



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services:
e-mail: 0303 444 5000
WMInterchange@planningins
pectorate.gov.uk

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

Your Ref:

Our Ref: TR050005

Date: 4 March 2019

Dear Sir/ Madam

The Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8 etc

Application by Four Ashes Limited for an Order Granting Development Consent for the West Midlands Interchange.

Examination Timetable and procedure

This letter provides you with the Examination Timetable, details of the publication of the Examining Authority's (ExA) Written Questions and other important information about the Examination.

All documentation associated with this project, including a note of the Preliminary Meeting and the audio recording taken at that meeting, can be found using this link:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/?ipcsection=docs>

The Examination Timetable

I have made a Procedural Decision about the way the application will be examined. The final Examination Timetable is attached at **Annex A**.

The Examination Timetable replaces the draft timetable that was included in the Rule 6 letter dated 23 January 2019¹. In finalising the Examination Timetable, I have sought to accommodate requests and suggestions made at the Preliminary Meeting and in representations submitted in advance of that meeting.

¹ Your invitation to the Preliminary Meeting

Please note that the Examination Timetable contains a number of deadlines for receipt of information by the Planning Inspectorate. All deadlines are at 23:59 on the date specified. Please ensure submissions arrive by the deadline. If you do not make your submissions by the dates specified in the timetable, I may disregard them.

I request that Interested Parties send, where practicable, electronic copies of their submission as email attachments to WMInterchange@planninginspectorate.gov.uk on or before the applicable deadline. Electronic attachments should be clearly labelled with the subject title and not exceed 12MB for each email. Providing links to websites where your submissions can be viewed is not acceptable. 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.

If I consider it necessary to vary the Examination Timetable during the Examination, notification will only be sent to Interested Parties and Other Persons² invited to the Preliminary Meeting. The changes will be published on the West Midlands Interchange project page of the National Infrastructure Planning website.

Other Procedural Decisions

Annex B contains important details and clarifications about my other Procedural Decisions made at, or following, the Preliminary Meeting. These include changes to the timetable and a request for Statements of Common Ground.

Written Representations

All Interested Parties are now invited to submit Written Representations and any comments on the Relevant Representations already submitted. These should be submitted by Deadline 2 in the Examination Timetable (**Annex A**).

Written Representations can cover any relevant matter and are not restricted to the matters set out in my Initial Assessment of Principal Issues discussed at the Preliminary Meeting and included in my Rule 6 letter³. Nor are they restricted to the content of my Written Questions (see next heading, below).

Any person, other than the Applicant, who submits a Written Representation must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why⁴. Interested Parties should also provide with their Written Representations "*the data, methodology and assumptions used to support their submissions*"⁵.

² Other Persons are persons that I chose to invite to the Preliminary Meeting, in addition to the prescribed persons listed in section 88(3) of the Planning Act 2008 – see 'Your status in the Examination and future notifications' below

³ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR050005/TR050005-000544-Rule%206%20Letter.pdf>

⁴ Required under Rule 10(4) of The Infrastructure Planning (Examination Procedure) Rules 2010

⁵ <https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent>

Further written submissions will be requested by the ExA at various points in the Examination.

Any Written Representations, and any further written submissions requested by the ExA in the course of the Examination which exceed 1500 words should also be accompanied by a summary which should not exceed 10% of the original text. The summary should set out the key facts of the written submission and must be representative of the submission made.

ExA's Written Questions

I have compiled Written Questions (WQ) about the application and the representations received so far. These questions are published on the National Infrastructure Planning website and can be accessed through the following link:

https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR050005/TR050005-000584-First_ExQs.pdf

Answers to my WQs must be provided by Deadline 2 in the Examination Timetable (**Annex A**).

If you require a hard copy of my WQs, please contact the Case Team who will send you a copy.

Hearings

The Examination Timetable at **Annex A** includes periods of time reserved for any hearings to be held, and I will notify all Interested Parties of any hearings scheduled as part of the Examination at least 21 days in advance of them taking place. That notification will include an additional deadline for Interested Parties to inform the Planning Inspectorate if they wish to attend the notified hearing(s).

Annex C provides details about what Interested Parties should include in a request to be heard at a hearing, and the procedure that will be followed at hearings.

Availability of application documents and representations submitted to the Examination

All documentation and audio recordings associated with the examination of this application can be found using this link:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/?ipcsection=docs>

Annex D provides details of locations in the vicinity of the Proposed Development at which all Examination documents can be viewed electronically, free of charge.

Advice to Interested Parties about how to access and navigate the Examination Library is also provided at **Annex D**.

