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Planning
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All Interested Parties,
Statutory Parties and Other Parties invited
to the Preliminary Meeting

Your Ref:

Our Ref: TR010062

Date: 17 October 2022

Dear Sir/ Madam

Planning Act 2008 – Section 88 and 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 4, 6, 9 and 13

Application by National Highways for an Order Granting Development Consent for the A66 Northern Trans-Pennine project

Appointment of the Examining Authority and invitation to the Preliminary Meeting and Notification of Hearings

Following my appointment by the Secretary of State (SoS) as the lead member of the Examining Authority (ExA) to carry out an Examination of the above application, I am writing to introduce myself and the other members of the ExA. My name is Richard Allen, and I will be joined by my colleagues Marie-Louise Milliken, Stephen Roscoe and Neil Humphrey. A copy of the appointment notice can be viewed under the Documents tab on the [project webpage](#) of the National Infrastructure Planning website.

We would like to thank those of you who submitted Relevant Representations (RRs). These representations have assisted us when considering how we will examine this application.

Invitation to the Preliminary Meeting

As a recipient of this letter, you are invited to the Preliminary Meeting (PM) to discuss the procedure for the Examination of the above application.



Date	Start time	Venue and joining details
Tuesday 29 November 2022	Seating available at venue from: 9.30am Virtual Arrangements Conference from: 9.30am Preliminary Meeting starts: 10.00am	The Witham, 3 Horse Market, Barnard Castle, County Durham, DL12 8LY and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered

You must register by the Pre-Examination Procedural Deadline of Wednesday 16 November 2022 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).

If you simply wish to observe the Preliminary Meeting then you do not need to register as you will be able to either:

1. Attend the physical event to observe the proceedings;
2. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
3. watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished.

Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to us about how the application should be examined. The ExA will therefore limit the scope of the Preliminary Meeting to consideration of how the application will be examined. See **Annex B** to this letter and the Planning Inspectorate's [Advice Note 8.3 - Influencing how an application is Examined: the Preliminary Meeting](#) for more information.

The Preliminary Meeting is **not** an opportunity for you to give your views about what you like or don't like about the application. The merits or disadvantages of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed. 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. **Annex B** to this letter contains further remarks from the ExA on the Examination process.

The agenda for the meeting is at **Annex A** to this letter. This has been set following our Initial Assessment of Principal Issues (IAP) arising from our reading of the application documents and the Relevant Representations received. The IAP is set out in **Annex C** to this letter.



Written submissions about how the application should be examined

The Planning Act 2008 establishes a principally written process for the Examination of applications for Development Consent Orders and **representations made in writing carry equal weight to oral representations at all stages of the process.**

We are now requesting written submissions from recipients of this letter about how the application should be examined. We particularly wish to hear from you if:

- You consider changes need to be made to the draft Examination Timetable set out at **Annex E** to this letter; and/or
- you wish to comment about the arrangements for future Examination Hearings.

You are invited to make a written submission about how the application is to be examined by the **Pre-Examination Procedural Deadline, Wednesday 16 November 2022** (see **Annex E** to this letter).

We request that all submissions are made using the Make a submission tab on the project webpage on or before the **Pre-examination Procedural Deadline, Annex H** to this letter provides further information about using the Make a submission tab.

Requests to participate at the Preliminary Meeting

Please note that **you are not required to attend, or make written submissions to, the Preliminary Meeting in order to participate in the Examination.** If you are an Interested Party (IP) you can make a Written Representation (WR) and comment on the Written Representations made by other Interested Parties during the Examination. You will also be able to participate in any hearings that are arranged.

If you wish to participate at the Preliminary Meeting you are required to notify the ExA in writing on or before **Wednesday 16 November 2022** (see **Pre-Examination Procedural Deadline**) via the Make a submission tab.

Any request to participate in the Preliminary Meeting **must include** the following information:

- Name and unique reference number (found at the top your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- for blended events, confirmation of whether you will participate virtually or in-person; and



- the agenda item on which you wish to speak and a list of the points you wish to make.

Please contact the Case Team using the contact details at the top of this letter if you require any support to attend the Preliminary Meeting.

Format of Examination Events – Preliminary Meeting and Hearings

The Examination of the application will principally be a written process (see [Advice Note 8.4: The Examination](#)), supplemented and supported where necessary by various types of hearings (see [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#)).

The Planning Inspectorate’s operating model includes both blended (part in-person and part virtual) and fully virtual events. We will confirm the format of any Hearings to be held during the Examination Stage when we provide formal notification of each Hearing at least 21 days in advance of it taking place. However and for this case, the ExA expects Hearings will be blended.

As such we are providing formal notification that the **Preliminary Meeting, the Open Floor Hearing 1, the Issue Specific Hearings 1 and 2 and the Compulsory Acquisition Hearing will be blended events.**

After the Preliminary Meeting

After the Preliminary Meeting we will issue a letter (known as the Rule 8 letter) setting out the finalised Examination Timetable. A note of the meeting will also be published on the [project webpage](#).

Notification of Hearings

The ExA provides notice of the following initial Hearings that will take place:

Date	Hearing	Start time	Venue and Joining details
Tuesday 29 November 2022	Open Floor Hearing 1	Seating available at venue from: 2.00pm Virtual Arrangements Conference from: 2.00pm Hearing starts: 2.30pm	The Witham, 3 Horse Market, Barnard Castle, County Durham, DL12 8LY and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in



Date	Hearing	Start time	Venue and Joining details
			advance to those who have pre-registered
Wednesday 30 November 2022	Issue Specific Hearing 1 On Alternative Route Options	Seating available at venue from: 9.30am Virtual Arrangements Conference from: 9.30am Hearing starts: 10.00am	The Witham, 3 Horse Market, Barnard Castle, County Durham, DL12 8LY and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
Thursday 1 December 2022	Issue Specific Hearing 2 On the Environmental Management Plan, environmental matters and the draft Development Consent Order	Seating available at venue from: 9.30am Virtual Arrangements Conference from: 9.30am Hearing starts: 10:00am	The Witham, 3 Horse Market, Barnard Castle, County Durham, DL12 8LY and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered



Date	Hearing	Start time	Venue and Joining details
Friday 2 December 2022	Compulsory Acquisition Hearing 1	Seating available at venue from: 9.30 Virtual Arrangements Conference from: 9.30 Hearing starts: 10:00am	The Witham, 3 Horse Market, Barnard Castle, County Durham, DL12 8LY and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
<p>NOTE: If any of the above hearings are no longer required then notification that a particular date is no longer required will be published as soon as practicable on the project webpage, providing reasonable notice to Interested Parties of the decision to cancel them.</p>			

You must register by the Pre-Examination Deadline of Wednesday 16 November 2022 if you intend to participate in the Hearings and provide all the information requested (see below).

