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All Interested Parties, Statutory Parties
and any other person invited to the
Preliminary Meeting

Your Ref:

Our Ref: TR010054

Date: 20 August 2020

Dear Sir/ Madam

Planning Act 2008 – Section 88 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 4, Rule 6, Rule 9, Rule 13

Application by Highways England for an Order Granting Development Consent for the M54 to M6 Link Road

Invitation to the Preliminary Meeting, draft Examination Timetable and notification of hearings

I write to you following my appointment by the Secretary of State as the lead member of a Panel who will be the Examining Authority (the Panel) to carry out an examination of the above application. I am Robert Jackson and the other member of the Panel is Ken Stone. A copy of the appointment notice can be viewed at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010054/TR010054-000384-Notice%20of%20Appointment%20of%20Panel%20of%20Examiners%20TR010054.pdf>.

We would like to thank those of you who submitted Relevant Representations. These representations have assisted us when preparing our proposals regarding how to examine this application.

Matters prior to the Preliminary Meeting

On 20 July 2020 we issued a Progress note¹ advising parties that in light of the COVID-19 pandemic we were considering undertaking the Examination meetings and hearings virtually and requested information from the parties on this. Thank you to those who contributed to assist us in decided how we might examine the application in these circumstances.

¹ Examination Library reference number [PD-005]

We have now made proposals taking account of your input and the current and likely effect of ongoing public health controls. We propose to start the Examination using virtual methods but to remain flexible so that, should public health requirements allow, we have the option of holding physical events if we can. In any event, participants are reminded that the Examination process is predominantly a written one.

We have updated the Examination **Frequently Asked Questions (FAQs)**² to explain how virtual events will be held and how you can get involved. Please read this material carefully. We will update the FAQs from time to time at the discretion of the Panel.

In our Progress Note we also requested that parties progress their responses to our Written Questions and the Statements of Common Ground between them, and that local authorities start to prepare their Local Impact Reports.

Invitation to the Preliminary Meeting

Through this letter we are inviting you to the Preliminary Meeting to discuss Examination procedures for the M54 to M6 Link Road Nationally Significant Infrastructure Project (NSIP) Examination. This letter contains a number of important annexes, including **Annex A** (the Agenda) and **Annex B** which introduces the Preliminary Meeting, explains how it will be conducted and how you can participate.

Dates of meeting:	Thursday 1 October 2020³ and Tuesday 20 October 2020
Arrangements conference:	9.30am on both days
Meeting begins:	10.00am on both days
Venue:	Virtual event (please refer to annexes A and B and the Frequently Asked Questions)

Please note that the Preliminary Meeting will adjourn on 1 October 2020 rather than close. The second date, **20 October 2020**, is for a resumption of the Preliminary Meeting, following the adjournment, to allow for the consideration of written submissions by Interested Parties who could not make oral submissions.

Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to us about the way in which the application is to be examined. At this stage the Panel is looking at the procedure and not the merits of the application. The merits of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed.

² Examination Library reference number [PD-006]

³ There will be a reserve date of Wednesday 2 October 2020, should it be needed due to technical or other issues.

We wish to run a fair, efficient and effective meeting so that all relevant views can be heard. As such, we strongly encourage groups of individuals who have similar views on the procedure to choose one representative to speak for the group.

Please remember this meeting is only about the process of Examination, and we will not be hearing any representations at this meeting about the merits of the Proposed Developments or the applications.

The Preliminary Meeting provides a useful introduction to the Examination process. We will use it to make Procedural Decisions that will affect everyone participating in the Examination. The meeting provides you with an opportunity to have your say about procedural issues before these decisions are finalised. If you intend to play an active part in the Examination or you have questions about procedure it is useful to attend the meeting.

The agenda for the meeting is at **Annex A**. The agenda, our Main Issues for the examination at **Annex C** and the draft Examination Timetable at **Annex D** have been prepared following our reading of the application documents and all of the Relevant Representations received. We will wish to hear at the meeting from the Applicant and other Interested Parties if and, where necessary, what changes to the draft Examination Timetable they consider may be required to assist the process.

Registering to be involved in the Preliminary Meeting

As the Preliminary Meeting is to be held virtually, it will be held in three parts (Preliminary Meeting: Part 1, an adjournment and Preliminary Meeting: Part 2). A full explanation of the approach is provided in the updated FAQs.

You can use the **Preliminary Meeting Involvement Form⁴** to request to be heard at the meeting, to identify the matters you would like to discuss or to make submissions in writing for consideration if you are unable to attend. You must complete the form by **Procedural Deadline A** (10 September 2020).

Because participation in a virtual Preliminary Meeting relies on the provision of a joining link or telephone number in advance, it is critically important that you think about whether you wish to speak or just observe the meeting and confirm your involvement by **Procedural Deadline A** (10 September 2020).

Please note that due to the nature of the event, we can only accommodate participation on the day by those who register to speak by 10 September 2020, and numbers may need to be limited.

We will give written submissions the same weight as any oral contributions made during the Preliminary Meeting. It will not be necessary to repeat any written submission through speaking at the Preliminary Meeting.

On receipt of requests to participate from Interested Parties, we will consider them and may contact some parties to confirm their type of involvement in line with the

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https://forms.office.com/Pages/ResponsePage.aspx?id=mN94W1hVq0ITpmM5VcIjW_BCnygzRxIjLsjHsnGQhtUMjZLOEIEUTAwTDFMWDkwQUE3RKVEMDJENS4u

information provided in the Involvement form, in advance of the Preliminary Meeting taking place. As such, prospective participants are advised to keep the whole day available.

Attendance at the Preliminary Meeting

The Preliminary Meeting is anticipated to be live-streamed to anyone who has pre-registered and will be recorded. The recording will be published on the National Infrastructure Planning website as soon as practicable after the adjournment and then again after the resumption session

People who have not made a request to speak will still be able to register to access a live-stream or view the recording afterwards and so the meeting will be in public.

Please note that **you are not required to make oral or written submissions at the Preliminary Meeting in order to participate in the Examination**. If you are an Interested Party, you will still be able to make a Written Representation and comment on the Written Representations made by other Interested Parties. You will also be able to participate in any hearings that are arranged. Should you no longer wish to be an Interested Party and do not wish to be involved in the Examination process, you can notify the Case Team of this in writing.

After the Preliminary Meeting

After the Preliminary Meeting you will be sent a letter setting out the finalised Examination Timetable. A recording and a note of the meeting will also be published on the project webpage on the National Infrastructure Planning website.

Interested Parties have the right to request an Open Floor Hearing and those persons affected by any request for Compulsory Acquisition or Temporary Possession of their land or rights may request a Compulsory Acquisition Hearing. Any other Issue Specific Hearings are held at the discretion of the Panel and will be arranged if we feel that consideration of oral representations would ensure an issue is adequately examined.

The Examination will be held using a combination of written and hearing procedures that are explained in **Annex B** in addition to consideration of the application documents, policy and legal positions, site inspections and any other matters we consider to be relevant and important. The FAQs also answer questions on procedure and the methods of conducting virtual events.

In the event that we are able to hold physical hearings later in the examination, an audio only recording will be published on the project webpage on the National Infrastructure Planning website.

All relevant and important matters will be taken into account when we make a recommendation to the Secretary of State for Transport, who will take the final decision in this case.

Notification of hearings

We have made a Procedural Decision to hold the following hearing in the first week of the Examination:

- A virtual Open Floor Hearing (OFH1) on Wednesday 21 October.

Important information about this hearing is contained within **Annex E**.

Information about how to request to speak at this hearing will be made available on the project webpage on the National Infrastructure Planning website shortly after part 1 of the Preliminary Meeting.

Other Procedural Decisions made by the Examining Authority

In addition to the hearings notified above, we have made some further Procedural Decisions which are set out at **Annex F**.

Managing Examination correspondence

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email and using online questionnaires, as electronic communication is more environmentally friendly and cost effective for the taxpayer.

If you have received a postal notification but are able to receive communications by email please confirm this with the Case Team, using the contact details at the top of this letter, by **Procedural Deadline C** (3 November 2020).

