



Your ref: TR010062

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Examining Authority)  
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17 January 2023

Dear Mr Allen,

**A66 Northern Trans-Pennine Project: Application by National Highways (“the Applicant”) for Development Consent (“DCO application”)**

**Applicant’s response to Procedural Decision by the Examining Authority (“ExA”) (PD-008) dated 6 January 2023 regarding the Applicant’s intention to submit a request for proposed changes to the DCO application**

I refer to the ExA’s Procedural Decision of 6 January 2023 in response to the Applicant’s letter of 16 December 2022 informing the Examining Authority of our intention to submit a request for proposed changes to the DCO application (“**the Change Notification letter**”).

Thank you for accepting that the Change Notification letter constitutes Step 1 of the six procedural steps set out in Figure 1 of the Planning Inspectorate’s Advice Note 16 (“**AN16**”), and for confirming that PD-008 constitutes Step 2 and that the ExA is content with the nature and extent of the consultation proposed.

I note in particular your reference to Step 3, which requires an applicant to carry out non-statutory consultation before a written material change request is made, and your advice that the Applicant should begin its (non-statutory) consultation as soon as possible and submit any formal change request after any consultation is concluded.

The Applicant concurs that this approach would align with the process outlined in Figure 1 of AN16 and accepts the ExA’s request to consult on the proposed changes, including those requiring “additional land” (as defined in the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (“**the CA Regulations**”)), *before* formally applying for them to be accepted into the Examination.

The Applicant also appreciates that the ExA would not wish to be put in the position of having to decide whether or not to accept any Proposed Provision submitted under the CA Regulations without having the benefit of knowing the outcome of representations submitted in response to consultation on that intended Proposed Provision (and, more generally, the outcome of the responses to consultation on the other proposed changes not requiring additional land).



The Applicant's consultation on all of the proposed changes is now planned to be launched on 28 January 2023, running to 23.59 on 27 February 2023. For a notice to be published in one of the relevant local newspapers concerned in time to start the consultation on 28 January 2023, the notice had to be finalised and submitted to the newspapers by 4pm last Friday 13 January 2023. This provides a consultation period of 31 days to ensure that, in the context of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, sufficient time is made available for consultation on any environmental information arising in connection with the proposed changes.

The consequence of this approach is that there is considerable added pressure on the latter stages of the Examination period. In particular, there is little time within the remainder of the Examination period running until 29 May 2023 to run the consultation in respect of the proposed changes (i.e. the imminent consultation mentioned above) and then to publicise the Proposed Provision under the CA Regulations (if engaged and required), whilst still allowing time for the examination (through written submissions, and hearings if required) of the application inclusive of any changes proposed by the Applicant and then accepted by the ExA.

With this in mind the Applicant has prepared a suggested timetable regarding the submission of the proposed changes application (including the Proposed Provision) after the imminent consultation and indicating how the examination of the proposed changes, including any additional land identified in a Proposed Provision under the CA Regulations (if engaged and required), could be accommodated within the remainder of the six month Examination period. This is attached at the **Annex** to this letter.

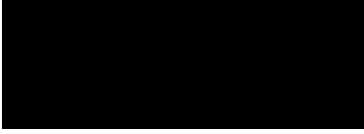
The timetable demonstrates, in the Applicant's view, that the second round of hearings currently timetabled for the end of February and the beginning of March is positioned awkwardly in relation to the proposed changes (as the hearings will be just after consultation on the proposed changes has closed and whilst the Applicant is then considering the outcome of the consultation). The Applicant therefore suggests that it would be preferable for the hearings to be put back to later in the Examination in order to accommodate the altered Examination timetable that the proposed changes will result in. Doing so would also allow more time for progress to be made in negotiations with Interested Parties and Affected Persons generally and would, in the Applicant's view, therefore help to ensure the efficient use of Examination time and resource for all concerned.