If you simply wish to observe the Hearings then you do not need to register as you will be able to either:

1. Attend the physical event to observe the proceedings;
2. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
3. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

High-level agendas for these Hearings have been published at **Annex F** to this letter to help inform your decision about whether to register to participate. This has been set following our Initial Assessment of Principal Issues (IAP) arising from our reading of the application documents and the Relevant Representations received. The IAP is set out in **Annex C** to this letter.



For Issue Specific Hearings and Compulsory Acquisition Hearings the ExA will publish a detailed draft supplementary agenda on the project webpage at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA. For Open Floor Hearings an agenda will not be published.

Any request to participate in a hearing **must include** the following information:

- Name and unique reference number (found at the top of any letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- for blended events, confirmation of whether you will participate virtually or in-person;
- confirmation of the hearing(s) you wish to participate in, the agenda item(s) on which you wish to speak and/or brief details of the topic(s) that you would like to raise;
- for Compulsory Acquisition Hearings, the plot number(s) of the relevant land provided in the Book of Reference and the Land Plans; and
- the Examination Library reference number (with paragraph/page number where appropriate) of any documents you wish to refer to.

It is important that notifications from Interested Parties to participate in hearings is submitted separately from any other written submission. Please select the appropriate Deadline and Submission Item under the Make a submission tab and ensure the submission is titled appropriately to allow us to quickly identify which event the notification relates to. **Annex H** provides further information about the Make a submission tab. Please contact the Case Team using the contact details at the top of this letter if you require any support to attend a Hearing.

Procedural Decisions made by the Examining Authority

We have made some further Procedural Decisions which are set out in detail at **Annex D** to this letter. They are summarised as follows:

- The Applicant to make electronic displays of plans and drawings available at the Hearings.
- The request for additional or updated drawings.
- Statements of Common Ground.
- Principal Areas of Disagreement Summary Statements Update.
- Joint Position Statements Update.
- Accompanied Site Inspections Suggested Locations (if held).
- Additional Submissions Accepted by the ExA.
- Deadlines for Written Representations and Local Impact Reports.



- Deadline for the submissions of comments and summaries on Relevant Representations, and
- Notification by Statutory Parties, or Certain Local Authorities to be Considered Interested parties.

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 as electronic communication is more environmentally friendly and cost effective for the taxpayer.

If you have received a letter but are able to receive communications by email, please inform the Case Team using the contact details at the top of this letter as soon as possible.

As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with the [project webpage](#).

A Make a submission tab is available on the website which provides a portal through which parties should make written submissions at relevant deadlines during the Examination. Further information about the 'Make a submission' portal is provided at **Annex H** to this letter.

There is also a function on the right-hand side of the project webpage called 'E-mail updates'. This provides you with an opportunity to register to receive automatic e-mail updates at key stages during the Examination.

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 '2003', 'A66D-0', 'A66D-AFP', 'A66D-S57' 'A66D-APL' you are in Group A. If your reference number begins with 'A66D-SP' you are in Group B. If your reference number begins with 'A66D-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.

Awards of Costs

All parties will normally be expected to meet their own costs. Costs can be awarded against a party who has acted unreasonably and has caused the party applying for the award of costs to incur unnecessary or wasted expense during the Examination. You should be aware of the relevant costs guidance [Awards of costs: examinations of applications for development consent orders](#).



Management of Information

Information, including representations, submitted in respect of this Examination (if accepted by the Examining Authority) and a record of any advice which has been provided by the Planning Inspectorate is published on the [project webpage](#).

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

Please note that in the interest of facilitating an effective and fair Examination, it is necessary to publish some personal information. To find out how we handle your personal information please view our [Privacy Notice](#).

Pronouns and Titles

Finally, please let the Case Team know if you wish to be referred to by a specific set of pronouns or titles.

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

Yours faithfully

Richard Allen

Lead Member of the Examining Authority

Annexes

- A** Agenda for the Preliminary Meeting
- B** Examining Authority's Remarks About the Examination Process
- C** Initial Assessment of Principal Issues
- D** Procedural Decisions made by the Examining Authority
- E** Draft Examination Timetable
- F** Agendas for the Issue Specific Hearings and Compulsory Acquisition Hearing
- G** Availability of Examination Documents
- H** Information about the Make a submission tab

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.



Agenda for the Preliminary Meeting

You must register by the Pre-Examination Deadline of Wednesday 16 November 2022 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).

If you simply wish to observe the Preliminary Meeting then you do not need to register as you will be able to either:

1. Attend the physical event to observe the proceedings;
2. Watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
3. Watch the recording of the event which will be published on the project webpage shortly after the event has finished.

If you are participating using Microsoft Teams, please join the virtual lobby promptly using the instructions that will be sent to you. The event will start at **10.00am** irrespective of any late arrivals, for whom access may not be possible.

It may take some time to admit participants from the virtual lobby, your patience whilst you are waiting is appreciated.

The agenda for the Preliminary Meeting is subject to change at the discretion of the Examining Authority, although in making changes the ExA will be mindful of the need to provide opportunities for fair involvement to all Invited Parties.

Any request to participate in the Preliminary Meeting **must include** the following information:

- Name and unique reference number (found at the top your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- for blended events, confirmation of whether you will participate virtually or in-person; and
- the agenda item on which you wish to speak and a list of the points you wish to make.

