



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

Frequently Asked Questions (FAQ)

Version 2.0 issued on 16 June 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 virtual Hearings. 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 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 (ExQ2) on 6 April 2020. Several 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 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 issued 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 Hearings, starting from 22 June 2020.

The ExA issued a Rule 8(3) procedural decision on 7 May 2020 to provide an updated Examination Timetable including new Hearing dates.

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

After considering the representations received about virtual Hearings, how best to examine the remaining issues and how best to ensure fairness given the practical constraints arising from the coronavirus (COVID-19) situation, the ExA decided to hold further Hearings on the dates reserved in the Examination Timetable. The date, time and place of those Hearings were notified on 22 May 2020 and 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/postpone them by the posting of a banner on the project page of the website.

Nevertheless, the Examination is primarily a written process and the ExA also published further Written Questions (ExQ3) on 26 May 2020.

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.

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 a publicly accessible forum. 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 encourages 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.

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 making arrangements for Hearings that are accessible for people at home using a computer, tablet or smartphone connected to the internet or a telephone. 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. How can I request to be heard at a Hearing?

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, as set out in the [notification of Hearings letter](#) dated 22 May 2020.

Technical and management considerations may result in the ExA limiting the number of speakers at any virtual Hearings. Virtual 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 the same standing as those made orally at a Hearing

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

The practicalities of the technical arrangements that need to be made in advance of the virtual Hearings mean that the ExA is unlikely to be able to accommodate any requests to observe virtual Hearings that are not made in advance in accordance with the Examination Timetable, as set out in the [notification of Hearings letter](#) dated 22 May 2020.

As is normal practice for National Infrastructure Hearings, the Hearings will be recorded, and the recordings will be published on the project website as soon as is practicable after the Hearings.

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 website as soon as is practicable after each Hearing. Technical limitations of the technology that we are likely to be using for the virtual Hearings mean that we are unable to provide streaming broadcasts of the virtual Hearings.

We may also record the Test Event(s) and Arrangements Conferences for training and quality assurance purposes. We will not publish the recording of a Test Event or Arrangements Conference.

8. 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, or observe the Hearings, but who access the recordings 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 (8 July 2020).

9. 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.

10. 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.

11. 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 connected to the internet available to you, please call the Planning Inspectorate Case Team on 0303 444 5000 for further assistance.

12. How will you manage my personal information?

Your privacy is important to us and information about how the Planning Inspectorate collects and handles your personal information is contained in the [National Infrastructure Privacy Notice](#). Important information about an amendment to the Privacy Notice is contained in the letter about the virtual Hearing Arrangements to [all Virtual Hearing participants, dated 11 June 2020](#).

The amendment at Annex 2 of that letter sets out how we will change our data collection and the processing of that data in order to run a virtual Hearing or Test Event (familiarisation session).

Please note that when joining a virtual Hearing or Test Event 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 2 provides advice on these. All virtual Hearing participants are requested to read the letter before joining a virtual Hearing or Test Event and take the steps they feel necessary to protect their privacy.

The virtual Hearing

13. Can you provide more details about telephone conferencing and video conferencing ?

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.

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 (MS) Teams to deliver the virtual Hearings. This software is widely available already and you may have used it before. Guidance on using MS Teams is referred to below.

14. 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 with the Planning Inspectorate to make any virtual Hearing as accessible as possible and will make arrangements for support and guidance to be provided to the participants of the Hearings. Those who have signed up to participate in the virtual Hearings will have an opportunity to attend a Test Event (familiarisation session) in the week preceding the first week allocated to the Hearings. This will be an opportunity to raise any technical queries about access and how to join and participate in the virtual Hearings.

15. 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 virtual 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 virtual Hearings using a telephone with a keypad.

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

16. Will help be available and will I be able to have a trial run

We will hold two Test Events on Wednesday 17 June 2020, one at 2pm for those participants who have indicated they will attend a virtual Hearing via the internet and one at 3pm for those participants who have indicated that they will attend a virtual Hearing via the telephone. If you have notified us in accordance with the Examination Timetable, as set out in the [notification of Hearings letter](#) dated 22 May 2020, of your wish to speak at or observe a virtual Hearing then you will

receive an invitation to join the Test Event week commencing 15 June 2020. The invitation will contain all the information needed to take part in the Test Event. If you are unable to join either of these Test Events, please contact the Case Team:

Email: A1BirtleytoCoalHouse@planninginspectorate.gov.uk

Phone: 0303 444 5000

The Test Event will give participants the opportunity to use MS Teams and the main controls that are likely to be useful. It will also be an opportunity to ask any questions you may have in relation to the technology or the arrangements. Please note, this will not be an opportunity to air any views in relation to the merits of the application and the Examining Authority will not participate in it. We estimate that the Test Event will take around 30 minutes.