The Applicant would welcome the ExA's consideration of this suggested timetable and any comments the ExA wishes to make on it, at the earliest possible opportunity.

I should be grateful if you would kindly acknowledge safe receipt of this letter and also if you would please contact me or my colleague Tom King directly, should you have any questions on any of the matters outlined above.

As noted above, your earliest possible response is now needed.

Yours sincerely



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## ANNEX

Suggested timescales for accommodating the Proposed Changes Application within the Examination timetable, with Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (“CA Regulations”) items shown in red text

Item	Examination Matters	Dates / Deadlines	Proposed changes application
*a	-	Thursday 19 January 2023	<p>First publication in local newspapers of notice of the non-statutory public consultation on the Applicant’s proposed changes.</p> <p>Note that the consultation will include all relevant affected persons, interested parties, local authorities, consultation bodies and prescribed persons. Notices will be served on or before the start of the consultation on Saturday 28 January 2023.</p>
9	<p><b>Deadline 3</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Updated Statements of Common Ground requested by ExA – see Annex D of the Rule 6 letter</li> <li>Updated Statements of Commonality of Statements of Common Ground</li> <li>Updated Principal Areas of Disagreement Summary Statements</li> <li>Comments on the Applicant’s draft ASI Itinerary</li> </ul>	Tuesday 24 January 2023	-



Item	Examination Matters	Dates / Deadlines	Proposed changes application
	<ul style="list-style-type: none"> <li>• Comments on the Applicant's revised draft DCO</li> <li>• Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010</li> <li>• Comments on any further information/ submissions received by Deadline 2</li> </ul>		
*b	-	Friday 27 January 2023	Last publication of notice of the consultation on the proposed changes
*c	-	Saturday 28 January 2023	Commencement of consultation on the proposed changes
10	<b>Publication by the ExA of:</b> <ul style="list-style-type: none"> <li>• Written Questions</li> <li>• Notification of hearings (if required)</li> <li>• Notification of ASI (if required)</li> </ul>	Tuesday 31 January 2023	
11	<b>Deadline 4</b> For receipt by the ExA of: <ul style="list-style-type: none"> <li>• Responses to Written Questions</li> <li>• Notification of wish to attend an ASI</li> </ul>	Tuesday 14 February 2023	



Item	Examination Matters	Dates / Deadlines	Proposed changes application
*d	-	Monday 27 February 2023	Close of consultation on the proposed changes
12	Accompanied Site Inspection	Tuesday 28 February 2023	
13	Open Floor Hearing (OFH2) (if required)	Tuesday 28 February 2023 (evening)	
14	Compulsory Acquisition Hearing (CAH2) (if required)	Wednesday 1 March 2023	Although these Hearings may provide some pressure and opportunity for oral submissions to be made on the Applicant's proposed changes (as presented in the consultation materials) the changes will not have been formally applied for let alone accepted into the Examination and therefore care will need to be taken in what is considered and examined if these hearings continue on these timetabled dates
15	Issue Specific Hearing (ISH3) (if required)	Thursday 2 March 2023	
16	Issue Specific Hearing (ISH3 Resumed) (if required)	Friday 3 March 2023	
17	<p><b>Deadline 5</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Post-hearing submissions including written submissions of oral cases</li> <li>• The Applicant's revised draft DCO</li> <li>• Compulsory Acquisition Status of Negotiations Schedule</li> <li>• Statutory Undertakers' Status of Negotiations Schedule</li> </ul>	Tuesday 14 March 2023	