Date: Tuesday 29 November 2022

Arrangements Conference: 9.30am

Meeting start time: 10.00am

Venue: Blended event at **The Witham, 3 Horse Market, Barnard Castle, County Durham, DL12 8LY** and by virtual means using **Microsoft Teams**
Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered

Attendees: **The Applicant and Interested Parties who have pre-registered**

Agenda for the Preliminary Meeting	
9.30am	Seating available at venue for in-person attendees
9.30am	<p>Virtual Arrangements Conference</p> <p>Please arrive at 9.25am to enter the virtual lobby. From here you will be admitted to the Arrangements Conference by the Case Team, greeted and given further instructions.</p> <p>The Arrangements Conference will commence at 9.30am. This will be hosted by the Case Team and cover the housekeeping arrangements for the Preliminary Meeting and allow for any questions to be asked about how to take part.</p>
10.00am	<p>Preliminary Meeting</p> <p>The Preliminary Meeting will formally open at 10.00am. The Examining Authority will join, welcome participants and lead introductions.</p>
Item 1	The Examining Authority's remarks about the Examination process – Annex B to Rule 6 letter
Item 2	The Examining Authority's remarks about the Examination process – Annex B to Rule 6 letter
Item 3	Initial Assessment of Principal Issues – Annex C to Rule 6 letter
Item 4	Procedural Decisions – Annex D to the Rule 6 Letter
Item 5	Draft Examination Timetable – Annex E to Rule 6 letter
Item 6	Any other matters
Close of the Preliminary Meeting	

The Examining Authority's Remarks about the Examination Process

This annex provides advance access to information that would usually be included in the ExA's introductory remarks. Please read it carefully, as the ExA will only present a summary of the key points at the Preliminary Meeting, to ensure that the time available for participants to speak is maximised.

The Examining Authority and the Case Team

The ExA will introduce themselves at the start of the Preliminary Meeting.

The ExA will be supported by the Planning Inspectorate Case Team. Bart Bartkowiak is the Case Manager for the Application. During the Arrangements Conferences a member of the Case Team will welcome and admit participants from the virtual lobby and will be available to answer questions by email before and after the Preliminary Meeting. The contact email address is: a66dualling@planninginspectorate.gov.uk

Format

The Preliminary Meeting and subsequent Hearings will consist of blended events. This means that it will be held in person, with some participants opting to attend online using Microsoft Teams. Aware of videoconferencing fatigue, the ExA will ensure that regular breaks are taken. More details will be provided in the relevant agendas for such meetings, if required.

The Purpose of the Preliminary Meeting

The Preliminary Meeting is being held to discuss the arrangements for the Examination of the application for a Development Consent Order (DCO) for the A66 Trans Pennine dualling project, which is a Nationally Significant Infrastructure Project (NSIP), and which will generally be referred to in the Preliminary Meeting and Examination as the 'Proposed Development'. The application has been made by National Highways, which 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 project webpage of the National Infrastructure Planning website ([project webpage](#)). The project webpage has links to the Examination Timetable, Relevant Representations and Examination documents and Examination procedure.

You are encouraged to look at the [project webpage](#) if you haven't already done so, because it will be used to communicate with you and to provide access to documents throughout the Examination.

The main purpose of the Preliminary Meeting is to discuss the arrangements for the Examination of the 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 are

for the Examination itself which will begin the day after the close of the Preliminary Meeting.

The Preliminary Meeting will be your opportunity to influence the process that the ExA intends to follow. The agenda is attached to this 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 Preliminary Meeting. You may wish to print these in advance for reference.

Government Guidance and Policy

The application is a NSIP under the Planning Act 2008 (PA2008) as a consequence of sections 14 and 22. The designated the National Policy Statement on National Networks (NPSNN) applies to this Examination and to decision-making relating to this application.

The ExA will consider the Proposed Development in accordance with the NPSNN and any other applicable policy or considerations the ExA 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 its benefits.

The SoS is entitled to disregard any representations that are vexatious or frivolous, or relate to the merits of the designated National Policy Statement (NPS). In practice, this means that the ExA 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 or disadvantages of the Proposed Development, tested to the appropriate extent using the tests set out in relevant designated NPSs that are in force.

Other important and relevant planning policies that the ExA may consider include policies in the relevant local authorities’ development plans. However, if these conflict with policy in a NPS, then the NPS will take precedence.

In summary, the Preliminary Meeting will establish the procedures and timetable for the Examination of the Proposed Development. It will set a framework for the ExA to enable the SoS to consider and decide the application. In doing so, the ExA 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’s decision.

Preliminary Meeting Invitees

The Applicant is invited to the Preliminary Meeting and is generally given the opportunity to reply to any representations made.

Everyone who has made a valid Relevant Representation has been registered as an Interested Party (IP) and has been invited to the PM. All IPs are entitled to involvement in the Examination.

Each person or organisation with an interest in land or rights that are affected by a Compulsory Acquisition request in this application is an Affected Person (AP) and has been invited to the Preliminary Meeting. In addition to a general entitlement to involvement in the Examination, 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. All APs are IPs, whether or not they have made a valid Relevant Representation.

Certain bodies are Statutory Parties and they have been invited to the Preliminary Meeting. Statutory Parties can elect to become IPs without having made a valid Relevant Representation by notifying the ExA in writing.

The ExA has the power to involve people who are not IPs 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 an IP or eligible to elect to become an IP and they had been unable to take the necessary action to register as an IP.

Further information on your status can be found at:

<https://infrastructure.planninginspectorate.gov.uk/application-process/frequently-asked-questions/status-in-examination-faq/>

Conduct of the Preliminary Meeting

The ExA estimate that the Preliminary Meeting will take approximately two hours to complete.

During the Preliminary Meeting 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, the ExA will provide breaks during the PM as appropriate.

A digital recording of the Preliminary Meeting will be made available on the project webpage as soon as practicable following its close. The recording allows any member of the public who is interested in the application and the Examination to find out what has been discussed. The making and publication of these recordings are a means by which the ExA meets the legal requirement to hold the Preliminary Meeting (and any other hearings) in public. In this regard, **anyone speaking at the Preliminary Meeting 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 written note of the Preliminary Meeting will be produced and published as soon as practicable following its close.

As the recordings are retained and published, they form a public record that can contain personal information to which the UK General Data Protection Regulation (UK GDPR) applies. Participants must do their best to avoid providing any information which should otherwise 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 the Case Team 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 from the SoS's decision on the DCO. If you actively participate in the PM, it is important that you understand that you will be recorded and that the recording will be made available in the public domain. Please see our [Privacy Notice](#) for more information about how we handle your data.

Following the ExA's introductions, each participant who has been registered to speak will be asked to introduce themselves, including any organisations or groups that they represent. The ExA 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 Process

The starting point is that the relevant legislation for this system, s.87 of the 2008 Planning Act, states that "*it is for the Examining Authority to decide how to examine the application.*"

Examining Inspectors are employed by the Planning Inspectorate. The Planning Inspectorate is an Executive Agency of the Department of Levelling Up, Housing and Communities. This is an application for Development Consent. For the examination of nationally significant infrastructure projects, the ExA produces an independent and impartial report with a recommendation to the relevant Secretary of State. In the case of this project, this is the Secretary of State for Transport. **It is the Secretary of State who will make the decision on the Application, not the ExA.**

The Examination of NSIPs follows 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 hearings take on an inquisitorial approach as opposed to an adversarial one.

