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All Interested Parties

Your Ref:

Our Ref: TR010031

Date: 22 May 2020

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Dear Sir/ Madam

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

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

#### **Notification of Hearings and Notification of change from Single Examiner to Panel**

The Examining Authority's (ExA) letter of 7 May 2020, provided an update to the Examination Timetable and requested representations on potential Hearing arrangements, including the possibility of holding virtual Hearings. Thank you to all of you who made representations and completed the questionnaire.

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

The ExA has considered the representations, how best to examine the remaining issues and how best to ensure fairness given the practical constraints arising from COVID-19. Following that consideration, it has been decided to hold a series of virtual Hearings using dates reserved in the Examination Timetable.

This letter provides:

1. Notification of the date, time, place of Hearings to be held week commencing **22 June 2020** and, if required, reserve dates and times for Hearings in the week commencing **29 June 2020**;
2. A request for notification of any wish to speak at Hearings (**by 9 June 2020, Deadline 8**);
3. Outline details for arrangements for the Hearings; and

#### 4. Notification of change from Single Examiner to Panel

### 1. Notification of Hearings

#### **Open Floor Hearings (OFH)**

Notification of the dates, times and places of Open Floor Hearings is provided in accordance with section 93 of the Planning Act 2008.

Open Floor Hearings provide an opportunity for any Interested Party (IP) to make oral representations about the application.

<b>Event</b>	<b>Date</b>	<b>Time</b>	<b>Joining details</b>
<b>Open Floor Hearing 1</b>	<b>Monday 22 June 2020</b>	Arrangements Conference at <b>2.00pm</b>  Hearing Starts at <b>2.30pm</b>	<b>Join by digital device or telephone using details to be provided in forthcoming Agendas</b>
<b>Open Floor Hearing 2</b>	<b>Monday 22 June 2020</b>	Arrangements Conference at <b>6.30 pm</b>  Hearing Starts at <b>7.00 pm</b>	

#### **Issue Specific Hearings (ISH)**

Notification of the dates, times and places of Issue Specific Hearings is provided in accordance with section 91 of the Planning Act 2008.

These Hearings are held because the ExA has decided that it is necessary to hear oral representations on particular issues. In the subsequent Agenda for each Hearing the ExA will invite IPs and any Other Persons that it considers will assist it to examine the matters to be examined for each Issue Specific Hearing.

<b>Event</b>	<b>Date</b>	<b>Time</b>	<b>Joining details</b>
<b>Issue Specific Hearing 2:</b> Landscape and visual (including matters relating to the Angel of the North)	<b>Tuesday 23 June 2020</b>	Arrangements Conference at <b>9.30am</b>  Hearing Starts at <b>10.00am</b>	<b>Join by digital device or telephone using details to be provided in forthcoming Agendas</b>
<b>Issue Specific Hearing 3:</b> Water environment and drainage	<b>Tuesday 23 June 2020</b>	Arrangements Conference at <b>1.30pm</b>  Hearing Starts at <b>2.00pm</b>	
<b>Issue Specific Hearing 4:</b>	<b>Wednesday 24 June 2020</b>	Arrangements Conference at <b>9.30am</b>	

Transport and traffic (including non-motorised forms of transport)		Hearing Starts at <b>10.00am</b>	
<b>Issue Specific Hearing 5:</b> Draft Development Consent Order	<b>Thursday 25 June 2020</b>	<b>Session 1:</b> Arrangements Conference at <b>9.30am</b>  Session starts at <b>10.00am</b>  <b>Session 2 (if required):</b> Arrangements Conference at <b>1.30pm</b>  Session starts at <b>2.00pm</b>	

### **Compulsory Acquisition Hearings**

Notification of the dates, times and places of Compulsory Acquisition Hearings is provided in accordance with section 92 of the Planning Act 2008.

A Compulsory Acquisition Hearing is being held because the Application includes a request for an order granting development consent to authorise Compulsory Acquisition (CA) of land or CA of an interest in or right over land.

<b>Event</b>	<b>Date</b>	<b>Time</b>	<b>Joining details</b>
<b>Compulsory Acquisition Hearing 1 Session 1:</b> The Applicant's overall case for Compulsory Acquisition and Temporary Purchase	<b>Friday 26 June 2020</b>	Arrangements Conference at <b>9:30am</b>  Hearing starts <b>10:00am</b>	<b>Join by digital device or telephone using details to be provided in forthcoming Agendas</b>
<b>Compulsory Acquisition Hearing 1 Session 2:</b> Site/plot specific issues	<b>Friday 26 June 2020</b>	Arrangements Conference at <b>1.30pm</b>  Hearing starts <b>2.00pm</b>	

As well as the Applicant the following parties, or their representatives, are invited to participate in, and therefore provide notice of a wish to speak in, the Compulsory Acquisition Hearings:

- Any Affected Person and any Additional Affected Person who would like to object to Compulsory Acquisition or Temporary Possession

- Statutory Undertakers, Crown bodies and other bodies with special statutory protections under the Planning Act 2008 (as amended) who would like to object to Compulsory Acquisition or Temporary Possession.

## Reserve Hearing dates

The ExA intends to cover all necessary matters as set out above. However, notification is also made of further Hearings in the event that the ExA considers they are required, for example if a Hearing is disrupted by technical issues.

