



National Infrastructure
Planning
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To all Interested Parties, Affected
Persons and Statutory Parties

Your Ref:

Our Ref: TR010056

Date: 5 April 2022

Dear Sir/ Madam

**Planning Act 2008; The Infrastructure Planning (Examination Procedure)
Rules 2010 – Rules 8(3) and 13; and the Infrastructure Planning
(Compulsory Acquisition) Regulations 2010 – Regulations 10 - 16**

**Application by National Highways (formerly Highways England) for an Order
Granting Development Consent for the A417 Missing Link**

Amendment to the Application and revised Examination Timetable

The Examining Authority (ExA) has previously accepted a proposal to amend the Application and to vary the extent of Compulsory Acquisition rights sought over several plots and introduce new plots via subdivision¹. The Applicant has certified that this proposal has been publicised in accordance with Regulations 7 and 8 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010².

Two further representations were received in respect of the Applicant's changes to the Application: [[RR-111](#)] and [[RR-112](#)].

In accordance with Regulation 11 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, the ExA has made an initial assessment of the issues arising in connection with the proposed provision and has decided that the issues remain as set out in Annex C to the ExA's letter of 30 September 2021 [[PD-005](#)]. There are no new issues arising. The ExA has decided that it is not necessary to hold a meeting to discuss how the proposed provision should be examined. The provision will be examined by Written Representations and by holding further Hearings.

Annex A of this letter sets out the revised Examination Timetable (from item 10 onwards) which is necessary to accommodate the required deadlines following the acceptance of the Applicant's proposal to amend the Application.

¹ The proposal to amend the application is at [[REP4-002](#)] in the Examination Library (EL), and paragraph 1.4 of this document sets out which plots are affected by the change request. The ExA's decision to accept the proposal is at [[PD-014](#)] and [[PD-015](#)] in the EL.

² The Applicant's Regulation 9a Notice and Regulation 9b Certificate are at [[OD-006](#)] and [[OD-007](#)] in the EL.

Written Representations

All Interested Parties are invited to submit Written Representations on the proposed provision to amend the Application. In addition, any additional Affected Persons³ are invited to submit Written Representations on the Application as a whole.

Written Representations can cover any relevant matter and are not restricted to the matters set out in Annex C to the ExA's letter of 30 September 2021 [PD-005]. Any person, other than the Applicant, who submits a Written Representation must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why. There is no need to repeat representations already made.

Written Representations should be submitted **by no later than Thursday 28 April 2022 (Deadline 7a in the revised Examination Timetable at Annex A of this letter)**.

Notification of Hearings

The revised Examination Timetable at **Annex A** of this letter includes reserve dates for Hearings to be held on Friday 29 April 2022. In accordance with the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, we are required to give a 21-day notice period for Hearings.

We write to advise you that the following virtual Hearings will be held on **Friday 29 April 2022**:

Date	Event	Time	Venue
Friday 29 April 2022	Open Floor Hearing 2 (OFH2)	10.00am (Arrangements Conference starts at 9.30am)	Virtually via Microsoft Teams
Friday 29 April 2022	Compulsory Acquisition Hearing 3 (CAH3)	10.00am (Arrangements Conference starts at 9.30am)	Virtually via Microsoft Teams
Friday 29 April 2022	Issue Specific Hearing 5 (ISH5)	10.00am (Arrangements Conference starts at 9.30am)	Virtually via Microsoft Teams

³ Persons with an interest in the land which is subject to the proposed provision, and which is deemed to constitute additional land for the purposes of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010.

Format of Hearings

The ExA will be using solely virtual methods for these Hearings. The Planning Inspectorate's [Advice Notice 8.6](#) provides detailed advice regarding virtual Examination events.

The above Hearings will take place as a single event, and therefore all the Hearings will be accessed via the same set of joining instructions which will be issued to parties who have registered to attend in accordance with the following information.

Please see details in the section below regarding how to register to participate in the virtual Hearings. If your request to participate is accepted, you will receive an invitation which will include instructions on how to join the virtual event. The Arrangements Conference will admit you to the event, and will provide information on the Hearings and reminders about using the technology. Please arrive at the Arrangements Conference start time so the Case Team can admit you before the start of the Hearings.