This means that the ExA 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 the ExA. 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:

- Local authorities can submit LIRs if they wish. Whilst these are voluntary, the PA2008 provides that if they are provided, they must be considered by the SoS in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to the ExA, the SoS and their residents.
- IPs can make Written Representations (WRs) and comment on WRs made by other parties.
- IPs can respond to the ExA's written questions (ExQs) and comment on responses to these written questions provided by others.
- IPs may be asked to contribute to the making of Statements of Common Ground (SoCG) 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. SoCGs most usefully extend to catalogue matters that are not agreed or are outstanding.
- IPs who have been identified by the Applicant as participating in SoCGs are requested to produce Principal Areas of Disagreement Summary Statements. This is a new approach on this project which will sit alongside SoCGs but will instead focus on those matters IPs identify as areas of major concern with the application. The PADSS is submitted in table format and updated through the Examination. Its purpose is to identify more quickly those areas of concern and assist in focusing the Examination at an early stage.

The draft Examination Timetable includes a series of numbered Deadlines for receipt of written submissions. Timely submissions received by the relevant Deadline and that address its purpose will be accepted. **Documents received after 11:59pm on the relevant Deadline date 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 application. However, the Examination will only be effective if all parties resolve to give timely, full, frank, clear and evidenced 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 is 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 where there are matters that still need to be discussed and agreed between the Applicant and IPs, it will be very helpful to the ExA if these could be progressed as early as possible.

Project Speed

As many Interested Parties will be aware, this Application is designated as a Project Speed case. Accordingly, the ExA has taken an open-minded and proactive approach to reviewing extant practices of the pre-examination and examination stages of an application, with a view to finding ways to streamline and thus shorten processes, in order to improve efficiency and timeliness and to avoid unnecessary repetition and duplication of submissions. We believe we have achieved this in a number of ways, which we set out below. We stress that such an approach will not undermine the Examination itself and that the ExA will take the necessary time to obtain the evidence needed to make our recommendation to the Secretary of State.

Principal Areas of Disagreement Summary Statements

The ExA firstly requested [\[PD-004\]](#) the submissions of Principal Areas of Disagreement Summary Statements (PADSS) from those IPs who were also preparing Statements of Common ground with the Applicant. The purpose was to identify, early in the process, those areas where IPs held significant areas of concern with the Application, what in their opinion needed to be undertaken to overcome these concerns, and the likelihood of that concern being resolved. Not only did this provide all IPs and the Applicant with clarity as to what those matters are, it also assisted greatly and provided a clear and defined focus on the preparation of the IAPI (see **Annex C** to this letter).

Approach to Written Questions

The established practice for national infrastructure examinations is to ask written questions at the outset of an examination. For this case, we aim to substitute the early written questions with two Issue Specific Hearings and a Compulsory Acquisition Hearing, which will be held immediately following the Preliminary Meeting. The ExA will, however, retain the option to ask questions arising from the hearings, if required, at the same time as issuing the Rule 8 letter. This is set out in the draft examination timetable (**Annex E** to this letter).

The ExA believes the Hearings will refine and support the primacy of the written process on which a Nationally Significant Infrastructure Project is based and avoid the need for a large number of written questions.

The ExA intends to ask its main written questions following the submission of documents at Deadline 3. This approach is intended to focus the Examination on the outstanding matters by allowing issues within the written submissions and responses to develop and provide the Applicant the opportunity to respond and address concerns directly.

To facilitate the streamlined approach above, the ExA has made the following Procedural Decisions:

- To request WRs, LIRs and comments on RRs to be submitted at a single deadline (as opposed to multiple deadlines), this being **Deadline 1**; and
- the Applicant and other IPs to provide comments at **Deadline 2**.

Hearings

The Rule 6 letter provides notification of an Open Floor Hearing, two Issue Specific Hearings and a Compulsory Acquisition Hearing.

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 relying on their written representation, 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 and explanation to help inform the ExA. There should be no new or unexpected material in oral representations. IPs may, if they wish to, submit written summaries of their oral representations at the following deadline but this is not compulsory.

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 for each speaker and speakers 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 are normally provided with an additional time allowance, recognising their representative role.

The Applicant's draft DCO provides for the Compulsory Acquisition of land and rights, and the Temporary Possession of land. Affected Persons (ie 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 CAHs are included in the draft Examination Timetable along with Deadlines by which requests to be heard must be submitted.

The ExA has the discretion to hold **Issue Specific Hearings** (ISHs) if it would aid in the Examination and there is a specific reason this would be more helpful than reliance on written evidence only. The lack of an ISH on one or more topics does not suggest that that topic is less important than others which are subject to a hearing. Rather, it is an indication that the ExA is satisfied that the issues can be fully considered through written submissions and responses to its written questions and that each party has had a fair opportunity to put its case.

The draft Examination Timetable includes a number of dates reserved for ISHs and IPs may make suggestions for topics to be discussed at an ISH in their written or oral representations to the PM.

It may be necessary for the ExA to hold more than one ISH 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 by the Applicant with the application, without prejudicing their overall position on the application.

Holding such Hearings does not imply that the ExA has reached any judgements on the merits of the application. Whatever the ultimate recommendation is, the ExA must make sure that the draft DCO is fit for purpose if the SoS decides to grant consent.

It will not normally be necessary for parties to make long and detailed submissions that require (for example) PowerPoint presentations. Any supporting detail/information can be provided in writing following the event by the relevant Deadline.

The draft Examination Timetable includes at the **Pre-Examination Procedural Deadline** requests for participants to notify the ExA that they wish to speak at the OFH1 or a CAH1 to be held after the Preliminary Meeting. A further **Deadline 1, Wednesday 14 December 2022** is scheduled for IPs wishing to request a wish to speak at an additional OFH or a CAH.

Unaccompanied and Accompanied Site Inspections

The ExA undertook an Unaccompanied Site Inspection (USI) on Tuesday 20 September and Wednesday 21 September 2022. The note of our visit can be found in the Examination Library reference [\[EV-001\]](#). The ExA considers that it has a good understanding of the site and surroundings and therefore, at this stage, does not anticipate undertaking further USIs.