Up-to-date information about the project and the Examination can be obtained from: <https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m54-to-m6-link-road/?ipcsection=overview>. This is the address for the project webpage on the National Infrastructure Planning website, from which the Planning Inspectorate will make copies of all Examination Documents available to the public. As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with this resource.

There is a function on the right-hand side of the project web page called 'E-mail updates'. This provides you with an opportunity to register to receive e-mail updates. We would encourage you to make use of this. You will receive an e-mail to keep you up to date at key stages during the Examination. It is likely, if the Preliminary Meeting is to be live-streamed, that the link to the event will be made available here, shortly before the event is to take place.

Your status in the Examination

You have received this letter because you fall within one of the groups described in the Planning Inspectorate's document ['What is My Status in the Examination?'](#):

If your reference number begins with '2002', '54M6-0', '54M6-AFP', '54M6-S57' '54M6-APL' you are in Group A. If your reference number begins with '54M6-SP' you are in Group B. If your reference number begins with '54M6-OP' you are in Group C. The

meaning and purpose of those groups are explained in the document published at the link above.

If having read this document you are still unsure about your status, please contact the Case Team using the details at the top of this letter.

Deadlines

Please note that all deadlines in the draft Examination Timetable and as referred to in this letter are at 23:59 hours on the deadline day unless explicitly stated otherwise.

Award of costs

We also draw your attention to the possibility of the award of costs against Interested Parties who behave unreasonably. You should be aware of the relevant costs guidance 'Awards of costs; examinations of applications for development consent orders' which applies to Nationally Significant Infrastructure Projects. This guidance is available at: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/guidance/>

Management of information

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this project (if accepted by the Panel) and a record of any advice which has been provided by the Planning Inspectorate, is published at: <https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m54-to-m6-link-road/?ipcsection=docs>

All Examination Documents can also be viewed electronically at the locations listed in **Annex G**.

Please note that in the interest of facilitating an effective and fair Examination, we consider it necessary to publish some personal information. To find out how we handle your personal information, please view our [Privacy Notice](#), as amended by **Annex H** of this letter.

We look forward to working with all parties in the examination of this application.

Yours faithfully

Robert Jackson

Lead Member of the Panel of Examining Inspectors

Annexes

- A** Agenda for the Preliminary Meeting
- B** Introduction to the Preliminary Meeting
- C** Main Issues for the Examination
- D** Draft Examination Timetable
- E** Notification of Hearing
- F** Other Procedural Decisions made by the Examining Authority

- G** Availability of Examination Documents
- H** Coronavirus Response: Examination Practice Changes and Your Privacy

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) (and the Amendment to it in Annex H to this letter) before sending information to the Planning Inspectorate.

Agenda for the Preliminary Meeting

The Preliminary Meeting (PM) is to be held virtually and will be conducted in the following stages:

- **PM Part 1: Agenda Items 1 to 10.** If there are large numbers of requests to be heard, more than one session will be held, to ensure that those who request to speak with specific issues to raise can do so. Speaking links will be allocated to Interested Parties (IPs) with specific issues to raise. Interested Parties and Other Persons who do not have specific issues to raise can listen to a live-stream or to recordings published on the website as soon as practicable after the meeting. The meeting will be adjourned after as many sessions as necessary to address requests to be heard have been conducted. The project page for the application on the National Infrastructure (NI) Planning website will be updated closer to the date of the meeting with a more detailed agenda which will confirm how many sessions will be used.
- **Adjournment:** This enables all IPs to use the live-stream or recordings published on the National Infrastructure project website ('NI website') to listen to all matters raised in any session of the meeting that they were not able to attend in person. Written submissions responding to these can be made by **Procedural Deadline B** (12 October 2020). Written submissions made by **Procedural Deadline B** are substantive contributions to the PM, carrying equal weight to the oral submissions made in Parts 1 or 2.
- **PM Part 2: Agenda Items 11 to 14 and closure of the meeting.** The Examining Authority will carefully consider all oral submissions made in Part 1 and written submissions made by **Procedural Deadline B**. The PM will then resume (Part 2) to enable Procedural Decisions to be made. The PM will close at the end of PM Part 2.

Agenda - Preliminary Meeting Part 1

Meeting Date:	1 October 2020 (reserve date of 2 October - if required)
Arrangements Conference:	09:30am
Meeting start time:	10:00am¹
Venue:	Virtual event Full instructions on how to join online or by telephone to follow to those who register to participate.
Attendees:	Invited Parties who have pre-registered

Item 1	Introduction to the Preliminary Meeting: - Welcome and introductions
Item 2	The Examining Authority's (ExA) remarks about the virtual PM process: - Procedural requests relating to this item that have been submitted in writing by Procedural Deadline A (10 September 2020)
Item 3	The ExA's remarks about the Examination process: - Providing flexible Examination programme - Need to raise all matters at the earliest relevant point of Examination - Procedural requests relating to this item that have been submitted in writing by Procedural Deadline A (10 September 2020)
Item 4	Main Issues – Annex C - Procedural requests relating to this item that have been submitted in writing by Procedural Deadline A (10 September 2020)
Item 5	Draft Examination Timetable – Annex D - Procedural requests relating to this item that have been submitted in writing by Procedural Deadline A (10 September 2020)
Item 6	Deadlines for submissions and notifications - Written Representation (WR) - Local Impact Reports (LIR) - Responses to ExA's Written Questions (ExQ) - Statements of Common Ground (SoCG) - Notifications relating to hearings

¹ Please check the agenda, issued on the project website in advance of the meeting, in case the meeting has been divided into sessions.

	- Procedural requests relating to this item that have been submitted in writing by Procedural Deadline A (10 September 2020)
Item 7	Dates and format for Open Floor Hearing (OFH), Compulsory Acquisition Hearing (CAH), Issue Specific Hearing (ISH) and for Accompanied Site Inspections (ASI), if held - Procedural requests relating to this item that have been submitted in writing by Procedural Deadline A (10 September 2020)
Item 8	Latest position as regards the Applicant's proposed changes to the application, related procedural matters and/or timetable provisions. - Procedural requests relating to this item that have been submitted in writing by Procedural Deadline A (10 September 2020)
Item 9	Any remaining questions or submissions regarding procedural matters not set out in the agenda that have been submitted to the Planning Inspectorate in writing by Procedural Deadline A (10 September 2020)
Item 10	Any other matters
Adjournment of the Preliminary Meeting	

Agenda - Preliminary Meeting Part 2 (Resumption)

Meeting Date:	20 October 2020
Arrangements Conference:	09:30am
Meeting start time:	10:00am
Venue:	Virtual event Full instructions on how to join online or by telephone to follow to those who register to participate.
Attendees:	Invited Parties who have pre-registered

Item 11	Resumption of the Preliminary Meeting: - Welcome and introductions
Item 12	The Examining Authority's (ExA) remarks about the Examination process: - Responses to written submissions received by Procedural Deadline A (10 September 2020) (if required) - Responses to oral submissions received at the PM Part 1 - Responses to written submissions submitted to the Planning Inspectorate in writing by Procedural Deadline B (12 October 2020)

Item 13	Latest position as regards the Applicant's proposed changes to the application
Item 14	Any Procedural Decisions made by the ExA
Item 15	Any other matters
Close of the Preliminary Meeting	

Please note:

If you wish to be heard orally at the PM Part 1, you must request to do so using the [Preliminary Meeting Involvement Form](#)² by **Procedural Deadline A** (10 September 2020).

Please be available from the start and throughout the meeting (or any relevant part or session of the meeting that you are asked to attend). The agenda is subject to change at the discretion of the ExA, although in making changes the ExA will be mindful of the need to provide opportunities for fair involvement to all IPs. The ExA will conclude the meeting (or any relevant part or session of the meeting) as soon as all relevant contributions have been made. If there are any additional matters to be dealt with or submissions take a considerable amount of time the ExA may change the order of the agenda items and may introduce breaks in the proceedings, including within any part or session of the meeting.