Event	Date	Time	Joining details
<b>Open Floor Hearing 3 (if required)</b>	<b>Tuesday 30 June 2020</b>	Arrangements Conference at <b>9.30 am</b>  Hearing Starts at <b>10.00am</b>	<b>Join by digital device or telephone using details to be provided in forthcoming Agendas</b>
<b>Open Floor Hearing 4 (if required)</b>	<b>Tuesday 30 June 2020</b>	Arrangements Conference at <b>6.30pm</b>  Hearing Starts at <b>7.00pm</b>	
<b>Issue Specific Hearing 6 (if required):</b> <ul style="list-style-type: none"> <li>• Landscape and visual</li> <li>• Transport and Traffic</li> <li>• Water environment and drainage</li> </ul>	<b>Wednesday 1 July 2020</b>	Arrangements Conference at <b>9.00am</b>  Hearing Starts at <b>9.30am</b>	
<b>Issue Specific Hearing 7 (if required):</b> Draft Development Consent Order (if required)	<b>Thursday 2 July 2020</b>	Arrangements Conference at <b>9.00am</b>  Hearing Starts at <b>9.30am</b>	
<b>Compulsory Acquisition Hearing 2 (if required):</b>	<b>Friday 3 July 2020</b>	Arrangements Conference at <b>9.00am</b>  Hearing Starts at <b>9.30am</b>	

## 2. Request for notification of a wish to speak at Hearings

Advanced notice must be provided of a wish to speak at any Hearing. The advanced notice **must include all of the following**:

- your name and (if available) Interested Party reference number;

<https://infrastructure.planninginspectorate.gov.uk>

- your email address (if available), for us to send you arrangement details;
- a telephone number that we can contact you on before and during any Hearing;
- the name of any organisation that you are representing and your role;
- the Hearing(s) and sessions (if applicable) that you would like to speak at and the topic(s) that you would like to raise at the Hearing(s);
- if you would like to speak at Session 2 of the Compulsory Acquisition Hearing, the plot number(s) that you would like to discuss;
- an Examination Library reference number for a document, or a copy of any new material, that you would like to be shared visually at a Hearing; and
- your availability for a virtual Hearings familiarisation session with a member of the Case Team during week commencing 15 June 2020.

Requests of a wish to speak at Hearings are to be provided to the Case Team by **Tuesday 9 June 2020, Deadline 8:**

Email: [A1BirtleytoCoalHouse@planninginspectorate.gov.uk](mailto:A1BirtleytoCoalHouse@planninginspectorate.gov.uk)

Telephone: 0303 444 5000.

Advance notice must also be provided of a wish to observe any Hearing. Requests to observe any of the Hearings should also be received by the same deadline.

The practicalities of the technical arrangements that need to be made in advance of the Hearings mean that the ExA is unlikely to be able to accommodate any wish to speak or to share material visually at Hearings that are not made in accordance with this request.

Technical and management considerations may result in the need to limit the number of speakers at any Hearings. The ExA will prioritise Interested Parties and those speaking on behalf of a group of people. The ExA will give the same consideration to any matter, whether it is raised once or several times. Please note that each Hearing session will last no longer than 2 hours.

### **3. Outline arrangements for the Hearings**

If your wish to speak at a Hearing is accepted, you will receive an invitation to the Hearing which will include joining instructions.

The virtual Hearings will be conducted either over the internet, or by telephone link for anyone without access to the internet, or by teleconference only. You will be able to take part at home. This will be done robustly and fairly and in a way which mirrors as far as possible the way in which physical Hearings have previously been conducted.

Before the Hearings, during week commencing 15 June 2020, a member of the Case Team will contact participants for a virtual Hearing familiarisation session which will enable them to trial their access arrangements for the Hearing(s). This will also be an opportunity to raise any technical queries about access and how to join and participate in the Hearings.

More information on the joining instructions and on the virtual Hearings familiarisation session will be provided week commencing 8 June 2020.

Speakers will use the link or telephone number in the Hearing invitation to join an Arrangements Conference, which will be held half an hour before the start of each

Hearing. This gives time for the Case Team to admit everyone to the Hearing. When you are in the Hearing you will then be able to follow the proceedings by video and/or audio.

The ExA will control the Hearings and will invite participants to speak at the appropriate time, which will normally be as set out in the Agenda. The Hearings are subject to the ExA's powers of control over the conduct of the Hearings. Parties wishing to make a representation will be invited to do so at the ExA's discretion.

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

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

Technical limitations of the technology that is likely to be used for the Hearings mean that we are unlikely to be able to provide streaming broadcasts of the Hearings.

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

The Agendas and detailed arrangements for the Hearings will be published to the project page of the website approximately a week before the Hearings.

If any of the Hearings are no longer required or need to be cancelled/postponed for any other reason, notice will be provided of the ExA's decision to cancel them by the posting of a banner on the project page of the website.

A Frequently Asked Questions document, which includes matters concerning virtual Hearings and may be updated from time to time, is available at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010031/TR010031-000982-200507%20A1%20FAQ%20Version%201.0%20Draft.pdf>

#### **4. Notification of change from Single Examiner to Panel**

Following a review of the initial decision that the above application by Highways England should be handled by a single appointed person a decision has been made (on behalf of the Secretary of State) that the application will now be examined by a panel of two members. Consequently I have been appointed as Lead Member of the Panel and Max Wiltshire has been appointed as the second member. A copy of the change of appointment letter can be viewed at:

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010031/TR010031-001038-200522%20Rule%204\(2\)%20Change%20of%20Appointment%20from%20Single%20to%20Panel%20of%20Examiners.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010031/TR010031-001038-200522%20Rule%204(2)%20Change%20of%20Appointment%20from%20Single%20to%20Panel%20of%20Examiners.pdf)

Please contact the Case Team if you have any questions about this letter.

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In the meantime, we look forward to the continuing Examination of this application.

Yours faithfully

*David Cliff*

**Lead Member of the Panel of Examining Inspectors**

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