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To Interested Parties, Statutory Parties
and Other Persons invited to the
Preliminary Meeting

Your Ref:

Our Ref: TR010054

Date: 19 November 2020

Dear Sir/Madam

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rules 8(3) and 9

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

Notification of decisions to postpone Site Inspection and associated variations of timetable for the Examination

We are writing to inform you of the Procedural Decisions made by the Examining Authority (ExA) relating to the scheduled Site Inspection which was due to take place on 1 and 2 December 2020.

As all parties will be aware the Covid-19 pandemic has affected everyone. During the Preliminary Meeting the ExA expressed concerns about whether in the light of the need for social distancing and similar precautions it would be possible to hold a conventional ASI and was looking at alternative approaches. These comments were made bearing in mind the Secretary of State for Housing, Communities and Local Government Written Ministerial Statement of 13 May 2020 of the importance of maintaining progress on the determination of planning applications and appeals to support the UK's economic recovery.

Since the Preliminary Meeting the Government has introduced the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 for the period 5 November to 2 December 2020 which have further significantly restricted movements. While undertaking an ASI would be permissible under these Regulations on the basis that it would represent work, the ExA is also mindful of guidance which seeks to reduce movement and to avoid meeting for work where possible, particularly during this period.

The Examination period for the Application continues until 20 April 2021, and the ExA therefore does not consider it essential that the Site Inspection takes place as scheduled in early December as this would be in the period covered by the above Regulations.

The parties are reminded that the ExA undertook an Unaccompanied Site Inspection in the summer, and therefore has a general understanding of the locality. The ExA therefore considers that the lack of further site visits prior to the Hearings scheduled for the week commencing 8 December 2020 would not be unduly problematic.

The ExA has therefore taken the Procedural Decision to postpone the scheduled Site Inspection from 1 and 2 December. It is proposed to re-schedule the Site Inspection to the 9 and 10 February 2021.

The ExA regrets the need to make this change but is sure that all parties will fully understand the need for this amendment.

Changes to timetable

To accommodate this Procedural Decision, the ExA has also made a Procedural Decision to make a number of changes to the Examination Timetable from that published on 29 October 2020. These are:

- The date of publication of the Site Inspection programme by the ExA.
- The date for confirmation of access availability
- The dates of the Site Inspection.

These changes, along with the overall revised Examination Timetable, is set out in **Annex A**.

Yours faithfully

Robert Jackson

Robert Jackson, Lead Member of the Panel

Annex A – Revised Examination Timetable

Revised 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.

This timetable includes events that have already occurred, so the full timetable is set out in a single location.

The changes from the previously issued Examination Timetable (29 October 2020) are set out below in **red** for additions, and **blue-strikethrough** for deletions.

Item	Matters	Due Dates
1.	Procedural Deadline A Deadline for receipt by the ExA of: <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 	Thursday 10 September 2020
2.	Preliminary Meeting (Part 1)	Thursday 1 October 2020
3.	Reserve date for Preliminary Meeting (Part 1) (if necessary due to overrun or technical issues)	Friday 2 October 2020
4.	Procedural Deadline B Deadline for receipt by the ExA of: <ul style="list-style-type: none"> Submission of written responses to matters discussed at the Preliminary Meeting (Part 1) 	Monday 12 October 2020

	<ul style="list-style-type: none"> • 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) 	
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) ¹	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.	<p>Deadline (D1)</p> <p>Deadline for receipt by the ExA of:</p> <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 RRs exceeding 1500 words • Written Representations (WRs) • Summaries of all WRs exceeding 1500 words • Applicant's submission of Integrity matrices as to effects on European sites • Post Hearing submissions including written summaries following PM and OFH1 • Interested Party comments on Applicant's suggested ASI itinerary • Local Impact Reports (LIRs) (Annex B) 	Tuesday 3 November 2020

¹ This was not necessary.

