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

Your Ref:

Our Ref: TR010054

Date: 23 February 2021

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 to M6 Link Road Project

Notification of decisions on proposed change, Site Inspections, Hearings scheduled for March 2021, and associated matters.

We write further to the letter from the Applicant dated 12 February 2021 in respect of matters submitted at Deadline 6.

In that letter the Applicant submitted a revised Street, Rights of Way and Access Plan (Examination Library [REP6-002]) which includes an access to the plot to west and north of Plot 4/20c as shown on the Land Plans [REP6-004].

Although not formally requested as a change, the Examining Authority (the ExA) considers that this should be considered as such.

The ExA has reviewed the information provided and assessed the Applicant's letter in line with paragraphs 109 to 115 of DCLG Guidance 'Planning Act 2008: Examination of Applications for Development Consent' and the Planning Inspectorate's Advice Note 16.

The ExA notes that the identified amendment to the design is set within the red line boundary for the scheme and would not result in a materially different project. The Applicant has been in discussions with those who would be directly affected by the proposed change. The ExA accepts that the proposed change would still allow for the Examination to be completed within the statutory timetable of six months (section 98(1) Planning Act 2008 (as amended)). It would represent a minor design change.

The ExA is therefore able to accept the above matter as a non-material change to the application.

Site Inspection

In its letter of 29 January 2021 the ExA asked the Applicant to provide 360° and video photography in the event that a Site Inspection could not be undertaken. The ExA also set up a mechanism whereby Interested Parties could make observations on the information submitted in the same way that they would have been able to do at an Accompanied Site Inspection, that is to point matters out for the ExA to specifically observe.

In that letter the ExA confirmed its preference to physically visit the site and this remains its intent. It is therefore communicating with the Applicant via the Case Team to ask it to arrange Site Inspections in the expectation that this is possible. These would take place in the window allowed for in the Examination Timetable (16 and 17 March 2021).

The ExA does not wish to be accompanied in these Site Inspections other than if necessary, to be let on to the relevant land and/or to be advised of any health and safety implications. Parties should therefore work on this basis and are asked to make arrangements in those terms.

As set out above, through the submission of the 360° and video photography any Interested Parties will still be able to point out particular matters that they would like the ExA to note. This would be in line with the timetable set out in the letter of 29 January 2021.

March Hearings

Having carefully read the information submitted to date the ExA has concluded that it no longer needs to hold Hearings in March 2021, which are therefore cancelled.

However, this does not mean that the ExA does not have any further questions of parties, or that it will not have any questions following the Site Inspection. If there are any such questions, the ExA considers that they are likely to be specific to particular parties and are therefore likely to write to those parties directly under the provisions of Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended).

Such correspondence would be published on the project webpage in line with normal procedures.

Changes to the timetable

To accommodate this Procedural Decision, the ExA has also made a Procedural Decision to make changes to the Examination Timetable from that published on 29 January 2021. These are:

- To remove Procedural Deadline F (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))
- To amend the entry for 16 March 2021 to 'Examining Authority's Unaccompanied Site Inspection 16 and 17 March 2021'
- To remove 'Post March 2021 Hearing submissions including written submissions of oral case (if required)' from Deadline 7

Consequently, the ExA has published at **Annex A** a revised Examination Timetable taking into account all matters to date.

Other matters

The ExA is aware that it is due to publish shortly its draft Report on the Implications for European Sites (RIES) and proposed schedule of changes to the draft DCO (if required), and considers it would be useful, particularly, in respect of any changes to the draft DCO to explain its thoughts.

Any changes published at that time are likely to be of a typographic nature or where any change is considered to be of more minor importance. This does not mean that the ExA considers these would be all the changes that may be necessary.

Other matters have been and continue to be examined but it is clear that there are fundamental differences between parties on a number of issues. These will need to be reported to the Secretary of State along with the ExA's conclusions when all the evidence has been submitted.

It is possible that the ExA's conclusions may result in further changes to the final version draft DCO as submitted by the Applicant at Deadline 8 (7 April 2021) which would then form part of the recommended DCO (should the ExA consider that the DCO should be granted, or if the ExA considers that the DCO should be withheld, should the Secretary of State disagree with that conclusion).

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 are set out below in **red** for additions, and **blue-strikethrough** for deletions.

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.	<p>Preliminary Meeting (Part 2)</p>	<p>Tuesday 20 October 2020</p>

6.	Open Floor Hearing 1 (OFH1)	Wednesday 21 October 2020
7.	Reserve date for OFH1 (if necessary due to overrun or technical issues) ²	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 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) Statements of Common Ground (SoCG) requested by the ExA (Annex B) 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 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) 	Tuesday 3 November 2020

	<ul style="list-style-type: none"> Notification of wish to have future correspondence received electronically 	
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.	No Entry	
14.	<p>Deadline 3 (D3)</p> <p>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.	No entry	
15A.	<p>Deadline 3A (D3A)</p> <p>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.	No Entry	
17.	Issue by the ExA of: Further Written Questions (if necessary).	Friday 4 December 2020
18.	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 • Compulsory Acquisition Hearing (CAH1) (if required) 	Tuesday 8 to Thursday 10 December 2020
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

21.	Deadline 5 (D5) Deadline for receipt by the ExA of: <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
21A.	Deadline 5A (D5A) Deadline for receipt by the ExA of comments on the suitability of virtual site inspection methods and necessary lead-in	Wednesday 27 January 2021
22.	Publication of: <ul style="list-style-type: none"> • The ExA's Third set of Written Questions (if required) 	Friday 29 January 2021
23.	Deadline 6 (D6) Deadline for receipt by the ExA of: <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 	Friday 12 February 2021
24.	Publication <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
25.	Procedural Deadline F <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
25A.	Deadline 6A (D6A)	Friday 12 March 2021

	Submission by the Applicant of the 360° photography and video footage requested by the ExA on 29 January 2021.	
26.	<p>Site Inspection</p> <p>The Examining Authority's Site Inspection</p> <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) <p>Site Inspection³</p>	<p>Tuesday 16 and Wednesday 17 March 2021</p> <p>Thursday 18 and Tuesday 23 March 2021</p>
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 • Comments on the 360° photography and video footage received by D6A • Responses to any further information requested by the ExA for this deadline 	<p>Friday 26 March 2021</p>
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) • 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 	<p>Wednesday 7 April 2021</p>

	<ul style="list-style-type: none"> • 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)</p> <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 	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.

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 Regulations⁵.