The ExA may not wish or need to hold an Accompanied Site Inspection (ASI). Nevertheless, the draft timetable in Annex E makes provision should one be held. At Deadline 1, the ExA requests sites where an ASI should take place if held. Before doing so, IPs should first read our USI note [\[EV-001\]](#) before advancing such suggestions. The ExA will unlikely revisit sites already seen without very good reasons to do so. If an ASI is to proceed, the ExA will notify IPs on **Tuesday 31 January 2023**, and those persons wishing to attend will need to inform us by **Deadline 4, Tuesday 14 February 2023**. For the avoidance of doubt, if no notification of the ASI is published on the said date, it will not take place

Initial Assessment of Principal Issues

This is the Initial Assessment of Principal Issues (IAP) prepared under s88(1) of the Planning Act 2008 (PA2008). It has been prepared by the Examining Authority (ExA) following its reading of:

- The Application documents.
- The Relevant Representations received in respect of the Application.
- The Principal Areas of Disagreement Summary Statements.
- Our consideration of any other important and relevant matters.

It is not a comprehensive or exclusive list of the issues that will be subject to examination and inevitably some issues will overlap or interrelate. 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 for Transport after the Examination has concluded. All issues will be considered during proposed phases of construction, operation and decommissioning where relevant.

The order of the issues listed is alphabetic and does not imply any order of prioritisation or importance. The bulleted items under each issue are indicative and do not preclude other sub-items being considered.

The policy and consenting requirements and documents associated with 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. Alternative Route Options

To consider whether adequate justification exists for the discounting of alternative route alignments and junction placements such that there may be lower environmental effects specifically (but not exclusively) in respect to landscape and visual, heritage, traffic and access and gypsy and travellers.

2. Carbon Emissions

To consider the effect of the proposed development on carbon targets.

3. Compulsory Acquisition (CA)

To consider, amongst other things, the case and justification for the CA of land and rights and for the Temporary Possession of land.

4. Drainage

To consider, amongst other things:

- The adequacy of the hydraulic modelling baseline;

- drainage strategy, design and asset transfer;
- floodplain impacts;
- construction activity impacts; and
- water quality.

5. Environmental Management Plan (EMP)

In what is a relatively new approach, to consider:

- The principle and appropriateness of the EMP as a means to mitigate the effects of the proposed development;
- the scope and assessment, and the measures contained therein; and
- the appropriateness of the so-called self-approval process.

6. Traffic and Access

To consider, amongst other things, the effect of the proposed development on:

- Operation of the strategic road network;
- local access arrangements;
- road safety; and
- non-motorised users.

Procedural Decisions made by the Examining Authority

The Examining Authority (ExA) has made the following Procedural Decisions:

1. Visuals for the Hearings

For ISH1, ISH2 and CAH1, and other subsequent Hearings should the ExA determine their necessity, the ExA may wish to refer to plans and drawings to assist in the discussion points. The Applicant is therefore requested to make provisions for the electronic display of such plans and drawings. The ExA will issue supplementary agendas no less than five days before those events setting out which plans and drawings will be required.

For IPs joining virtually, the ExA considers the most appropriate way of participation would be for persons to have available and to hand the Examination Library (EL). As each plan is uploaded, the ExA will notify those persons online of the EL reference number (e.g. APP-003) and IPs can then load the document themselves. This is considered preferable to the alternative of low resolution drawings being prepared and screened on Microsoft Teams by the Applicant which, despite best intentions, are often difficult to see and navigate for online users.

2. Request for Additional or Updated Drawings

To assist in the examination of the proposal and in preparation of the Hearings, the ExA requests that the Applicant supply a set of scheme drawings clearly showing the existing OS 1:2500@A1 (or equivalent) map base. Currently all General Arrangement Plans [APP-011] to [APP-018] have a very light grey existing topography layer background making identifying locations of certain proposed features difficult when the existing layer is obscured by the much bolder proposed features. Updated General Arrangement Plans or new General Scheme Outline Plans are required to assist in the interpretation of the proposed scheme and its elements within the existing topography. The ExA requests such plans show the following in different colours:

- All existing topography in black and annotated as to identifiable features;
- existing A66 road and footpaths hatched or shaded to enable identification within proposed outlines and any shading;
- Order Limits;
- outline of proposed roads, NMU routes and extents of cutting and embankments;
- light shading of proposed bridges/ viaducts;
- light shading of proposed culverts/ tunnels; and
- any retaining walls.

The ExA requests these additional or updated drawings are submitted by the **Pre-Examination Procedural Deadline of Wednesday 16 November 2022**. If this is not possible, the ExA will accept it at **Deadline 1, Wednesday 14 December 2022**.

3. Statements of Common Ground (SoCG)

The Applicant has submitted draft SoCGs with the following IPs:

- Cumbria County Council and Eden District Council (EL reference [[APP-277](#)]);
- Durham County Council [[APP-278](#)];
- North Yorkshire County Council and Richmondshire District Council [[APP-281](#)];
- Historic England [[APP-279](#)];
- Natural England [[APP-280](#)];
- The Environment Agency [[APP-282](#)];
- The Gypsy and Traveller Representatives [[APP-283](#)]; and
- The North Pennines AONB Partnership [[APP-284](#)].

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. 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**. The draft Examination Timetable at **Annex E** to this letter therefore establishes the deadlines in which drafts and final submissions are expected.

All of the SoCGs listed above should cover the Articles and Requirements in the draft Development Consent Order. Any Interested Party seeking that an Article or Requirement is reworded should provide the form of words which are being sought.

Final SoCGs should be submitted into the Examination by **Deadline 8, Tuesday 16 May 2023** unless completed beforehand and this can be submitted at an earlier deadline. If, by **Deadline 7, Tuesday 9 May 2023** a particular SoCG cannot be agreed between the parties, then a final draft SoCG on the matters of agreement should be submitted at **Deadline 8**.

The content of SoCGs will help to inform the ExA about the need to hold any Issue Specific Hearings during the Examination, and to enable the ExA and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

4. Principal Areas of Disagreement Summary Statements (PADSS) - Update

As set out in our Procedural Decision letter of 29 July 2022 [[PD-004](#)], the ExA took the decision to request principal areas of disagreement summary statements from those IPs who are undertaking SoCGs with the Applicant (and listed above in SoCGs), although it is open to other IPs. The ExA explained that it wished for the said IPs to identify and focus on those matters on which major or principal areas of concerns arise, which would assist in the identification of the principal issues and provide a clear focus for the Examination and subsequent written questions to be asked.