If a large number of people wish to participate in the PM it may be necessary to divide the meeting into sessions, not all sessions of the meeting will address all parts of the agenda. Participants will be invited joined to a session or sessions that most closely address those parts of the agenda that reflect their requests for involvement. It is important that when requesting involvement, you identify the agenda items on which you wish to speak.

If it is not possible to join you to a session in which an agenda item that concerns you is to be raised, you will be asked to listen to the relevant session using the livestream or the recording available from the NI website during the adjournment and to make your comments in writing by **Procedural Deadline B** (12 October 2020).

If you wish to be heard orally at the Preliminary Meeting Part 2, you must request to do so by **Procedural Deadline B** (12 October 2020) by completing the form issued following Part 1 of the PM. Requests to be heard at the Preliminary Meeting Part 2 will need to demonstrate that the matter to be spoken on is new (ie was not addressed in the PM Part 1 and that this is because the requesting party did not speak in the PM Part 1) or is the subject of an outstanding disagreement (ie parties have requested different procedural approaches on which the ExA needs to adjudicate as part of any Procedural Decision).

²

https://forms.office.com/Pages/ResponsePage.aspx?id=mN94WIhvg0iTpM5VcljW_BCnygzRxIjLsjHsnGQhtUMjZLOEIEUTAwTDFMWDkwQUE3RkVEMDJENS4u

Introduction to the Preliminary Meeting

Background

The Preliminary Meeting (PM) for the M54 to M6 Link Road Project will take place virtually, but the format, content and procedure will be very similar to the traditional, face-to-face PMs that have been held for other National Infrastructure Examinations.

We are conscious of videoconferencing fatigue and aim to keep the proceedings focussed and as efficient as possible. This Annex provides advance access to information that would usually be included in the ExA's introductory remarks following the opening of the PM. Please read this carefully. The ExA will only present a summary of the key points set out here on the day, saving time to ensure fair speaking access for all who request it.

The Examining Authority

The Members of the ExA will introduce themselves at the start of the Preliminary Meeting. However, this is set out below to avoid repetition at individual sessions to the PM. They are:

Examining Inspector Lead Member: Robert Jackson

He is a Chartered Town Planner and Member of the Chartered Management Institute, having over 30 years' experience in town planning and associated fields.

Member: Ken Stone

He is a Chartered Town Planner having in excess of 30 years' experience. He has been a Planning Inspector since 2013.

The Case Team

We will be supported by the Planning Inspectorate Case Team. Eleanor Church and Candice Patten are respectively the Case Manager and Case Officer for this application. During the Arrangements Conference a member of the case team will welcome and admit participants into the Arrangements Conference for the virtual PM, and will be available to answer questions by email before and after the PM. The relevant contact address is:

- M54toM6LinkRoad@planninginspectorate.gov.uk

Purpose of the Preliminary Meeting

The PM is being held to discuss the arrangements for Examination of the application for Development Consent for the M54 to M6 Link Road which is a Nationally Significant Infrastructure Project (NSIP), and which will generally be referred to in the PM and Examination as the 'Proposed Development'. The application has been made by Highways England, who will be referred to as 'the Applicant'.

You will find information about the application and, in due course, documents produced for the Examination on the Planning Inspectorate's National Infrastructure website ('NI website'). The project has a dedicated page, with links to Examination procedure, the examination timetable, Relevant Representations and Examination documents. The relevant NI website project page is:

<https://infrastructure.planninginspectorate.gov.uk/projects/West%20Midlands/M54-to-M6-Link-Road/>

You are encouraged to look at the NI website project page if you haven't already done so, because they will be used to communicate with you and to provide access to documents throughout the Examination. There is the option on the project page to register your interest to receive updates and we would encourage you do so, so that you will receive a notification via e-mail every time the banner is updated on the project page, at key stages during the Examination.

The main purpose of the PM is to discuss the arrangements for the Examination of the Proposed Development application. It focuses on the process only, and it will not be looking at the substance of the proposals: questions, discussions and representations about the merits or disadvantages of the Proposed Development and the application are for the Examination. These will begin the day after the close of this PM.

The proposal for the Examination is set out in the Rule 6 letter dated 20 August 2020, to which this document is **Annex B**.

The PM will be your opportunity to influence the process that we intend to follow, and you should read the Rule 6 letter and all of its accompanying Annexes thoroughly beforehand. The agenda for the PM is attached to the Rule 6 letter at **Annex A**. It is important to have the letter and the agenda in front of you and to refer to them during the course of the PM. If you are not experienced with videoconferencing and using multiple documents on screen, you may wish to print these in advance of the PM for reference.

Government guidance and policy

The application is an NSIP under the Planning Act 2008 (PA2008) regime as a consequence of section (s)22: it is the construction of a highway. The designated *National Policy Statement for National Networks* (NPSNN) applies to this Examination and to decision-making relating to them.

We will consider the Proposed Development within the parameters of this NPS and any other applicable policy or considerations that we deem to be important and relevant. The PA2008 makes it clear that, in making a decision, the relevant Secretary of State (SoS) '*must decide the application in accordance with any relevant NPS*' (s104(3)), subject to certain provisos. Essentially, the provisos are that the application must not breach legal or treaty obligations, and that any adverse impact of the Proposed Development would not outweigh their benefits.

The relevant SoS is (and so we are) entitled to disregard any representations that relate to the merits of the designated NPS. In practice, this means that we will not spend time examining representations that challenge policy set out in NPSs, or the validity of NPSs themselves. The focus will be on the merits of the Proposed Development, tested to the appropriate extent using tests set out in relevant designated NPSs that are in force.

Other important and relevant planning policies that we may consider includes policies in the relevant local authorities' development plans. However, if these conflict with policy in an NPS, then the NPS will take precedence.

In summary terms, the PM will establish the procedures and timetable for the Examination of the Proposed Development. They will set a framework for us to enable the relevant SoS to consider and decide the applications, by identifying relevant policy and examining the application in the light of it. In doing so, the we will have regard to:

- the positions and representations of all Interested Parties (IPs);
- any Local Impact Reports (LIR) prepared and provided by relevant local authorities;
- other prescribed matters; and
- any other matters that appear to be both relevant and important to the relevant SoS decisions.

Preliminary Meeting Invitees

The Applicant is invited to the PM and is generally given the opportunity to reply to any representations made, either orally at the time or in writing during the adjournment of the meeting.

Everyone who has made a written Relevant Representation has been registered as an IP and has been sent a copy of the Rule 6 letter. Each IP is entitled to their involvement in this Examination in respect of which they are registered going forward.

Each person or organisation with an interest in land or rights that are affected by Compulsory Acquisition in this application is an Affected Person (AP). In addition to a general entitlement to involvement in the Examination going forward, APs have a right to be heard in relation to any objection about the effects of Compulsory Acquisition on their interests in land, and a right to be notified of any Compulsory Acquisition Hearing. Affected Persons become an IP, whether or not they have made a written Relevant Representation.

Certain bodies are 'Prescribed Consultees' or statutory parties. They are bodies that can elect to become IPs without having made a Relevant Representation.

We have the power to involve 'Other Persons' in the Examination as though they are IPs, including by inviting them to the PM. However, this is only done in exceptional circumstances, for example if it was clear that the application would materially affect a person, they are not automatically or eligible to elect to

become an Interested Party and for a good reason they had been unable to take the necessary action to register as an Interested Party.

Conduct of the Preliminary Meeting

Past experience suggests that a PM for a project of this size and complexity could take two to three hours to complete. In the current circumstances, with limitations on the numbers of people who can speak at any one time but with a need to ensure that everyone who wishes to speak can do so one day has been allowed to enable relevant elements of the meetings to be run in multiple sessions during Part 1 of the meetings if required.