	<ul style="list-style-type: none"> • Statements of Common Ground (SoCG) requested by the ExA (Annex B) • Responses to any further information requested by the ExA for this deadline 	
10.	<p>Procedural Deadline C</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Notification by Statutory Parties of their wish to be considered as an IP by the ExA • 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 	<p>Tuesday 3 November 2020</p>
11.	<p>Deadline 2 (D2)</p> <p>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 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 including the question relating to publicity 	<p>Tuesday 17 November 2020</p>
12.	<p>Procedural Deadline D</p> <p>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 should this be possible 	<p>Tuesday 17 November 2020</p>
13.	<p>Publication of ExA's Site Inspection Timetable for Site Inspections identified for 1 and 2 December 2020.</p>	<p>Monday 23 November 2020</p>

14.	<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 • Comments on Integrity matrices as to effects on European sites • 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>
15.	<p>Procedural Deadline E Deadline for confirmation that Site Inspections access can be provided and matters that parties would like the ExA to particularly look for at Site Inspection on 1/2 December</p>	<p>Thursday 26 November 2020</p>
15A.	<p>Deadline 3A (D3A) Deadline for the receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on the Changes accepted on 29 October 2020 	<p>Tuesday 1 December 2020</p>
16.	<p>Dates reserved for Site Inspection²</p>	<p>Tuesday 1 & Wednesday 2 December 2020</p>
17.	<p>Issue by the ExA of: Further Written Questions (if necessary).</p>	<p>Friday 4 December 2020</p>
18.	<p>Hearings Dates reserved for:</p> <ul style="list-style-type: none"> • Open Floor Hearing (OFH2) (if required) • Issue Specific Hearings (ISH 1 to 3) (if required) <p>Possible topics:</p> <ul style="list-style-type: none"> ○ Air Quality ○ Biodiversity 	<p>Tuesday 8 to Thursday 10 December 2020</p>

²-Please note: A Site Inspection 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"> ○ Cultural Heritage ○ Green Belt ○ Geology and Soils ○ Landscape and visual ○ Noise and Vibration ○ Socio-Economics ○ Traffic and Transport ○ Water issues ○ Draft DCO ● Compulsory Acquisition Hearing (CAH1) (if required) 	
19.	Hearings Dates reserved for hearings (if necessary due to overrun or technical issues)	Tuesday 15 to Thursday 17 December 2020
19A	Procedural Deadline EA <ul style="list-style-type: none"> ● Confirmation as to wish to participate or observe at Hearings scheduled for January 2021 (should they take place) 	Friday 18 December 2020
20.	Deadline 4 (D4) Deadline for receipt by the ExA of: <ul style="list-style-type: none"> ● Post December 2020 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 and D3A ● Responses to any further information requested by the ExA for this deadline 	Friday 8 January 2021
20aA	Publication of ExA's Site Inspection Timetable for Site Inspections identified for 9 and 10 February 2021.	Monday 18 January 2021
20A.	Hearings Dates reserved for hearings (if necessary, in respect of the Changes accepted on 29 October 2020)	Tuesday 19 and Wednesday 20 January 2021

21.	<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 	<p>Wednesday 20 January 2021</p>
22.	<p>Publication of:</p> <ul style="list-style-type: none"> • The ExA’s Third set of Written Questions (if required) 	<p>Friday 29 January 2021</p>
22A	<p>Procedural Deadline EB Deadline for confirmation that Site Inspections access can be provided and matters that parties would like the ExA to particularly look for at Site Inspection on 9/10 February</p>	<p>Monday 1 February 2021</p>
22B.	<p>Dates reserved for Site Inspection³</p>	<p>Tuesday 9 & Wednesday 10 February 2021</p>
23.	<p>Deadline 6 (D6) Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Post January 2021 Hearing submissions including written submissions of oral case (if required) • 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 	<p>Friday 12 February 2021</p>
24.	<p>Publication of:</p> <ul style="list-style-type: none"> • Report on the Implications for European Sites (RIES) (if required) 	<p>Friday 26 February 2021</p>

³ Please note: A Site Inspection 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"> The ExA's proposed schedule of changes to the draft DCO (if required) 	
25.	<p>Procedural Deadline F</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
26.	<p>Hearings</p> <p>Dates reserved for:</p> <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 16, Wednesday 17, Thursday 18 and Tuesday 23 March 2021
27.	<p>Deadline 7 (D7)</p> <p>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
28.	<p>Deadline 8 (D8)</p> <p>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) 	Wednesday 7 April 2021

	<ul style="list-style-type: none"> • 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 	
29.	<p>Deadline 9 (D9) 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 	Friday 16 April 2021
30.	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

Publication dates

All information received will be published on the project page of the National Infrastructure Planning website as soon as practicable after each deadline for submissions.

Hearing agendas

We will aim to publish a draft agenda for each hearing on the project page of the National Infrastructure Planning website at least five working days in advance of the hearing date. The actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Report on the Implications for European Sites

Where the Applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the DCO application, the ExA may decide to issue a Report on the Implication for European Sites (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 Habitats Regulations⁴.

⁴ The Conservation of Habitats and Species Regulations 2017