the telephone number then you will be able to speak and be spoken to, but you will not be able to see other participants and they will not be able to see you. However, the ExA will make it clear in their opening statement that all parties have to introduce themselves every time they intend to speak.

### **33. Will I be able to mute and unmute my telephone during the meeting?**

You can mute and unmute pressing '\*6' on your telephone keypad.

Please ensure that you mute when you are not speaking to avoid unnecessary background noise and disruption. The case team may mute you when you are not talking. Please note that the case team cannot unmute you, only you can unmute yourself. Please do this and say your name when asked to speak by the ExA.

Your telephone may have its own mute option, however please note that you may also need to dial \*6 if you've been muted on MS Teams by the case team. For this reason we advise you to use the \*6 function instead.

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

A small number of documents may be shared during the Hearings. These include the Agendas and documents identified in and linked from the Agendas. All documents, apart from the National Policy Statement for National Networks, are available in the Examination Library. The ExA will say when a document is being referred to during a Hearing, providing its Examination Library reference number where appropriate. The Examination Library is at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010030/TR010030-000272-Examination%20Library%20Published%20Version.pdf>

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

If you do not have an internet connection, you may wish to alert the case team and/or ExA so they are aware that you are not able to see the documents.

### **35. How much does it cost to participate in the Hearing via a telephone?**

Depending on your network service provider and contract, telephone charges may apply. General guidance on call charges can be found on the UK government website: <https://www.gov.uk/call-charges>.

## What if things go wrong?

### **36. What if I lose my connection?**

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

### **37. What if I can't re-join?**

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

### **38. What if the Hearing is disrupted?**

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