An adjournment has been provided between PM Part 1 and PM Part 2. This recognises that some people may not know whether they wish to speak until they have heard the issues raised by others and so may have to watch or listen to the first part of the meetings using a live-stream or recordings available on the NI project website. They will then have an opportunity to make written submissions for consideration and, if any new procedural arrangements are being raised that directly affect them, to request to be heard in the PM Part 2. The meeting will not end until we have considered all oral submissions made at the PM and written submissions made by **Procedural Deadline B** (12 October 2020) following the adjournment and any final requests to be heard. We will then resume PM Part 2 on **20 October 2020**, make procedural decisions to govern the Examination moving forward and close the PM.

Participants may have to make allowances and be patient if there are delays associated with the technology used. In recognition of the fatigue associated with on-screen communication, we will limit the length of sessions and provide breaks between sessions. Your joining instructions will provide more information about these.

A digital recording (audio and video) will be made available on the project page of the NI website as soon as practicable following each part of the PM. The digital recording allows any member of the public who is interested in the application and the Examination to find out what has been discussed at the PM, whether they are able to attend or observe the meeting or not. The making and publication of these recordings are a critical means by which we meet the legal requirement to hold these events in public. In this regard, anyone speaking at the PM will need to introduce themselves each time they speak, to ensure that someone listening to the recording after the event is clear who was speaking. A note of the PM will be produced following the closure of the PM (at the conclusion of Part 2).

As the digital recordings are retained and published, they form a public record that can contain personal information to which the General Data Protection Regulation (GDPR) applies. Participants must do their best to avoid making public any information which they would otherwise wish to be kept private and confidential. If there is a need to refer to such information, it should be in written form. Although this will also be published, personal and private content can be redacted or removed before it is made publicly available. Any person who is unclear on this point should ask us for guidance before they place personal and private information into the public domain.

The Planning Inspectorate's practice is to publish the recordings and retain them for a period of five years following the relevant SoS decision on the Development Consent Order (DCO). If you actively participate in the PM, it is important that you understand that you will be recorded and the approach to the retention and publication of the digital recordings.

Following our introductions, each participant who has been registered to speak will be asked to introduce themselves, including any organisations or groups that they represent. We will then conduct the meeting in accordance with the Agenda. If you prefer not to have your image recorded, you can switch off your camera at any point.

The Examination processes

The examination of NSIPs follow different processes to those, for example, of a Public Inquiry into a planning appeal following the refusal of planning permission. The main differences are that the examination of NSIPs are primarily a written process and take on an inquisitorial approach as opposed to an adversarial one.

This means that we will probe, test and assess the evidence primarily using written questions. While some Hearings are held to provide supplementary evidence, questions to the Applicant or to witnesses will come from us. Questioning or cross-examination of witnesses by other parties will not generally be allowed.

In terms of opportunities to provide evidence in writing, the draft Examination Timetable makes provision for the following written processes:

- (i) Local authorities can make Local Impact Reports (LIRs) if they wish. Whilst these are voluntary, the PA2008 provides that if they are made, they must be individually considered by the relevant SoS in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to them and their residents.
- (ii) Interested Parties can make Written Representations (WRs) and comments on WRs made by other parties.
- (iii) Interested Parties can respond to our written questions (ExQs) and comment on responses to these written questions provided by others.
- (iv) Interested Parties may be asked to contribute to the making of Statements of Common Ground (SoCGs) if it appears that there are matters on which they and the Applicant agrees, and if it would be useful for this to be clarified. Statements of Common Ground often extend to record matters that are not agreed or are outstanding.

The draft Examination Timetable include a series of numbered Deadlines for receipt of written submissions. For clarity, the statutory deadline for acceptance of written submissions will, unless otherwise stated, be at 23:59 hours on the date specified in the final Examination Timetable. Timely submissions received

by the relevant Deadline and that address its purpose will be accepted. Documents received after the relevant Deadline are only accepted at the discretion of the ExA and may not be accepted to ensure fairness to all parties. Circumstances where documents are submitted late without good reason, causing inconvenience or delay to other parties can amount to unreasonable behaviour.

These written processes will be the principal means used by the ExA to gather information, evidence and views about the applications. However, the Examination will only be effective if all parties resolve to give timely, full, frank and clear answers to every question that is relevant to their interests and to engage fully with any other related processes such as the completion of WRs and SoCGs.

There is no merit in withholding or delaying information, or in failing to co-operate, and, should it occur, any unreasonable behaviour that caused another party to incur wasted expenditure could lead to an award of costs against the offending party.

The ExA has discretion to make amendments to the Examination Timetable for the wider benefit of the Examination. If possible, events will be arranged for times when all relevant parties are available, but the ExA are under a duty to complete the Examination by the end of the six-month period beginning with the day after the close of the PM. This requirement is set by legislation, and while the ExA will try to rearrange event dates to accommodate all relevant parties, in practice there will be limited scope to alter dates set out in the draft Examination Timetable.

The statutory time limit for the Examination means that everyone must strive for a 'right first time' approach to matters set out in writing. Where there are matters that still need to be discussed and agreed between the Applicants and IPs, it will be very helpful to the ExA if these could be progressed as early as possible.

Hearings

The draft Examination Timetable includes provision for Hearings, at which the ExA enable the discussion of multi-party issues and take oral evidence from the various parties.

Any registered IP may request an **Open Floor Hearing** (OFH) to make oral representations about the application if they believe this to be preferable to restricting their representation to the written form, though both carry equal weight. Oral submissions should be based on representations previously made in writing, but they should not simply repeat matters previously covered in the written submission. Rather, they should focus on specific detail, explanation and evidential corroboration to help inform the ExA. There should be no new or unexpected material in oral presentations. A written summary note with any supporting evidence or references will be requested of each speaker following the event.

As with all Examination events, OFHs are subject to the powers of control of the ExA, as set out in the PA2008 and supporting legislation. Participants must register in advance by the Deadline shown in the Examination Timetable and in accordance with the instructions; it is common practice for the ExA to set a time limit of 10 minutes each speaker; and those with common points are asked to come together to nominate a spokesperson or representative speakers to cover specific topics, so as to avoid repetition. Speakers representing public authorities, community and membership organisations or multiple IPs can be provided with an additional time allowance, recognising their representative role. If you fall into this category, please let the Case Manager know, explain why you need additional time, and how long you would like. The ExA will consider such requests but given the overall time constraint it should not be assumed that you will be given additional time.

The Applicant's draft DCO provides for the Compulsory Acquisition of land and rights and the Temporary Possession of land. Affected Persons (i.e. those whose land or rights over land are affected) have a right to request and be heard at a **Compulsory Acquisition Hearing** (CAH). If one or more APs request to be heard, then a CAH must be held. Provisional dates for these are included in the draft Examination Timetable along with a Deadline by which requests to be heard must be submitted.

We have the discretion to hold **Issue Specific Hearings** (ISHs) if they would aid in the Examination and there is a specific reason this would be more helpful than reliance on written evidence only.

Before the Coronavirus pandemic, the ExA would have commenced the Examinations with a round of exploratory hearings on key topics. In the hope that physical hearings will become easier to hold later in the examination, the ExA have decided to use written processes to develop their initial understanding and focus the debate on the planning issues. The lack of an early ISH on particular topics should not be taken to suggest that that topic has become less important. Rather, it is an indication that the ExA will be asking for the issues to be developed and refined through written submissions and responses to its written questions before any hearings and that each party will still have a fair opportunity to put its case.

The parties will be aware that the ExA has issued [Written Questions \(Examination Library Reference \[PD-010\]\)](#), and the parties are urged to continue to prepare their responses to these as the deadline for submission of replies will be shortly after the PM.

The Examination Timetable include a number of reservations for ISHs and IPs may make suggestions for topics in their written or oral representations to the PM.

It may be necessary for us to hold multiple ISHs on the draft DCO. This is normal practice, and they are held on a without prejudice basis. Parties can suggest modifications and amendments to the draft DCO provided with the Proposed Development application by the Applicant, without prejudicing their overall position on the application.

Holding such hearings does not imply that we have reached any judgements on the merits of the application. Whatever our ultimate recommendation is, we must make sure that the draft DCO are fit for purpose if the SoS decides to grant consent, as any consents will be subject to requirements and conditions set out in the DCO.