Request for notification of a wish to speak at Hearings

If you wish to participate and be heard orally at any of the above Hearings, please let the Case Team know by contacting the email address at the top of this letter as soon as possible, and no later than **Thursday 28 April 2022**.

Any request to participate in the Hearings must include the following information:

- Name and Unique Interested Party reference number. The reference number can be found either in the email covering this letter or on the hard-copy letter you have received.
- Email address (if available) and contact telephone number.
- Name and Unique Interested Party reference number of any person/organisation that you are representing.
- The Hearing(s) you wish to participate in and brief details of the topic(s) that you would like to raise. Please note that all the Hearings will take place during the same virtual event.
- For the Compulsory Acquisition Hearing: the plot number(s) of the relevant land provided in the [Book of Reference](#) and the [Land Plans](#).
- The Examination Library reference number (with paragraph/ page number where appropriate) of any documents you wish to refer to.

If you do not have access to email, you may write to the Case Team to confirm your participation at the postal address above. Please address any letter to the 'A417 Missing Link Case Team' and include the case reference TR010056 and a contact telephone number. Postal communications must be received by the Planning Inspectorate by **Thursday 28 April 2022**. Interested Parties should therefore be mindful of the potential delays associated with the postal system, and ensure that documents are posted so as to be received by the deadline.

Procedure at Hearings

The procedure to be followed at Hearings is set out in The Infrastructure Planning (Examination Procedure) Rules 2010⁴.

The purpose of the Issue Specific Hearing (ISH) is to enable any additional Affected Persons and/ or additional Interested Parties to make oral representations on matters that have been discussed at previous ISHs:

- Issue Specific Hearing 1 (ISH1) on the draft Development Consent Order (DCO).
- Issue Specific Hearing 2 (ISH2) on Environmental Matters.
- Issue Specific Hearing 4 (ISH4) on Environmental Matters.

The purpose of the Compulsory Acquisition Hearing is:

- to enable any Affected Person and/ or Interested Party to make oral representations on the proposal to vary the extent of Compulsory Acquisition rights sought and introduce new plots via subdivision; and
- to enable any additional Affected Persons to make oral representations on matters relating to the proposed Compulsory Acquisition of land and rights.

Open Floor Hearings are not related to a particular issue, however those wishing to be heard orally as part of the Open Floor Hearing are requested to note:

- A maximum speaking time guide of 5 minutes per Interested Party will apply to oral submissions by individual Interested Parties. If a group of Interested Parties share common areas of concern, it is acceptable and preferable for a spokesperson to be nominated to represent the group.
- Organisations and groups with shared representations will receive a maximum speaking time guide of 10 minutes.

Participation in the Hearings will be subject to the ExA's powers of control. It is for the ExA to determine how Hearings are to be conducted, including the time allowed at the Hearings for the making of a person's representations. Any oral representations must be based on either the Relevant Representation or Written Representation made by the person by whom, or on whose behalf, the oral representations are made.

The Hearings will be managed in the interests of ensuring fair access for all parties and to ensure that the submissions of all invited persons are fully heard within the allotted time.

Depending on the number of participants at the Hearings, and the progress made during the event, it may be necessary to have breaks in proceedings.

Hearing agendas

We will publish draft agendas for the Hearings on the [project webpage of the National Infrastructure Planning website](#) at least five working days in advance of the event

⁴ Rule 14

date, although our aim is to publish them sooner than this. The agendas are for guidance only and are not designed to be exclusive or exhaustive. The actual agenda on the day may be subject to change at the discretion of the ExA.

Hearing livestream and recording

A link to the livestream of the Hearings will be made available on the [project webpage of the National Infrastructure Planning website](#) shortly before the start of the event which will allow any member of the public who is interested in the application and the Examination to follow proceedings. A recording of the Hearings will also be published on the project webpage as soon as practicable after the event.

As Hearing recordings are retained and published, they form a public record that can contain personal information to which the General Data Protection Regulation (GDPR) applies. Please refer to our [Privacy Notice](#) for further information. Participants should 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.

