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Your Ref:

To All Virtual Hearing Participants

Our Ref: TR010031

Date: Thursday 11 June 2020

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Dear Sir/ Madam

## **Planning Act 2008: Virtual Hearing Arrangements**

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

This letter provides you with further explanation and information to enable you to participate in the Virtual Hearings for the above case which are scheduled to commence on 22 June 2020. Please read it carefully as it contains important joining instructions.

#### **Changes due to COVID-19**

Due to the Coronavirus (COVID-19) measures introduced by the Government <https://www.gov.uk/coronavirus>, social distancing and travel restrictions are in place.

As a consequence, we will not be conducting Hearings face to face in the way we have done before. Instead, we will be conducting these Hearings over the internet, or by telephone link as explained below. Therefore, you will be able to take part at home or from a safe place. We will do this in as fair and robust a way as possible.

#### **Preparing for the Hearings**

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 the Hearings over the internet using a video link. You may have used video links to talk to friends and family using FaceTime, Skype or WhatsApp, for example. If you have, this will give you an idea of what to expect. 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 only 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, but you have a telephone with a keypad, you can instead use the telephone number provided in the invitation enabling you to hear and to speak.

The Agendas for the Hearings will be published on the [project page of the National Infrastructure Planning website](#) a week before the Hearings. Interested Parties, who have provided advance notice of their wish to speak at or observe any of the Hearings, and those invited to attend the Hearings by the Examining Authority (ExA), will be sent an invitation to join the Hearing(s) using the internet or by telephone. The invitation will be sent shortly before the start of the Hearing. The technology we will be using is Microsoft Teams. In **Annex 1** we have provided a link to further information on how to use this.

### **Privacy Notice Amendment - Handling your personal information**

Your privacy is important to us. The attached privacy notice amendment in **Annex 2** explains the personal data that we will be processing specifically for these Virtual Hearing events. The current [National Infrastructure Privacy Notice](#) is to be read in conjunction with this amendment before sending information/personal data to the Planning Inspectorate. The amendment sets out how we will change our data collection and the processing of that data in order to run Virtual Hearings.

Please note that when joining a Virtual Hearing on certain digital devices or by phone, other parties may be able to see the email address or phone number that you use to join the event. There are some well-established methods that you can use to avoid the un-intended disclosure of your personal information and **Annex 3** provides advice on these. Please read it before you join the Hearing and take the steps that you feel necessary to protect your privacy.

You **must not** make any casework submissions in the Microsoft Teams 'Chat' facility and this will not be monitored. You **must** continue to use the project email address: [A1BirtleytoCoalHouse@planninginspectorate.gov.uk](mailto:A1BirtleytoCoalHouse@planninginspectorate.gov.uk), for any further written submissions.

### **Test Events**

To give everyone a chance to practice using the proposed technology and ensure they can successfully participate in the Virtual Hearings, we propose to hold a brief Virtual Hearing familiarisation session (test event) on Wednesday 17 June 2020 at 2pm (for users of digital devices) and on Wednesday 17 June 2020 at 3pm (for telephone users). This will also give you the opportunity to ask any questions you may have in relation to the technology. Please note, this is not an opportunity to air any views in relation to the planning merits of the application and the ExA will not participate in it. We estimate that a test event might take around half an hour.

### **Actions required by participants on the day of an individual hearing**

- Please access the Virtual Hearing at the stated registration time for the event (30 minutes before the start). This gives time for the Case Officer to admit everyone to the Arrangements Conference that is held before the Hearing. You will be held in a 'Lobby' until the Case Officer is able to admit you. Provide your name, your Interested Party or equivalent reference number (found at the top of the email or

letter dated 22 May 2020 notifying you of the Hearings and beginning with either 'A1BC' or '2002'), any further identifying information that the Case Officer requests of you, and confirm the Agenda items that you wish to speak on.

- You will then be able to follow the proceedings by video link, audio link or telephone.
- The ExA will control the Hearing and will invite you to speak when it is your turn.

As is normal practice for National Infrastructure Hearings, the Hearing will be recorded and the recording will be published on the project page of the National Infrastructure Planning website after the Hearing has concluded. You will be informed before any recording commences and for digital device participants a banner will be displayed on your screen. We may also record parts of the test events and the pre-hearing Arrangements Conference for training and quality assurance purposes. We will not publish any recordings taken during the test events or the Arrangements Conference.

### **What if things go wrong?**

If you experience problems with your connection, you should immediately contact the Case Officer by email or telephone using the contact details in the joining invitation that will be sent to you before the Hearing. They will attempt to help you to 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.

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. This may include requesting you to view or listen to a recording of the Hearing and/or to make a submission in writing by **Wednesday 8 July 2020, Deadline 9** in the Examination Timetable.

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.

If any of the Hearings, including the reserve Hearings, are no longer required or if the arrangements change then reasonable notice will be provided of the decision to cancel or amend them by posting a banner on the project page of the National Infrastructure Planning website. The ExA may decide to cover issues through written submissions rather than in a Hearing. Please check the website regularly, and shortly before each Hearing, for updates.

If you have any further queries, please contact the Case Officer using the details at the top of this letter. Please do not send any physical correspondence to the above address. Use email or telephone instead.

Yours faithfully

*David Cliff*

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

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

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



## Annex 1

The following link will take you to information about **how to use Microsoft Teams on a digital device**.