At hearings, it will not normally be necessary for parties to make long and detailed submissions. Any documents that need to be referred to should have been previously submitted. Should any supporting detail/information can be provided in writing this should be following the event by the relevant Deadline.

The timetable includes a deadline (**Procedural Deadline C** on 3 November 2020) for participants to request to be heard at future hearings.

Site inspections

As part of the Examination process, we may undertake site inspections. These can be either unaccompanied or accompanied, though all would be subject to any Government restrictions relating to COVID-19 in force at the time.

The purpose of these is for us to see features of the proposals within the context of the evidence put forward. Notes of Unaccompanied Site Inspections (USIs) are published on the project web pages of the Planning Inspectorate's NI website, and one visit has already taken place³.

Accompanied Site Inspections (ASI) will only be necessary to view land to which there is no public right of access, or with no clear view from nearby locations with open public access. The purpose of ASIs is familiarisation only and no discussion of the merits of the Proposed Developments will be entertained during an ASI. Discussion between parties and the ExA only takes place in hearings, because only hearings occur in a physical or virtual public place that everyone can attend, where there is equipment in place to make a digital recording that can be published. Discussion of planning merits on ASIs has never been permitted in national infrastructure casework. Practice in this regard remains unaffected by COVID-19.

The draft Examination Timetable includes a deadline (**Deadline 1** on 3 November 2020) for comments from IPs on the Applicant's proposed locations for inspection, which is to be submitted at **Procedural Deadline A** (10 September 2020). These comments will be used to inform further USIs as well as possible ASIs. It should be noted that public health restrictions may limit the scope for ASIs and, if these have not lifted by the end of the Examination, we will take the preliminary view that holding USIs to relevant nominated locations, supported by the submission of additional written, photographic, video or even drone material if this might enable views into inaccessible areas would be preferable to not visiting sites or holding ASIs in circumstances which could make them difficult and unduly time consuming to conduct.

³ Examination Library reference number [EV-001]

Main issues for the Examination

In Annex B to the Progress Note, the Examining Authority (ExA) identified the Principal Issues arising on the application (Examination Library Reference [PD-007]). These can be found at

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010054/TR010054-000437-200720%20M54toM6%20R5%20and%20R17%20Annex%20B%20Principal%20Issues.pdf>.

In light of these, and further consideration, the ExA has set out what it considers to be the Main Issues for the Examination itself.

The list of Main Issues is not a comprehensive or exclusive list of the issues that will be subject to examination. The ExA will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report to the Secretary of State after the Examination has concluded.

The order of the issues listed is alphabetic and does not imply any order of prioritisation or importance.

The policy and consenting requirements and documents associated with the PA2008 are an integral part of the Examination and are therefore not listed as main issues.

It should also be noted that whilst the effects of the proposal in relation to human rights and equalities duties are not listed as main issues, the ExA will conduct all aspects of the Examination with these in mind.

1. Air Quality and Emissions

The effects of the Proposed Development, in relation to air quality and emissions, on those living and working in the vicinity, both during construction and in operation.

2. Biodiversity, Ecology and Natural Environment

The effects of the Proposed Development on Habitats and Species recognised at the International, National and local level, both during construction and in operation.

3. Cultural Heritage

The effect on designated and non-designated heritage assets and their settings, both during construction and in operation.

4. Green Belt

Whether the Proposed Development represents inappropriate development in the Green Belt, the effect on openness, and whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so would this amount to the very special circumstances required to justify the Proposed Development.

5. Noise and Vibration

The effect of the Proposed Development in terms of noise and vibration on those living and working in the vicinity, both during construction and in operation.

6. Traffic and Transport

The effects of the Proposed Development in terms of the convenience and safety of all highway users on the proposed and existing networks, both during construction and in operation.

7. Socio-Economic Effects

The effects of the Proposed Development in terms of the economic and social considerations, both during construction and in operation.

Further, the Examination will explore the case for the Compulsory Acquisition and Temporary Possession of land and the form of the draft Development Consent Order in the event that the Secretary of State makes such an Order.

M54 to M6 Link Road Draft Examination Timetable

The Examining Authority (ExA) is under a duty to complete the Examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

Deadlines A, B, C, etc relate to **procedural** matters relating to the operation of the Examination.

Deadlines 1, 2, 3, etc relate to the **submission of evidence** as part of the consideration of the merits of the Proposed Development.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Item	Matters	Due Dates
1.	<p>Procedural Deadline A Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Confirmation as to wish to participate in or observe Preliminary Meeting (Part 1) • Submission of written comments or questions on the proposed procedural arrangements for the Examination • Submission by Applicant of suggested Accompanied Site Inspection (ASI) itinerary 	<p>Thursday 10 September 2020</p>
2.	<p>Preliminary Meeting (Part 1)</p>	<p>Thursday 1 October 2020</p>
3.	<p>Reserve date for Preliminary Meeting (Part 1) (if necessary due to overrun or technical issues)</p>	<p>Friday 2 October 2020</p>
4.	<p>Procedural Deadline B Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Submission of written responses to matters discussed at the Preliminary Meeting (Part 1) • Confirmation as to wish to participate in or observe Preliminary Meeting (Part 2) • Confirmation as to wish to participate in or observe Open Floor Hearing 1 (OFH1) 	<p>Monday 12 October 2020</p>

5.	Preliminary Meeting (Part 2)	Tuesday 20 October 2020
6.	Open Floor Hearing 1 (OFH1)	Wednesday 21 October 2020
7.	Reserve date for OFH1 (if necessary due to overrun or technical issues)	Thursday 22 October 2020
8.	Publication by the ExA of: <ul style="list-style-type: none"> The Examination Timetable 	As soon as practicable following the PM
9.	Deadline (D1) Deadline for receipt by the ExA of: <ul style="list-style-type: none"> Responses to Written Questions, issued on 20 July 2020 [PD-010] Comments on Applicant's change application of 29 May 2020 [AS-004], accepted on 20 July 2020 [PD-005] Comments on Additional Documents submitted by the Applicant and other parties since the application was accepted [AS-001] to [AS-059] Comments on Relevant Representations (RRs) Summaries of all RR's exceeding 1500 words Written Representations (WRs) Summaries of all WRs exceeding 1500 words Post Hearing submissions including written summaries following PM and OFH1 Interested Party comments on Applicant's suggested ASI itinerary Local Impact Reports (LIRs) Statements of Common Ground (SoCG) requested by the ExA (Annex F) Responses to any further information requested by the ExA for this deadline 	Tuesday 3 November 2020
10.	Procedural Deadline C Deadline for receipt by the ExA of: <ul style="list-style-type: none"> Notification by Statutory Parties of their wish to be considered as an IP by the ExA 	Tuesday 3 November 2020

	<ul style="list-style-type: none"> • Notification of wish to speak at an Open Floor Hearing (OFH2) • Notification of wish to make oral representations at an Issue Specific Hearings (ISH) together with indication of specific topics that the party wishes the ExA to discuss • Notification of wish to speak at a Compulsory Acquisition Hearing (CAHs) • Notification of wish to have future correspondence received electronically 	
11.	<p>Deadline 2 (D2) Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on responses to the ExA's Written Questions • Applicant's revised ASI itinerary • Applicant's first revised draft DCO • Responses to comments on RRs • Comments on any additional information/submissions received by D1 • Responses to any further information requested by the ExA for this deadline 	<p>Tuesday 17 November 2020</p>
12.	<p>Procedural Deadline D Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Confirmation as to wish to participate or observe at Hearings scheduled for December 2020 • Notification of wish to attend, or part attend, an ASI 	<p>Tuesday 17 November 2020</p>
13.	<p>Deadline 3 (D3) Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on WRs • Comments on SoCGs • Comments on LIRs • Comments on Applicant's first revised draft DCO • Submission by the Applicant of low-resolution documents (see Annex F) • Comments on any additional information/submissions received by D2 • Responses to any further information requested by the ExA for this deadline 	<p>Tuesday 24 November 2020</p>