Item	Examination Matters	Dates / Deadlines	Proposed changes application
	<ul style="list-style-type: none"> <li>• Updated SoCGs</li> <li>• Updated Statement of Commonality of SoCGs</li> <li>• Updated PADSS</li> <li>• Guide to the Application</li> <li>• Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010</li> <li>• Comments on any further information/submissions received by Deadline 4</li> </ul>		
18	<p><b>Publication by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• Further Written Questions (if required)</li> </ul>	Friday 24 March 2023	<p><b>Applicant submits the Proposed Changes Application, including Consultation Statement / Report</b></p> <p>(If required) Applicant submits the <b>Proposed Provision</b> to the ExA (Reg 5 of CA Regs) if the CA Regs are engaged (i.e. in the absence of consent to the inclusion in the DCO of all additional land)</p> <p><b>Duty to publicise Proposed Provision (Reg 8 of CA Regs)</b></p> <p>Applicant publishes a notice of the Proposed Provision, in the prescribed form, in local newspapers for two successive weeks and once in national newspaper and The London Gazette:</p>



Item	Examination Matters	Dates / Deadlines	Proposed changes application
			<ul style="list-style-type: none"> <li>• First notice published Wednesday 22 March 2023.</li> <li>• Last notice published Friday 31 March 2023.</li> </ul> <p>Deadline for relevant representations to be no earlier than the end of a period of at least 28 days beginning with the day after the day on which notice of the proposed provision is last published (i.e. 28 April 2023).</p> <p><b>Notice of Proposed Provision (Reg 7 of CA Regs)</b></p> <p>Applicant gives notice in the prescribed form of the Proposed Provision to relevant local authorities and each person in identified categories</p> <p>Deadline for relevant representations to be no earlier than the end of a period of at least 28 days beginning with the day after the day on which the person receives the notice (i.e. 28 April 2023).</p>
19	Reserve ASI (if required)	Thursday 30 March 2023	
20	<p><b>Deadline 6</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Responses to ExA's Further Written Questions (if required)</li> <li>• Comments on the Applicant's revised draft DCO</li> </ul>	Tuesday 4 April 2023	





Item	Examination Matters	Dates / Deadlines	Proposed changes application
	<ul style="list-style-type: none"> <li>Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010</li> <li>Comments on any further information/submissions received by Deadline 5</li> </ul>		
21	<p><b>Publication by the ExA of:</b></p> <ul style="list-style-type: none"> <li>Report on the Implications of European Sites (RIES) (if required)</li> <li>ExA's commentary on, or schedule of changes to, the draft DCO (if required)</li> </ul>	Tuesday 18 April 2023	<p><b>Publication by the ExA of Procedural Decision on whether or not to accept as part of the Examination:</b></p> <ul style="list-style-type: none"> <li>the <b>Proposed Changes Application</b>; and</li> <li><b>the Proposed Provision (Reg 6 of CA Regs)</b></li> </ul> <p>ExA notifies and issues any variation to the examination timetable and gives notice of any potential CA additional land hearing and procedural deadlines for CA Regs</p> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>Deadline under CA Regs for ExA's Procedural Decision would be 21 April 2023 – this slightly earlier suggested timetabling, however, would provide the opportunity to align that Procedural Decision with the publication by the ExA of other items already timetabled for publication on Tuesday 18 April 2023</li> <li>ExA could potentially also issue Further Written Questions to include questions on the Proposed Provision (Reg 12 of CA Regs)</li> </ul>



Item	Examination Matters	Dates / Deadlines	Proposed changes application
*e	-	Friday 28 April 2023	<p>Deadline for:</p> <ul style="list-style-type: none"> <li>• receipt of relevant representations on the Proposed Provision</li> <li>• any request to be heard at a CA hearing in relation to the Proposed Provision</li> <li>• receipt of representations on the Changes Application</li> </ul>
*f	-	Friday 5 May 2023	<p>Within 10 working days of the deadline (28 April 2023) for the submission of relevant representations on the Proposed Provision, i.e. by Tuesday 16 May 2023 (given the 2 bank holidays on 1 and 8 May 2023), although the Applicant would aim for earlier (e.g. Friday 5 May 2023):</p> <ul style="list-style-type: none"> <li>• Applicant certifies compliance with CA Regs 7 and 8 (Reg 9 of CA Regs); and</li> <li>• Applicant notifies ExA of the persons interested in the additional land (Reg 9 of the CA Regs)</li> </ul>
*g	-	[Tuesday 9 May 2023 / Friday 19 May 2023]	<p>Within 21 days after Friday 28 April 2023, i.e. by Friday 19 May 2023, but could be committed to by ExA for Tuesday 9 May 2023 to align with existing timetable:</p> <ul style="list-style-type: none"> <li>• ExA <u>must</u> make an initial assessment of the issues arising in connection with the Proposed Provision (and may hold a meeting to discuss how the</li> </ul>



