



## **Application by Highways England for an Order Granting Development Consent for the A1 Birtley to Coal House Improvement Scheme**

### **Frequently Asked Questions (FAQ)**

#### **Version 1.0 issued on 7 May 2020**

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

#### **1. Why have you issued a new Timetable?**

The public health restrictions during the coronavirus (COVID-19) pandemic prevent the Planning Inspectorate from holding a range of events such as Hearings that involve travel and public gatherings. The ExA has previously postponed the Open Floor Hearing, Issue Specific Hearings and a Compulsory Acquisition Hearing that were due to take place from 31 March to 3 April 2020 because of these restrictions. Given the postponement of these Hearings, the ExA asked a further series of Written Questions on 6 April 2020. Many of these questions covered matters that the ExA had intended to discuss at those Hearings.

Following the postponements, the ExA has continued to review the effect of the postponed Hearings and coronavirus on the Examination. In order to continue the Examination within the statutory six month timescale, the ExA has concluded that it is necessary to consider alternative methods of participation, including the use of teleconferencing and/or video conferencing for subsequent Hearings. Given the necessary preparation and the need to provide an opportunity for Interested Parties (IPs) to comment on the proposed alternative Hearing arrangements, the ExA has decided to issue a revised timetable. This includes the postponement of the Hearings that were scheduled for the 9 to 11 June 2020, but sets new dates for potential Hearings, starting from 22 June 2020.

The ExA has issued a Rule 8(3) procedural decision on 7 May 2020 to provide an updated Examination Timetable including new potential Hearing dates. It also includes a request for information from IPs, through a Questionnaire, on their wish and/or ability to take part in Hearings using teleconferencing and/or video conferencing.

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

The ExA is considering how best to examine the remaining issues and how best to ensure fairness given the practical constraints that we all currently face. There currently needs to be both an Open Floor Hearing and a Compulsory Acquisition Hearing following previous requests from Interested Parties for such Hearings. The

Examination is primarily a written process and the ExA has not yet decided whether there will be any further Issue Specific Hearings. However, the dates identified by the ExA include provision for Issue Specific Hearings should they be required.

A deadline for responses to the Questionnaire regarding Hearings is provided for in the Examination Timetable and these responses will help the ExA to decide which Hearings will be held and the arrangements for them.

### **3. Why have so many dates been identified for Hearings?**

Several dates for Hearings have been reserved in the Examination Timetable at this stage in order to provide for flexibility. However, it is not anticipated that all of these dates will be needed. All potential participants and observers are asked to reserve these dates in their diary as far as is possible. A further update will be provided once the ExA has enough information to confirm which dates for Hearings are required.

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

The ExA will continue to hold the Examination in public. It will not have any private discussions with any parties.

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

The ExA is also able to use its discretion to permit other parties to attend Hearings and to accept oral submissions from them. The ExA will continue to do this if it considers it likely that this would assist the Examination.

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

Please contact the case team by telephone at 0303 444 5000 or by email at [A1BirtleytoCoalHouse@planninginspectorate.gov.uk](mailto:A1BirtleytoCoalHouse@planninginspectorate.gov.uk) if you are not sure of your status.

There is no need to attend a Hearing to simply repeat a representation that has already been made in writing. All previous and future written submissions will be taken into consideration by the ExA in making its recommendation to the Secretary of State.

### **5. How could any Hearings be held when there are public health restrictions in place?**

In light of the public health situation surrounding coronavirus (COVID-19), it is not currently possible to hold Hearings that require people to attend in person. Therefore, the ExA is considering arrangements for Hearings that could be accessible for people at home using a telephone, computer or tablet. The ExA is considering options for participation by either sound only (audio) or sound plus picture (video).

The aim is to make access to any Hearing as straightforward and manageable as possible. For example, for an Open Floor Hearing it may be possible for IPs to simply make oral representations via a telephone.

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

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

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

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

The Examination Timetable does not specify which if any such approach will be used. The ExA will make final judgements based on the ability to provide secure, accessible and manageable Hearings.

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

The ExA is sensitive to catering for different needs. The ExA is working to make any Hearing as accessible as possible and will provide support and guidance to participants before it takes place.

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

The ExA is considering the use of readily available equipment and software, which most people are likely to have already. Details of the requirements and relevant guidance and support will be provided in due course. It should also be possible to take part in Hearings using a telephone.

**9. How will I be able to join a Hearing?**

Advance notice of a request to speak at or observe Hearings will be required.

The practicalities of the technical arrangements that need to be made in advance of the Hearings mean that the ExA is unlikely to be able to accommodate any requests to speak at Hearings that are not made in advance in accordance with the Examination Timetable. Further details will be provided with the notification of any Hearings.

Technical and management considerations may result in the ExA limiting the number of speakers at any Hearings. Hearings may also be split into shorter sessions allowing participants to take part in those sessions where matters are of interest. The ExA is likely to prioritise Interested Parties and those speaking on behalf of a group of people. The ExA will give the same consideration to any matter, whether it is raised once or several times. The Examination is primarily a written process and points raised in writing have exactly the same standing as those made orally at a Hearing

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

The ExA is considering whether to provide streamed broadcasts of any Hearings. These would allow the Hearings to be observed live as they progress. To receive a streamed broadcast would typically involve the use of a smartphone, or a computer or tablet connected to the internet.

Recordings will be made of Hearings and will be the formal record of the Hearings as has always been the case for Examinations. The recordings will be made available on the project page of the National Infrastructure Planning website as soon as is practicable after each Hearing.

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

Parties who do not speak at the Hearings, but who access the recordings or, if available, streaming broadcast of the Hearings, are invited to make a written submission on the specific matters included in the Hearing Agendas or arising at the Hearings. These submissions are to be made at the deadline for post-Hearing submissions identified in the Examination Timetable.

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

Yes, Interested Parties and Statutory Parties can continue to participate in the Examination through the written process. Deadlines for written submissions are identified in the Examination Timetable.

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

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**13. 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 [A1BirtleytoCoalHouse@planninginspectorate.gov.uk](mailto:A1BirtleytoCoalHouse@planninginspectorate.gov.uk) and explain your circumstances. We will do our best to accommodate your needs and enable different means of involvement.

**14. What additional information will be provided?**

The revised Examination Timetable includes deadlines and dates for activities regarding Hearings. Following the receipt of responses from IPs to the Questionnaire on Hearings, notification will be published of the specific dates, times and type of each required Hearing. Information will be provided on the methods that will be used at Hearings, on any trials and testing in advance of the Hearing to assist with allowing parties to understand the new format, and on the support that will be provided to participants. Agendas for each Hearing will also be published as early as possible before any Hearing.

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

Please visit the project page of the National Infrastructure Planning website regularly for updates:

<https://infrastructure.planninginspectorate.gov.uk/projects/North%20East/A1-Birtley-to-Coal-House-Improvement-Scheme/>

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

**16. How can I be kept up to date with the Examination if I do not have access to the internet?**

Notification of Procedural Decisions will continue to be made by post for those parties who do not have, or have not provided, an email address. We understand that parties without internet access may not be able to access other documents including detailed information contained within any procedural decisions.

If you do not have a computer, tablet or smartphone available to you, please call the Planning Inspectorate Case Team on 0303 444 5000 for further assistance.