14.	Dates reserved for Accompanied Site Inspection (ASI) ⁴	Tuesday 1 & Wednesday 2 December 2020
15.	Issue by the ExA of: Further Written Questions (if necessary).	Friday 4 December 2020
16.	Hearings Dates reserved for: <ul style="list-style-type: none"> • Open Floor Hearing (OFH2) (if required) • Issue Specific Hearings (ISH 1 to 3) (if required) Possible topics: <ul style="list-style-type: none"> ○ Air Quality ○ Biodiversity ○ Cultural Heritage ○ Green Belt ○ Geology and Soils ○ Landscape and visual ○ Noise and Vibration ○ Socio-Economics ○ Traffic and Transport ○ Water issues ○ Draft DCO <ul style="list-style-type: none"> • Compulsory Acquisition Hearing (CAH1) (if required) 	Tuesday 8 to Thursday 10 December 2020
17.	Hearings Dates reserved for hearings (if necessary due to overrun or technical issues)	Tuesday 15 to Thursday 17 December 2020
18.	Deadline 4 (D4) Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Post Hearing submissions including written submissions of oral case • Any revised/updated SoCG • Responses to the ExA's Further Written Questions (if issued) • Applicant's revised draft DCO (if required) • Comments on any additional information/submissions received by D3 	Friday 8 January 2021

⁴ Please note: an ASI can only go ahead if Government guidance on COVID-19 at that time permits. In the event it cannot be undertaken as a physical visit, alternative approaches (including the use of technology) will be explored, and all participants will be notified.

	<ul style="list-style-type: none"> Responses to any further information requested by the ExA for this deadline 	
19.	<p>Deadline 5 (D5) Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Comments on any revised/updated SoCG (if any) Comments on Applicant's revised draft DCO (if any) Comments on responses to ExA's further written questions (if issued) Comments on any additional information/submissions received by D4 Responses to any further information requested by the ExA for this deadline 	Wednesday 20 January 2021
20.	<p>Publication of:</p> <ul style="list-style-type: none"> The ExA's Third set of Written Questions (if required) 	Friday 29 January 2021
21.	<p>Deadline 6 (D6) Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Responses to the ExA's Third set of Written Questions (if required) Comments on any additional information/submissions received by D5 Responses to any further information requested by the ExA for this deadline 	Friday 12 February 2021
22.	<p>Publication of:</p> <ul style="list-style-type: none"> Report on the Implications for European Sites (RIES) (if required) The ExA's proposed schedule of changes to the draft DCO (if required) 	Friday 26 February 2021
23.	<p>Procedural Deadline E</p> <ul style="list-style-type: none"> Confirmation as to wish to participate or observe the Open Floor Hearings, Issue Specific Hearings, Compulsory Acquisition Hearings and Accompanied site visit in March (if required). 	Friday 5 March 2021
24.	<p>Hearings Dates reserved for:</p>	Tuesday 16, Wednesday 17, Thursday 18 and

	<ul style="list-style-type: none"> • Further Issue Specific Hearings (if required) • Further Issue Specific Hearing on the draft DCO (if required) • Further Open Floor Hearing (if required) • Further Compulsory Acquisition Hearing (if required) • Further Accompanied Site Inspection (if required) 	Tuesday 23 March 2021
25.	<p>Deadline 7 (D7) Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Post Hearing submissions including written submissions of oral case (if required) • Comments on responses to the ExA's further Written Questions (if required) • Comments on the RIES (if issued) • Comments on the ExA's proposed schedule of changes to the draft DCO (if issued) • Comments on any additional information/submissions received by D6 • Responses to any further information requested by the ExA for this deadline 	Friday 26 March 2021
26.	<p>Deadline 8 (D8) Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to comments on the RIES (if issued) • Responses to comments on the ExA's proposed schedule of changes to the draft DCO (if issued) • Final DCO to be submitted by the Applicant in the SI template with the SI template validation report (MS Word) • Final updated Book of Reference • Final SoCGs • Final Statement of Commonality of SoCG • Final Compulsory Acquisition Schedule • Final updated Guide to the Application • Comments on any additional information/submissions received by D7 • Responses to any further information requested by the ExA for this deadline 	Wednesday 7 April 2021
27.	Deadline 9 (D9)	Friday 16 April 2021

	<p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on any additional information/submissions received • Responses to any further information requested by the ExA for this deadline • Statements of Final Position in respect of matters examined 	
28.	The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.	Tuesday 20 April 2021

Submission times for deadlines

The time for submission of documents at any deadline in the timetable is, unless otherwise stated, 23:59 hours on the relevant deadline date.

Publication dates

All information received will be published on the project webpage on the National Infrastructure Planning website as soon as practicable after the deadlines for submissions. An Examination Library will be kept up to date throughout the Examination and can be accessed via the 'Documents' tab on the project webpage. Each document will be given a unique reference. These references will be used by the ExA during the Examination:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m54-to-m6-link-road/?ipcsection=docs>

Report on the Implications for European Sites (RIES)

The Applicant has provided a Habitats Regulations Assessment: No Significant Effects Report (HRA NSER) with the application (Examination Library reference [APP-216, superseded by AS-035]). In light of this the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the relevant Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Conservation of Habitats and Species Regulations 2017 (as amended).

Notification of hearings under Section 93 of the Planning Act 2008

Notification of the dates, times and places of an Open Floor Hearing (OFH) to be held in the early stages of the Examination is provided in accordance with section 93 of the Planning Act 2008.

Date	Hearing	Start time	Joining details
Wednesday 21 October 2020	Open Floor Hearing (OFH1)	Arrangements Conference at 9:30am Hearing starts 10:00am	Virtual event Join by digital device or telephone using details to be provided in forthcoming Agendas

Reserved 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.

Date	Hearing	Start time	Joining details
Thursday 22 October 2020	Open Floor Hearing (OFH1), if required	Arrangements Conference at 9:30am Hearing starts 10:00am	Virtual event Join by digital device or telephone using details to be provided in forthcoming Agendas

Reserved Hearings that are not required may be cancelled in the banner on the National Infrastructure Planning website and no other notice is required.

Requests to speak must be submitted by **Procedural Deadline B** (12 October 2020). Details will be available on the project page following the Preliminary Meeting Part 1.

Information about hearings is included in the Planning Inspectorate's 'Advice Note 8.5: The examination: hearings and site inspections', available on the National Infrastructure Planning website here:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Hearing agendas

For Open Floor Hearings agendas will not be published unless, in consideration of the number of participants notified to the Planning Inspectorate, the ExA decides that establishing a running order will facilitate the process on the day.

Other Procedural Decisions made by the Examining Authority (ExA)

The ExA has made the following Procedural Decisions under Section 89(3) of the PA2008:

1. Statements of Common Ground (SoCG)

In relation to some of the Main Issues identified in **Annex C**, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft Examination Timetable at **Annex D** therefore provides a deadline for submission of SoCGs. This is **Deadline 1** on 3 November 2020.

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. The reasons for the differences and interpretation of the implications of a difference can then be expanded in the evidence. Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the other relevant Interested Party or parties, and submitted by the Applicant. This list was previously published on 20 July 2020 [PD-008].

For each of those areas that are in dispute, it would be beneficial if each party would put their estimation as to the likelihood that disagreement will remain by the end of the Examination. This should be done on a "Low", "Medium" and "High" traffic light model. This will allow the ExA to assess those areas where oral discussions may be most beneficial.

SoCGs are requested to be prepared between the Applicant and:

The Applicant and the South Staffordshire Council including:

- The effect of air quality
- The effect of biodiversity
- The effect on cultural heritage
- Landscape and visual effects
- The effect of noise and vibration
- Socio-economic effects, including effects on delivery of development plan aims and objectives

The Applicant and Staffordshire County Council including:

- The effect on minerals and waste
- Transport and traffic effects
- The effect on Non-Motorised Users
- Water environment effects, including any permits required from SSC as LLFA
- Socio-economic effects

The Applicant and Wolverhampton City Council including:

- Water environment effects, including any permits required from WCC as LLFA
- Transport and traffic effects
- Landscape and visual effects
- The effect of noise and vibration
- Socio-economic effects

The Applicant and Shropshire Council including:

- Transport and traffic effects
- Landscape and visual effects
- Socio-economic effects

The Applicant and the Environment Agency including:

- Water environment effects, including abstraction and discharge
- Drainage including provision for containment and treatment /disposal of contaminated run-off
- Waste management issues, including permitting and formal exemption requirements, and the likelihood that any such requirements outside the DCO process may be obtained.