Item	Examination Matters	Dates / Deadlines	Proposed changes application
			<p>Proposed Provision should be examined) (Reg 11 of CA Regs)</p> <ul style="list-style-type: none"> <li>• ExA <u>may</u> set a timetable for the examination of the Proposed Provision (Reg 12 of CA Regs) –</li> <li>• Note: any notice of hearing for a CA additional land hearing would need 21 days' notice or shorter period at ExA's discretion; or, alternatively, would need to be a resumed hearing that had been adjourned (per Rule 14 of the Infrastructure Planning (Examination Procedure) Rules 2010) – suggest this could be trailed earlier as a 'hold' in the event that a CA additional land hearing is needed, i.e. the a CAH is advertised and then opened and adjourned, if necessary to avoid running out of time later in the Examination.</li> </ul>
22	<p><b>Deadline 7</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Responses to ExA's Further Written Questions (if required)</li> <li>• Comments on REIS (if required)</li> <li>• Comments on ExA's commentary on, or schedule of changes to, the draft DCO (if required)</li> <li>• Final PADSS</li> <li>• Any further information requested by the ExA under Rule 17 of The</li> </ul>	Tuesday 9 May 2023	<p>Opportunity for the submission of written representations on the Proposed Provision</p> <p>Opportunity for written submissions to be made on the Proposed Changes Application</p>



Item	Examination Matters	Dates / Deadlines	Proposed changes application
	Infrastructure Planning (Examination Procedure) Rules 2010 <ul style="list-style-type: none"> <li>• Comments on any further information/submissions received by Deadline 6</li> </ul>		
*h	-	Thursday 11 May 2023	CA hearing on additional land (if required)
23	<b>Deadline 8</b> For receipt by the ExA of: <ul style="list-style-type: none"> <li>• Final draft DCO to be submitted by the Applicant in the SI template with the SI template validation report</li> <li>• Final Book of Reference (BoR) and schedule of changes to BoR</li> <li>• Final Explanatory Memorandum</li> <li>• Final Statement of Reasons</li> <li>• Final Compulsory Acquisition Status of Negotiations Schedule</li> <li>• Final Statutory Undertakers Status of Negotiations Schedule</li> <li>• Final Statements of Common Ground</li> </ul>	Tuesday 16 May 2023	A further/final opportunity for all parties to submit: <ul style="list-style-type: none"> <li>• responses to any Proposed Changes additional land written representations</li> <li>• summary of hearing submissions and information requested if CA additional land submissions are received</li> <li>• any further written comments on the Proposed Changes Application and/or the Proposed Provision; and</li> <li>• any responses to any written comments</li> </ul>



Item	Examination Matters	Dates / Deadlines	Proposed changes application
	<ul style="list-style-type: none"> <li>• Final Statement of Commonality of Statements of Common Ground</li> <li>• Final Guide to the Application</li> <li>• Any further information requested by the ExA under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010</li> <li>• Comments on any further information/ submissions received by Deadline 7</li> </ul>		
24	<p><b>Deadline 9</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010</li> </ul>	Friday 26 May 2023	Submission to the ExA by the Applicant of all consequentially amended application documentation in connection with the Proposed Changes Application <b>and the Proposed Provision</b>
25	Close of the Examination	Monday 29 May 2023	-