PADSS were received from:

- Cumbria County Council [[AS-001](#)];
- Durham County Council [[AS-002](#)];
- Eden District Council [[AS-003](#)];
- The Environment Agency [[AS-004](#)];
- Historic England [[AS-005](#)];
- Natural England [[AS-006](#)]; and
- Mr B Welch on behalf of the Gypsy and Traveller Community [[AS-007](#)].

No PADSS were received from North Yorkshire County Council, Richmondshire District Council or from the North Pennines AONB Partnership.

The ExA has set out in the draft Examination Timetable at **Annex E** where it expects PADSS to be updated **by IPs** (i.e not the Applicant) during the Examination, with a final PADSS to be submitted by **Deadline 7**. In so doing, the ExA would ask both Eden District Council and Cumbria County Council to focus more clearly on such matters as per other IPs and not list all its concerns in such a document, which no doubt would be explained further in its joint Local Impact Report in any event.

5. Joint Position Statements - Update

As set out in our Procedural Decision letter of 29 July 2022 [[PD-004](#)], the ExA requested joint position statements from Cumbria County Council and Eden District Council, and North Yorkshire County Council and Richmondshire District Council in respect to the transition period with the shadow authorities who will inherit their roles and functions from April 2023. The ExA notes with thanks such a statement from Cumbria County Council (prepared with Eden District Council) [[RR-123](#)] but notes no such statement appears to have been submitted from the latter. The ExA would be assisted with the production of such a statement and accordingly makes a second Procedural Decision for North Yorkshire County Council and Richmondshire District Council to do so.

The ExA also requests an update to this document should there be any changes to the initial positions declared.

6. Accompanied Site Inspection – suggested locations

As explained in Annex B to this letter, the draft Examination Timetable at **Annex E** to this letter includes a date reserved for an Accompanied Site Inspection (ASI) on Tuesday 28 February 2023, should the ExA decide to hold one. The ExA has also timetabled a reserve date of Thursday 30 March 2023 should the former not be able to take place if weather conditions prohibit it.

The ExA requests that Interested Parties submit suggested locations for the ExA to visit as part of an ASI by **the Pre-Examination Procedural Deadline** on **Wednesday 16 November 2022**. The request must include:

- Sufficient information to identify the location;

- the issues to be observed at the location;
- information on whether the site can be accessed via public land; and
- the reason why the location has been suggested.

Interested Parties should be aware that ASIs are not an opportunity to make any oral representations to the ExA about the Proposed Development.

However, participants may be invited by the ExA to indicate specific features or sites of interest.

The Applicant is requested to prepare a draft itinerary for the ASI to be submitted by **Deadline 2, Wednesday 11 January 2023**. This should include:

- Relevant locations referred to in the Relevant Representations received;
- any other locations at which the Applicant has predicted likely significant environmental effects; and
- the locations suggested by Interested Parties submitted by **Deadline 1, Wednesday 14 December 2022**.

Comments by Interested Parties on the Applicant's draft itinerary must be submitted by **Deadline 3, Tuesday 24 January 2023**.

The ExA will consider each suggested site location, including those provided in the Applicant's draft itinerary, to determine if it could be viewed from public land on an unaccompanied basis or if it is necessary to view it on an accompanied basis. The ExA will also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of an Unaccompanied Site Inspection on an access required basis.

If the ExA confirms on Tuesday 31 January 2023 that an ASI is to be held, we will publish the final itinerary at least five working days before the date of the ASI.

7. Additional Submissions

In addition to the documentation submitted by the **Pre-Examination Procedural Deadline**, the ExA has exercised its discretion and made a Procedural Decision to accept the following Additional Submissions:

- Request to be an Interested Party by Royal Mail; and
- Email from the Applicant dated 4 October 2022, explaining the Scheme Nos and specifically why there is no "Scheme 10" [[AS-049](#)].

8. Deadline for the submissions of Written Representations and Local Impact Reports

In support of our aims to simplify and avoid unnecessary repetition of documents and to improve efficiency (see Annex B for further explanation in relation to Project Speed), the ExA has made a Procedural Decision to request Written

Representations and Local Impact Reports at **Deadline 1, Wednesday 14 December 2022**. For the avoidance of doubt, the ExA wishes to make clear that WRs and LIRs are two separate documents and must be submitted separately and independently of one another.

For the purposes of Rule 10(2) of the EPR, the 'period of 21 days' with reference to which I must provide notice for the submission of WRs commences on 17 October 2022. This is a date before the start of the Examination. However, as the deadline for submission of WRs as set for **Deadline 1, Wednesday 14 December 2022** is more than the statutory requirement of 21 days' notice, I am satisfied that IPs have been permitted sufficient time in which to draft and submit WRs.

By providing early notice, I am ensuring that all IPs will have a reasonable time period in which to draft their WRs, before the deadline for submission.

9. Deadline for the submissions of comments and summaries on Relevant Representations

It is normal for ExAs to request that summaries and comments are provided of RRs where these original representations exceed 1500 words in length. The ExA has therefore also made a Procedural Decision to request the submission of summaries and comments by **Deadline 1, Wednesday 14 December 2022**.

10. 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 should have decided whether they wish to be considered as an IP and notified the Planning Inspectorate of their decision by **Deadline 1, Wednesday 14 December 2022**.

Please note, the ExA will consider any specific, and well-reasoned requests for additional time to be provided before issuing the final timetable.

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.