17. How will I be able to join the Hearing?

If you have notified us in accordance in with the Examination Timetable, as set out in the [notification of Hearings letter](#) dated 22 May 2020, of your wish to speak at or observe a virtual Hearing then you will receive an invitation by email with Joining Instructions, including a web address link and/or telephone number for the purposes of signing-in to the virtual Hearing, **between 1 and 24 hours before the start** of each event.

18. What can I expect once I'm signed-in to the event?

All participants are required to attend an Arrangements Conference with the Case Team that will start 30 minutes before each 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 may not be 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 unique 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. You will then be able to follow the proceedings by video and/or audio. The ExA will invite participants to speak at the appropriate time, which will be set out in the relevant Agenda.

19. How should I prepare for a virtual Hearing?

Please prepare for the virtual Hearings and give them and other participants the same respect as you would for a physical Hearing:

- 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 phone 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, the Examination Library and any 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 MS Teams background options; and
- 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 invitation, in case of a complete computer failure just before or during the Hearing.

20. What else do I need to know about a virtual Hearing?

The virtual Hearing is unlikely to proceed exactly as a physical Hearing. 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 consulting privately 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.

21. 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 in the invitation 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.

Joining the Virtual Hearing via the internet

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

The following link will take you to information about how to use MS 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 MS 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 App 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 MS Teams Apps for most devices, and you will normally need to install these (free of charge). Search for 'MS 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 invitation email containing the joining instructions (to be sent **just before the event**) to the email account on the computer, tablet or smart phone that you are due to join on. Please note that a different email invitation with a different web address link will be provided for each virtual Hearing
- Click on the web address link provided in the invitation email
- Either join using MS Teams (if you have it installed), or 'join on the web instead', which will use your internet browser.
- Check that your computer, tablet or smart phones camera (where available) and microphone and speakers are turned on. Some computers, tablets or smart phones require them to be physically plugged in. Some require settings or permissions to be changed and the browser, computer, tablet or smart phone to be restarted before you can connect.
- The MS Teams App 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?

MS 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 invitation email and 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 virtual 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. For further information please see the letter about the Virtual Hearing Arrangements to [all Virtual Hearing participants, dated 11 June 2020](#)

26. How will I know which documents the ExA refers to during the Virtual Hearing as I won't be able to see them?

Where necessary, a small number of documents may be shared during the Hearings. 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/TR010031/TR010031-000602-A1Birtley%20to%20Coal%20House%20Examination%20Library.pdf>

Accessing the virtual Hearing from a computer or tablet using the web address link provided in the invitation email 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.

27. 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 MS Teams toolbar at the bottom of the screen.

28. 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 MS 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. It is important to 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.

29. 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 MS Teams toolbar and use voice only. Please ensure that your camera is switched off when you are not speaking.

Joining the Virtual Hearing via telephone

30. 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.

31. How do I join by telephone?

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

- Dial the telephone number included in the joining instructions;
- enter the conference ID number from the joining instructions (nine figures) on your keypad, followed by the # (hash) key;
- you will then be prompted to record your name, which will be announced in the meeting, and will then enter a virtual 'Lobby'. Please be patient and a member of the Case Team will admit you into the Arrangements Conference or Hearing.

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

The default setting in MS Teams means that your number will be visible to parties who chose to participate in the virtual Hearing or Test Event by video.

If you do not want to display your telephone number, please add a privacy prefix before you dial the telephone number included in the joining instructions. 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.

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

If you join via the telephone 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.

34. Will I be able to mute and unmute my telephone during the meeting?

You can mute and unmute by pressing * then 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.

35. 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 Hearings. 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/TR010031/TR010031-000602-A1Birtley%20to%20Coal%20House%20Examination%20Library.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.

36. 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?

37. 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 invitation 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.

38. 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.

39. 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 Hearings are unlikely to proceed. The ExA may also decide that it is possible for further written submissions to be made on any agenda items that were not able to be considered at a Hearing.