The Applicant and Natural England including:

- Habitats, Ecology and Nature Conservation, including assessment of cumulative effects
- The loss of the Best and Most Versatile (BMV) Agricultural Land
- Adequacy and means of securing mitigation
- Effects on protected species and sites
- Effects on Whitgreaves Wood and other areas of ancient woodland
- The need for and means of securing mitigation actions
- Need for Habitat Regulations Assessment/Appropriate Assessment

The Applicant and Historic England including:

- The effect on the setting of Hilton Hall and the Conservatory
- The effect on the setting of Moseley Old Hall
- The effect on the setting of other listed buildings in the vicinity

The Applicant and relevant statutory undertakers including:

- Relevant Protective Provisions in the draft DCO

The Applicant and the National Trust including

- The effect on the setting of Moseley Old Hall
- Effects on Whitgreaves Wood
- The need for and means of securing mitigation actions

The Applicant and Allow Ltd including:

- Those issues raised in the Relevant Representation

The Applicant and Nurton Developments (Hilton) Limited including:

- Those issues raised in the Relevant Representation

The Applicant and Four Ashes Ltd including:

- Those issues raised in the Relevant Representation [RR-005] and in particular the effect of the West Midlands Interchange, which has recently been consented.

The Applicant and M6 Diesel including:

- Those issues raised in the Relevant Representation [RR-012]

The Applicant and St Francis Group including:

- Those issues raised in the Relevant Representation [RR-029]

The Applicant and Staffordshire Wildlife Trust including

- Those issues raised in the Relevant Representation [RR-042]

The Applicant and Mrs Whitehouse & Mrs S L M Arblaster including:

- Those issues raised in the Relevant Representation [RR-036]

The Applicant and Mr & Mrs Byard including:

- Those issues raised in the Relevant Representation [RR-026]

The Applicant and Messrs Nigel & Paul Simkin including:

- Those issues raised in the Relevant Representation [RR-034]

The Applicant and Messrs I & A Simkin including:

- Those issues raised in the Relevant Representation [RR-033]

The Applicant and Mr and Mrs B Jones including:

- Those issues raised in the Relevant Representation [RR-035]

All of the SoCGs listed above should cover the Articles and Requirements in the draft DCO. Any Interested Party seeking for an Article or Requirement to be reworded should provide in the SoCG the form of words which are being sought.

Where a particular SoCG cannot be agreed between the parties by **Deadline 1**, or in so far as any local authority position represents an officer level view only, draft versions of that SoCG are requested to be submitted **by the Applicant to Deadline 1**. The position of the relevant Interested Parties should then be confirmed in the course of the Examination.

The content of SoCGs is necessary to help inform the ExA as to the need to hold any Issue Specific Hearings in December 2020, and to enable the ExA and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

2. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations)

The Examination must include a process that provides sufficient information to enable the Secretary of State for Transport to meet his statutory duties as the competent authority under the Habitats Regulations relating to European protected sites. In order to inform the ExA's Report and Recommendation to the Secretary of State on this application and to provide stand-alone information for the Secretary of State, the Applicant is requested to provide MS Word versions of the completed matrices submitted in [APP-216] and [AS-035]/[AS-036] by **Deadline 1** (3 November 2020).

3. Draft itinerary for Accompanied Site Inspection

The draft Examination Timetable at Annex D shows that the ExA has reserved time for an Accompanied Site Inspection (ASI) towards the end of the Examination. This could only take place to the extent that Government COVID-19 restrictions at the time allow, and details of any such inspection would be published nearer the time.

In anticipation that an ASI could go ahead, the Applicant is requested to prepare a draft itinerary for the Accompanied Site Inspection (ASI) to be submitted to the ExA by **Procedural Deadline A** (10 September 2020). The draft ASI itinerary should include relevant sites and locations referred to in the Relevant Representations received and any other sites and locations at which the Applicant has predicted likely significant environmental effects.

The ExA will then publish the draft itinerary for Interested Parties to comment on at **Deadline 1** (3 November 2020) in the proposed Examination Timetable. The ExA will review the comments made about the draft ASI itinerary and may make changes to it.

The final ASI itinerary will be published in advance of the event taking place.

Before making any suggestions about the need, route or itinerary for any ASI, could all parties please check the ExA's USI notes [EV-001] and avoid requests

for repeat visits to sites that the ExA has already visited. The ExA will also consider any suggestions for additional USI locations that are accessible from public land or public rights of way.

4. **Written Questions**

The ExA issued its First Written Questions (ExQ1) [PD-010] alongside the Progress Note of 20 July 2020. Responses to these questions are due by **Deadline 1** (3 November 2020) as outlined on the draft Examination Timetable at Annex D of the Rule 6 letter. They should not be submitted until the Examination starts, which is the day after the Preliminary Meeting is closed.

If a question is addressed to you, a full and comprehensive written response is requested. This does not prevent other parties from providing a response or pertinent information on the topic. The responses will be published on the project page of the Planning Inspectorate's National Infrastructure website and all parties can provide representations on the responses by Deadline 2.

5. **Written Representations**

The ExA has made the decision that Written Representations will be required at **Deadline 1** (3 November 2020).

6. **Guide to the Application**

The ExA requests that, at each deadline, the Applicant provides an updated Guide to the Application document which provides a list of the most up-to-date documents before the Examination. The Applicant is directed to ExQ 1.0.17 [PD-010]. A final version must be submitted before the close of the Examination.

7. **Deadline for Notification by Statutory Parties, or certain Local Authorities of their wish to be considered as an Interested Party**

The ExA has made a procedural decision that, in order to facilitate a timely start to the examination, Statutory Parties and certain Local Authorities must have decided whether they wish to be considered as an Interested Party and notified the Planning Inspectorate of their decision by **Procedural Deadline C** (3 November 2020).

8. **Virtual events**

As set out in the Rule 6 letter, the ExA has made the Procedural Decision to hold the Preliminary Meeting virtually, online. We have also decided that reasoned requests to participate actively or to comment on the Agenda must be received by **Procedural Deadline A** (10 September 2020). We have decided to include an option in the Examination Timetable to adjourn the Meeting on the first date, and to reserve a date for a resumption almost three weeks later. This would permit written submissions about pertinent matters to be made by **Procedural Deadline B** (12 October 2020).

In the absence of any certainty around progress with the lifting of Government restrictions on public meetings relating to the COVID-19 pandemic, the ExA has

decided, as a starting point, to assume that all meetings and hearings for the Examination will also need to be held virtually, and the Examination Timetable has been drafted on this basis. Should restrictions be relaxed sufficiently to hold future events in either a face-to-face or blended format, the ExA will publish further decisions on this, noting that the Timetable is sufficiently flexible to accommodate a range of possible event formats.

9. **Low resolution documents for possible sharing on screen at virtual events**

As the event is being held virtually, it would considerably assist the ExA if the drawings could be provided by the Applicant at small electronic size. Several of the drawings are over 20MB in size which is likely to make them unwieldy for display in the MS Teams environment.

The ExA therefore requests the Applicant to re-provide the drawings in accordance with the following specification by **Deadline 3** (24 November 2020). For avoidance of doubt this also includes Figures to the Environmental Statement.