<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 (Apps) 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 and Google Chrome (free of charge) can be installed to enable it to work. On a smartphone or tablet there are Microsoft Teams Apps 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>

**If you want to use Microsoft Teams on a phone** using your voice connection rather than the internet, your joining invitation will tell you how to do this. You will be provided with a telephone number to call and a conference ID number. Once you have dialled the phone number, you will be prompted by voice to enter the conference ID followed by the hash # key.

Please be aware that depending on your phone contract you may be charged for your call. A general guide to UK calling charges can be found here: <https://www.gov.uk/call-charges>. However, please check with your own telephone service provider for up to date information on the possible cost of your call.

The test event referred to in the covering letter provides you with an opportunity to practice joining an event by digital device or telephone, before the Hearing itself begins.

**Please read Annex 3** and ensure that you are aware of the steps that you need to take to protect your personal information and privacy, before you join a test event or a Hearing.

## Annex 2

### Privacy Notice Amendment for this Virtual Hearing.

#### What will be collected?

- E-mail address
- Phone number (if a participant joins by mobile)
- IP address
- Display Name
- Self-Image – If video is shared
- A video or audio recording of the event

#### How is it collected?

- E-mail address requested in event invite.
- Phone numbers - If the participant joins by phone, then your phone number would be visible to all participants (this can be masked by the individual by turning off Caller ID, generally known as dialling 141) in which case a random number is displayed.
- IP address – Connections to Microsoft Teams will capture the IP address of the participant.
- Display Name – This is collected from the participants joining details
- Self-Image – This is collected when the participant activates their camera
- A video or audio recording of the event – This is collected when the participant activates their microphone and/ or camera

#### What metadata will be taken from joining?

- IP Address, joining account information (Email address), Browser Type (If browser is used instead of Teams App)

#### Where will it be stored?

- E-mail addresses, Phone numbers, Display Name and Self-Image (will be stored in the virtual meeting room, within Exchange Online, MS Stream (Video Recording) and as appropriate will be transferred to an internal case management system.
- A video or audio recording of the event forms a document in the case record for all National Infrastructure casework and will be held within Exchange Online, MS Stream (Video Recording) and as appropriate will be transferred to an internal case management system and will also be published (for streaming access or download) on the project page of the National Infrastructure Planning Website: <https://infrastructure.planninginspectorate.gov.uk/>.
- IP Address and Metadata  
(*Will be stored in the Audit Log*)

#### Cookies

- The Planning Inspectorate does not use any of our own technology or storage for the creation and presentation, or collection of cookies or web-beacon analytics.
- Cookies are collected by Microsoft, which is covered in their Privacy Statement [here](#).

## Annex 3

### Privacy Advice for all Participants on Video and Audio Recording

All National Infrastructure Hearings are recorded, and recordings are published on the project page of the National Infrastructure Planning website. By established practice, a digital audio recording has been published. You are advised not to place private and confidential material onto the oral record. If you feel that you need to do so to support your case, seek procedural advice from the ExA before you do so.

The technology used for a Virtual Hearing supports digital video recording by default. If you are participating using a digital device but you do not wish to be included in a published video recording, you have the option to switch off your device camera during the Hearing and the recording will be of your voice alone.

The Secretary of State for Communities and Local Government (as was) has provided guidance on the examination of National Infrastructure applications for development consent<sup>1</sup>. This guidance provides as follows:

*'Hearings should be open to journalists and the wider public, as well as interested parties. Provided that it does not disrupt proceedings, all individuals present at hearings should be allowed to report, record and film proceedings including using electronic and social media. Examining inspectors will advise persons present at the start of hearings that the proceedings may be recorded and/or filmed, and that any persons using social media during or after the end of the proceedings should do so reasonably.'*

This guidance remains unchanged and so all participants in a virtual event must be aware that the event may be recorded by any attendee and that any such activity will only be regulated if it becomes unreasonable or disruptive to the event.

### Privacy Advice for Users of Digital Devices

Microsoft Teams will normally display the name and may sometimes also display the email address of Virtual Hearing participants to all other Hearing participants who are using digital devices.

After you click your joining link but before you join the Virtual Hearing, Microsoft Teams will enable you to type in the name that you wish to be displayed. You can choose what name to type in and can add an organisation name too if you need to. It needs to be sufficient to enable the ExA to identify you in the Virtual Hearing.

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. You would need to provide any alternative email address from the one we are currently using for you **by Monday 15 June 2020** at the latest. This is so that we can send out the joining invitation with the link for joining both the planned test event and for the actual Hearing ahead of the event.

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<sup>1</sup> Planning Act 2008: [Guidance for the examination of applications for development consent](#); Department for Communities and Local Government, March 2015 at paragraph 102.

Please check with your internet or email service provider or an intended alternative email service provider before the test event and the actual Hearing 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.

### **Privacy Advice for Telephone Users**

Microsoft Teams will normally record and play the name and display the telephone numbers of Virtual Hearing participants to all other Virtual Hearing participants who are using digital devices.

You can chose what name to record. It needs to be sufficient to enable the Inspector(s) to identify you in the Hearing.

If you do not want to display your telephone number, you are reminded to add a privacy prefix before you dial the telephone number for the Virtual Hearing. 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 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 test event and the Hearing and ensure that you have taken any steps that you wish to take to prevent the disclosure of your telephone number to other users.