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
1.	<p>Pre-Examination Procedural Deadline</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to the Rule 6 letter • Submission of additional or updated drawings as requested in Annex D • Requests to be heard orally at the Preliminary Meeting and under which part of the agenda set out in Annex A • Requests by Interested Parties to be heard orally at the Open Floor Hearing 1 • Requests by Affected Persons to be heard orally at the Compulsory Acquisition Hearing 1 • Notification of intention to attend the Issue Specific Hearing(s) 	<p>Wednesday 16 November 2022</p>
2.	<p>Preliminary Meeting</p>	<p>Tuesday 29 November 2022 (10.00am)</p>
3.	<p>Open Floor Hearing (OFH1)</p>	<p>Tuesday 29 November 2022 (2.30pm)</p>
4.	<p>Issue Specific Hearing (ISH1)</p> <p>ISH1 on Alternative Route Options</p>	<p>Wednesday 30 November 2022</p>

	<i>[n.b this meeting will need to conclude no later than 3.30pm]</i>	(10.00am)
5.	Issue Specific Hearing (ISH2) ISH2 on: <ul style="list-style-type: none"> • The Environmental Management Plan; • other environmental matters; and • the draft Development Consent Order (draft DCO) 	Thursday 1 December 2022 (10.00am)
6.	Compulsory Acquisition Hearing (CAH1)	Friday 2 December 2022 (10.00am)
7.	Issue by the ExA of: <ul style="list-style-type: none"> • Examination Timetable • Written Questions arising from OFH1, ISH1, ISH2 and/or CAH1 (if required) 	As soon as possible following the Preliminary Meeting
8.	Deadline 1 For receipt by the ExA of: <ul style="list-style-type: none"> • Comments on any updates to application documents submitted by the Applicant before or at the PM • Comments on Relevant Representations (RRs) • Summaries of all RR's exceeding 1500 words • Written Representations (WRs) • Summaries of all WRs exceeding 1500 words • Local Impact Reports • Notification by Statutory Parties of their wish to be considered as an IP by the ExA • Notification of wish to be heard at any subsequent Issue Specific Hearings (ISH) • Requests to be heard at any subsequent Compulsory Acquisition Hearing (CAH). Requests by Affected Persons (defined in section 59(4) of the Planning Act 2008) to be heard at a CAH • Request to be heard at any subsequent Open Floor Hearing (OFH) 	Wednesday 14 December 2022

	<ul style="list-style-type: none"> • Provision of suggested locations and justifications for Accompanied Site Inspections (ASI) for consideration by the ExA (if held) • Post-hearing submissions including written submissions of oral cases • Notification of wish to have future correspondence received electronically • Submission of additional or updated drawings as requested in Annex D (if not submitted at the Pre-Examination Procedural Deadline) • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/submissions accepted by the ExA 	
9.	<p>Deadline 2</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on WR • Comments on the LIRs • Responses to Written Questions (if applicable) • The Applicant's revised draft DCO • Status of Negotiations / Compulsory Acquisition Schedule • Applicant's draft itinerary for the ASI (if required) • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/submissions received by Deadline 1 	<p>Wednesday 11 January 2023</p>
10.	<p>Deadline 3</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Updated Statements of Common Ground requested by ExA – see Annex D • Updated Statements of Commonality of Statements of Common Ground • Updated Principal Areas of Disagreement Summary Statements • Comments on the Applicant's draft ASI Itinerary 	<p>Tuesday 24 January 2023</p>

	<ul style="list-style-type: none"> • Comments on the Applicant's revised draft DCO • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/submissions received by Deadline 2 	
11.	Publication by the ExA of: <ul style="list-style-type: none"> • Written Questions • Notification of Hearings (if required) • Notification of ASI (if required) • The ExA's final itinerary for the ASI (if required) 	Tuesday 31 January 2023
12.	Deadline 4 For receipt by the ExA of: <ul style="list-style-type: none"> • Responses to Written Questions • Notification of wish to attend an Accompanied Site Inspection (ASI) (if required) 	Tuesday 14 February 2023
13.	Accompanied Site Inspection (ASI) (if required)	Tuesday 28 February 2023 (morning)
14.	Open Floor Hearing (OFH2) (if required)	Tuesday 28 February 2023 (evening)
15.	Issue Specific Hearing (ISH3) (if required) ISH3 on Environmental Matters	Wednesday 1 March 2023 (all day)
16.	Issue Specific Hearing (ISH4) (if required) ISH4 on draft DCO	Thursday 2 March 2023 (morning)
17.	Compulsory Acquisition Hearing (CAH2) (if required)	Thursday

		2 March 2023 (afternoon)
18.	<p>Deadline 5</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Post-hearing submissions including written submissions of oral cases • The Applicant's revised draft DCO • Status of Negotiations / CA Schedule • Updated Statements of Common Ground • Updated Statement of Commonality of Statements of Common Ground • Updated Principal Areas of Disagreement Summary Statements • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/submissions received by Deadline 4 	Tuesday 14 March 2023
19.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Further Written Questions (if required) 	Tuesday 21 March 2023
20.	Reserve ASI (if required)	Thursday 30 March 2022
21.	<p>Deadline 6</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to ExA's Further Written Questions (if required) • Comments on the Applicant's revised dDCO • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/submissions received by Deadline 5 	Tuesday 4 April 2023
22.	Publication by the ExA of:	Tuesday

	<ul style="list-style-type: none"> • Report on the Implications for European Sites (RIES) (if required) • ExA's commentary on, or schedule of changes to, the draft DCO (if required) 	18 April 2023
23.	Deadline 7 For receipt by the ExA of: <ul style="list-style-type: none"> • Comments on the RIES (if required) • Comments on ExA's commentary on, or schedule of changes to, the draft DCO (if required) • Final Principal Areas of Disagreement Summary Statements • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/submissions received by Deadline 6 	Tuesday 9 May 2023
24.	Deadline 8 For receipt by the ExA of: <ul style="list-style-type: none"> • Final draft DCO to be submitted by the Applicant in the SI template with the SI template validation report • Final Book of Reference (BoR) and schedule of changes to BoR • Final Status of Negotiations / Compulsory Acquisition Schedule • Final Statements of Common Ground • Final Statement of Commonality of Statements of Common Ground • Final Guide to the Application • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/submissions received by Deadline 7 	Tuesday 16 May 2023
25.	Deadline 9 For receipt by the ExA of: <ul style="list-style-type: none"> • Any further information requested by ExA Any further information requested by the ExA 	Friday 26 May 2023

	under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010	
26.	The ExA is under a duty to complete the Examination of the application by the end of the period of six months	Monday 29 May 2023

Submission times for Deadlines

The time for submission of documents at any Deadline in the timetable is 11:59pm on the relevant Deadline date, unless instructed otherwise by the ExA.

Publication dates

All information received will be published on the [project webpage](#) as soon as practicable after the Deadlines for submissions.

Report on the Implications for European Sites (RIES)

Where an applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the application, 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 Secretary of State. The ExA may also raise questions in the RIES to confirm or clarify matters that remain outstanding.