- No individual drawing/set of plans to exceed an absolute maximum of 10 MB; as a guide 5 to 6 MB should be achievable
- If the scheme has a large plan set, consider splitting the plans set into more than one 'book'
- Pay attention to the output of plans on .pdf from, for example, CAD systems, as certain systems output these in multiple layers which load successively and thus take a long time to load; layers should be merged/switched off
- Files should be given intelligent short names that enable the ExA and others to understand the content of the file from its filename or the beginning of its filename (ie 'Worksplans sheet 1' not 'E-may7746943_projecct_449_xbleep_large works_sheets44'); the name should be intelligible in the tab when multiple document windows are open in a browser
- Files should be read checked before submission to ensure that all relevant details can still be read when zoomed in; eg plot numbers on land plans and labels for road, field or property names
- Files should be given a 'screen share' test before submission, ensuring that when shared over the internet the plan distributes to multiple viewers in a timely manner, the cursor remains mobile and no unlooked for behaviours (screen freezing, pixilation, judder, etc.) are experienced by multiple users.

Where drawings for part of a series, it would also assist if the drawings were geographically located one with each other, so that the most northerly element is first, with the adjoining drawing to the south second and so on. The ExA has no issue with the drawings being in reverse order 07, 06, 05, etc.

10. **Applicant's amended documents in light of Design Manual for Roads and Bridges (DMRB) changes**

The ExA has made a procedural decision to accept a suite of 16 documents re-submitted by the Applicant having been altered following updates to the DMRB.

The documents can be found under Examination Library reference numbers [AS-044] to [AS-059].

11. Acceptance of Additional Submissions into the Examination

Since the acceptance of the Application, the following documents have been accepted into the Examination:

- Additional Submissions from the Ministry of Defence (MOD) [AS-001] and The Coal Authority [AS-040]
- Corrected or updated Relevant Representation from Natural England [AS-002] and Nurton Developments (Hilton) Limited [AS-003].

In addition, the following documents from the Applicant have been accepted into the Examination:

- Response to s51 advice letter dated 28 February 2020 and Application Errata, including a notification of proposed change to application (Cover letter: [AS-004], related documents: [AS-005] to [AS-039] and [AS-041] and [AS-042]
- Notification of proposed change to application [AS-043]
- Documents amended in light of the DMRB changes [AS-044] to [AS-059]

Availability of Examination Documents

The application documents and Relevant Representations are available on the project webpage on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/West%20Midlands/M54-to-M6-Link-Road/>

All further documents submitted in the course of the Examination will also be published at the above location.

For ease of navigation, please refer to the Examination Library (EL) which is accessible via a blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the project webpage is also provided. Please use the unique reference numbers applied in the EL when referring to any Examination Documents in any future submissions that you make.

Documents can be viewed electronically, free of charge, at the following locations. Please note that you may need to bring a form of identification to use a computer at these locations.

Electronic deposit locations

Documents can be viewed electronically, free of charge, at the electronic deposit locations overleaf. Please note that you may need to bring a form of identification and register as a library member in order to use a computer at these locations.

Please Note: Opening hours and the availability of information technology set out in the table below may be subject to local changes or additional limitations to address Coronavirus public health requirements. Bearing in mind the effect of public health restrictions, please consider your need to attend these locations with care. Please check the current circumstances with the relevant locations before you attend.

Local authority	Library/ address	Opening hours	Printing costs
Staffordshire County Council	Cannock Library Manor Avenue Cannock WS11 1AA	Mon 9am - 5pm Tues 9am - 7pm Wed 9am - 5pm Thurs 9am - 5pm	A4 B&W - 15p Colour - 50p

Local authority	Library/ address	Opening hours	Printing costs
		Fri 9am - 5pm Sat 9am - 4pm Sun - Closed	A3 B&W – 30p Colour - £1
Staffordshire County Council	Codsall Library South Staffordshire District Council Offices Wolverhampton Road Codsall WZ8 1PX	Mon 9am - 5pm Tues 12:30pm - 8pm Wed Closed Thurs - 9am - 5pm Fri 9am - 5pm Sat 9:30am - 4pm Sunday Closed	A4 B&W - 15p Colour - 50p A3 B&W – 30p Colour - £1
Staffordshire County Council	Stafford Library No1 Staffordshire Place Tipping Street Stafford ST16 2DH	Mon 9am - 6pm Tues 9am - 6pm Wed 9am - 6pm Thurs 9am - 6pm Fri 9am - 5pm Sat 9am - 4pm Sun 1pm - 4pm	A4 B&W - 15p Colour - 50p A3 B&W – 30p Colour - £1
Link to all council library locations			
<p>Cannock Library: https://www.staffordshire.gov.uk/Libraries/branchlibraries/CannockLibrary/CannockLibrary.aspx#ad-image-0</p> <p>Codsall Library: https://www.staffordshire.gov.uk/Libraries/branchlibraries/CodsallLibrary/CodsallLibrary.aspx#ad-image-0</p> <p>Stafford Library: https://www.staffordshire.gov.uk/Libraries/branchlibraries/StaffordLibrary/StaffordLibrary.aspx#ad-image-0</p>			

Coronavirus Response: Examination Practice Changes and Your Privacy

This Annex explains the approach taken to privacy in Examination practice where virtual or blended events are used. It sets out changes to the National Infrastructure Planning Website privacy notice necessary to respond to the Coronavirus (COVID-19) pandemic. Please read it carefully.

Changes due to COVID-19

Due to the Coronavirus (COVID-19) measures introduced by the Government (see <https://www.gov.uk/coronavirus>), social distancing and related requirements are still in place. It is important to recognise that we are in dynamic circumstances and that the controls in force both nationally and locally are likely to vary during a 6-month Examination. The Examination method and timetable have been designed with the following principles in mind:

- To respond flexibly to changing public health controls, minimising the need for later changes to the Examination timetable and additional correspondence.
- To fit selected Examination methods and procedures to the controls in force at the time when notice for any particular events is given.
- To provide processes that are accessible to people who are shielding or isolating.
- To retain the potential to provide physical hearings and site inspections with appropriate social distancing measures in place, where it is possible to do so.
- To ensure that you can protect your privacy and understand the privacy policy that we are applying, whatever Examination methods are used.

We will not be conducting the Preliminary Meeting and initial Open Floor Hearing face to face. Instead, we will be conducting these processes virtually (over the internet, or by telephone link). You will be able to take part at home or from a safe place. Later hearings may be held using a blend of face to face (physical) and virtual processes and additional information will be provided to enable you to participate in those events and protect your privacy closer to the time of the events concerned.

How to Protect your Privacy in Virtual Events

The Frequently Asked Questions (FAQs) [PD-006] for this Examination have been updated to provide you with information about the following topics relevant to virtual events practice:

- what will happen in a virtual event, how to prepare for one and the help available from the Planning Inspectorate (*'Participating in virtual events'*);
- how to participate in virtual events using a computer, laptop, tablet, smartphone (*'Joining virtual events via the internet'*);

- how to participate in virtual events using a mobile phone or land-line telephone (*'Joining virtual events via telephone'*);
- what to do if a virtual event does not work as you'd expected (*'What if things go wrong with a virtual event'*); and
- Protecting your privacy (*'How do I Protect my Privacy in Virtual Events'*).

The FAQs are kept under constant review. If it is proposed to hold blended hearings, information about how to participate in these events will be added to the FAQs and the Examination banners on the National Infrastructure Planning website will flag this change.

Please note that when joining a virtual 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 the FAQs provide advice on these (*'How do I Protect my Privacy in Virtual Events'*). Please read this advice before you join the hearing and take the steps that you feel necessary to protect your privacy.

Privacy Notice Amendment: Handling your Personal Information

Your privacy is important to us. The privacy notice amendment in this Annex explains the personal data that we will be processing specifically for virtual meeting and hearing events. The current [National Infrastructure Privacy Notice](#) should be read in conjunction with this amendment before sending information to the Planning Inspectorate. The amendment sets out how we have changed our data collection and the processing of that data in order to run virtual meetings and hearings.

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 livestream and 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 livestream and 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/>.
- A livestream may be captured by an external provider for the purposes of providing a livestream link, but this process will not involve the transfer of any IP address or metadata, or data other than that which is already visible in the public domain to attendees of the virtual event and/or on the National Infrastructure Planning website to the provider.
- 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](#).