The Planning Inspectorate's practice is to publish Hearing recordings and retain them for a period of five years from the Secretary of State's decision on the Development Consent Order. If you actively participate in a Hearing, it is important that you understand that you will be recorded and that the recording will be made available in the public domain. If you prefer not to have your image recorded, you can switch off your camera at any point.

If you have any further queries, please do not hesitate to contact the Case Team using the email address above.

Yours faithfully

Ken Stone

Ken Stone
Lead Member of the Examining Authority

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

Revised Examination Timetable

Please see below the Examination Timetable, as published in [Annex A of the ExA's Rule 8 letter](#), from item 10 onwards and with amendments **underlined in red**.

The 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.

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	Date
10.	<p>Deadline 7 (D7)</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on responses to ExQ2 (if required); • Comments on responses received by D6; and • Any further information requested by the ExA under Rule 17 of the Examination Rules. 	Monday 11 April 2022
11.	<p>Publication of:</p> <ul style="list-style-type: none"> • The Report on the Implications for European Sites (RIES) (if required); and • The ExA's proposed schedule of changes to the dDCO (if required). 	Wednesday 13 April 2022
<u>12.</u>	<p><u>Deadline 7a (D7a)</u></p> <p><u>For receipt by the ExA of:</u></p> <ul style="list-style-type: none"> • <u>Written Representations (WR) on the Applicant's changes to the application received at Deadline 4 (D4); and</u> • <u>Notification of wish for any additional Interested Party to participate in an Open Floor Hearing or any additional Affected Person to participate in a Compulsory Acquisition Hearing, to be held on 29 April 2022 (if required).</u> 	<u>Thursday 28 April 2022</u>
<u>13.</u>	<p><u>Hearings</u></p> <p><u>Date reserved for any:</u></p> <ul style="list-style-type: none"> • <u>Open Floor Hearing(s) (if required) (see page 2 of the above letter);</u> 	<u>Friday 29 April 2022</u> <u>10.00am</u>

	<ul style="list-style-type: none"> • <u>Compulsory Acquisition Hearing(s) (if required) (see page 2 of the above letter); and</u> • <u>Issue Specific Hearing(s) (if required) (see page 2 of the above letter).</u> 	
<u>14.</u>	<p>Deadline 8 (D8)</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • <u>Responses to Relevant Representations and Written Representations on the Applicant's changes to the application received at D4;</u> • <u>Written summaries of oral submissions to Hearing(s) held on 29 April 2022 (if held);</u> • <u>Any post-Hearing submissions requested at the Hearings (if held);</u> • Responses to the RIES (if issued); • Responses to the ExA's proposed schedule of changes to the dDCO (if issued); • Comments on responses received by D7; • Progressed Statements of Common Ground; • Progressed Statement of Commonality for SoCG; • An updated Guide to the Application; • An updated version of the draft Development Consent Order (dDCO) in clean and tracked versions; • Schedule of changes to the dDCO; • An updated Compulsory Acquisition Schedule in clean and tracked versions; and • Any further information requested by the ExA under Rule 17 of the Examination Rules. 	<u>Friday 6 May 2022</u>
<u>15.</u>	<p>Deadline 9 (D9)</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on responses to the RIES (if issued); • Comments on responses to the ExA's proposed schedule of changes to the dDCO (if issued); • Comments on responses received by D8; • Finalised Statements of Common Ground; • Finalised Statement of Commonality for SoCG; 	<u>Monday 16 May 2022</u>

	<ul style="list-style-type: none"> • Finalised Guide to the Application; • Final version of the draft Development Consent Order (dDCO) in clean and tracked versions; • Final dDCO to be submitted by the Applicant in the SI template with the SI template validation report; • Finalised Schedule of changes to the dDCO; • Finalised Compulsory Acquisition Schedule in clean and tracked versions; and • Any further information requested by the ExA under Rule 17 of the Examination Rules. 	
16.	The 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.	Monday 16 May 2022

Submission times for Deadlines

The time for submission of documents at any Deadline in the timetable is 23:59 on the relevant Deadline date, unless instructed otherwise by the ExA.

Publication dates

All information received will be published on the [project webpage 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 and/ or Regulation 28 of the Offshore Marine Regulations.

⁵ The Conservation of Habitats and Species Regulations 2017