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

Agendas for the Issue Specific Hearings and Compulsory Acquisition Hearing

You must register by the Pre-Examination Deadline of Wednesday 16 November 2022 if you intend to participate in the Hearings and provide all the information requested (see below).

If you simply wish to observe the Hearings then you do not need to register as you will be able to either:

1. Attend the physical event to observe the proceedings;
2. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
3. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Procedure at Hearings

The Examination will principally be a written process (see the Planning Inspectorate's [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings. Please refer to the [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#) as these provide important information about hearing procedures.

The procedure to be followed at Hearings is set out in Rule 14 of The Infrastructure Planning (Examination Procedure) Rules 2010. The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties.

Hearing livestream and recording

A link to a livestream for each hearing will be made available on the [project webpage](#) shortly before any hearing is due to open. The livestream is available to anybody who wishes to observe a hearing in real time.

All hearings are recorded, and the recordings will be made available on the [project webpage](#) as soon as practicable after the close of the hearing. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed.

Issue Specific Hearing 1**Date:** Wednesday 30 November 2022**Arrangements Conference:** 9.30am**Meeting start time:** 10.00am**Venue:** **Blended event at** The Witham, 3 Horse Market, Barnard Castle, County Durham, DL12 8LY **and by virtual means using Microsoft Teams**

Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered

Attendees: **The Applicant and Interested Parties who have pre-registered**

Agenda for the Issue Specific Hearing 1	
1	Welcome and Introductions
2	Alternative Route Options The Applicant to briefly summarise the route option selection process followed ExA's questions in relation to: <ul style="list-style-type: none"> a) Scheme 08 Cross Lanes to Rokeby Junction b) Scheme 06 Appleby to Brough c) Scheme 0405 Temple Sowerby to Appleby
3	Any other matters
Close of the Issue Specific Hearing 1	

Issue Specific Hearing 2**Date:** Thursday 1 December 2022**Arrangements Conference:** 9.30am**Meeting start time:** 10.00am**Venue:** **Blended event at** The Witham, 3 Horse Market, Barnard Castle, County Durham, DL12 8LY**and by virtual means using Microsoft Teams**

Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered

Attendees: **The Applicant and Interested Parties who have pre-registered**

Agenda for the Issue Specific Hearing 2	
1	Welcome and Introductions
2	The Environmental Management Plan <ul style="list-style-type: none"> - Its purpose and benefits against standard Requirements in the draft DCO - The self-approval powers sought - Specific matters contained therein
3	Other Environmental Matters
4	The draft Development Consent Order
5	Any other matters
Close of the Issue Specific Hearing 2	

Compulsory Acquisition Hearing 1**Date:** Friday 2 December 2022**Arrangements Conference:** 9.30am**Meeting start time:** 10.00am**Venue:** **Blended event at** The Witham, 3 Horse Market, Barnard Castle, County Durham, DL12 8LY **and by virtual means using Microsoft Teams**

Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered

Attendees: **The Applicant and Affected Persons who have pre-registered**

Agenda for the Compulsory Acquisition Hearing 1	
1	Welcome, introductions and purpose of the Hearing
2	Statutory conditions and general principles - Compliance with the PA2008 and relevant guidance.
3	Summary of DCO provisions - Compulsory Acquisition and Temporary Possession Articles and other provisions.
4	Funding - Any updates to the Funding Statement.
5	Special Category Land - Application of the PA2008.
6	Crown land and interests - Updates on relevant discussions.
7	Statutory Undertakers - Current positions of parties and anticipated future agreement.
8	Any other matters
Close of the Compulsory Acquisition Hearing 1	

Availability of Examination Documents

The application documents and Relevant Representations are available on the [project webpage](#).

All further documents submitted in the course of the Examination will also be published under the [Documents tab](#) of the project webpage.

The Examination Library

For ease of navigation, please refer to the [Examination Library](#) (EL) which is accessible by clicking the 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. **Please quote the unique reference number from the EL when referring to any Examination Documents in any future submissions that you make.**

Electronic deposit locations

Documents can be viewed electronically, free of charge, at the electronic deposit location/locations listed in the table below. Please note that you may be required to produce a form of identification and register as a member/library member in order to use a computer at these locations.

Venue/address	Opening hours
Penrith Library, St Andrews Churchyard, Penrith, Cumbria, CA11 7YA	Monday: 9.30 am- 6 pm Tuesday: 9.30 am- 6 pm Wednesday: 9.30 am - 5 pm Thursday: 9.30 am – 5 pm Friday: 9.30 am – 5 pm Saturday: 9.30 am – 4 pm Sunday: Closed

Venue/address	Opening hours
The Witham 3 Horse Market, Barnard Castle DL12 8LY	Monday: Closed Tuesday: 10 am – 4 pm Wednesday: 10 am – 4 pm Thursday: 10 am – 4 pm Friday: 10 am – 4 pm Saturday: 10 am – 4 pm Sunday: Closed
Venue/address	Opening hours
A66NTP project hub (the former Llama Karma Kafe) Brougham, CA10 2AB	By appointment only

Information about the Make a submission tab

The Make a submission tab is available on the project webpage.

You will need to enter your unique reference number ('Your ref' found at the top your postcard or email from the Planning Inspectorate) beginning either 2003 or A66D. If you are making a submission on behalf of another person or organisation, and do not have your own unique reference number, then you should enter the unique reference number of the person or organisation you are representing. If you are not a registered Interested Party, then it is at the discretion of the Examining Authority whether or not your submission is accepted.

Submissions will be published on the [project webpage](#) as soon as practicable following the close of the relevant Deadline. For further information about publishing submissions please view our [Privacy Notice](#).

You will be able to submit a document (upload file), make a text representation or both. It is possible to upload multiple files for each individual submission item. Electronic attachments should be clearly labelled with the subject title and not exceed 50MB.

Submissions **must not include hyperlinks** to documents/evidence hosted on a third party website eg technical reports, media articles etc. See the Planning Inspectorate's [Advice Note 8.4: The Examination](#) for further information about making written submissions. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

You should select the relevant Deadline for your submission and then, on the next webpage, select the appropriate Submission item as described in the Examination Timetable at **Annex D** to this letter. Please ensure you make a separate submission for each Submission item and **do not duplicate your submission**. If you consider that your submission does not fit the description of any of the Submission items then please select the Submission item 'Other' and ensure that it is titled appropriately.

If you experience any issues when using the Make a submission tab please contact the Case Team using the contact details at the top of this letter and they will assist.