Your status in the Examination and future notifications

This letter has been sent to you because you (or the body you represent) fall within one of the categories in s88(3) of the Planning Act 2008 (PA2008).

If you have made a Relevant Representation, have a legal interest in the land affected by the application or are a relevant local authority you have a formal status as an Interested Party in the Examination.

Interested Parties will receive notifications from the Planning Inspectorate about the Examination throughout the process and may make written and oral submissions regarding the application.

If you are a Statutory Party (ie body specified in the relevant regulations supporting the PA2008) but have not made a Relevant Representation you will not automatically be an Interested Party. However, you may notify the Planning Inspectorate that you wish to be treated as an Interested Party at any point during the Examination.

Statutory Parties who have not made a Relevant Representation and do not notify us of their wish to become an Interested Party **will not** receive any further correspondence in relation to the examination of this application.

If you are not an Interested Party or a Statutory Party (ie a body specified in the relevant regulations supporting the PA2008), you have received this letter because you were invited to the Preliminary Meeting as an Other Person⁶ because it appeared to me that the Examination could be informed by your participation. Other Persons have a reference number beginning with WMI-OP. If you are an Other Person you are not an Interested Party. I/we will not write to you again unless it is to inform you that the Examination Timetable has changed⁷, or we have specific questions for you in the course of the Examination.

If you are unsure of your status within the Examination, please do not hesitate to contact the Case Team using the details at the top of this letter. Information regarding the formal status of Interested Parties and how you can get involved in the process is set out in the Planning Inspectorate's Advice Note 8 series, available here: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>.

Important: If I require further information or written comments (a Rule 17 request⁸) to be submitted by a deadline that is set in the Examination Timetable at **Annex B**, this request will be sent to only those persons I consider it is applicable to. However, it will be published on the National Infrastructure Planning website to enable all Interested Parties to respond if they feel it is relevant to their interests. If I consider it necessary, a further deadline will be added to the timetable to give all Interested Parties the opportunity to comment on any responses received.

⁶ See footnote 2 on page 2 of this letter

⁷ Rule 8(3) of The Infrastructure Planning (Examination Procedure) Rules 2010

⁸ Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010

Award of costs

You should be aware of the possibility of the award of costs against parties who behave unreasonably.

To assist understanding of what 'unreasonable behaviour' means in the context of an Examination under the PA2008, you may find it helpful to read the government guidance 'Awards of costs: examinations of applications for development consent orders' (July 2013)⁹. It is in everyone's interest that information is brought forward as early as possible in the examination process so you are encouraged to do so.

Management of information

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this project (if accepted by the ExA) and a record of any advice which has been provided, is published at:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange>

All Examination documents can also be viewed electronically at the locations listed in **Annex D**.

Please note that in the interest of facilitating an effective and fair examination, we consider it necessary to publish some personal information. To find out how we handle your personal information, please view our Privacy Notice.

I look forward to working with all parties in the examination of this application.

Yours faithfully

Paul Singleton

Paul Singleton, Examining Inspector

Annexes

- A** Examination Timetable
- B** Procedural Decisions made by the Examining Authority
- C** Requests to appear and procedure to be followed at hearings
- D** Availability of representations and application documents

⁹ <https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders>

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



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.

Item	Matters	Due Dates
1	Preliminary Meeting	27 February 2019
2	Open Floor Hearing - afternoon	27 February 2019
3	Open Floor Hearing - evening	27 February 2019
4	Issue Specific Hearing into the Draft Development Consent Order	28 February 2019
5	Issue by the ExA of: <ul style="list-style-type: none"> • Rule 8 letter • Examination Timetable • The ExA's Written Questions 	As soon as practicable following the Preliminary Meeting
6	Deadline 1 Deadline for receipt of: <ul style="list-style-type: none"> • Post-Hearing submissions and written submissions of oral case 	13 March 2019
7	Deadline 2 Deadline for receipt of: <ul style="list-style-type: none"> • 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 from any local authorities • Statements of Common Ground (SoCG) requested by the ExA – see Annex F • Responses to the ExA's Written Questions 	5 April 2019

	<ul style="list-style-type: none"> • Comments on updated application documents • Responses to further information requested by the ExA • Applicant's proposed itinerary for an Accompanied Site Inspection • Proposals from other IPs for Accompanied Site Inspection Viewpoints • Notification of wish to speak at a Compulsory Acquisition Hearing or an Open Floor Hearing • Comments on Submissions Made at Deadline 1 	
8	<p>Deadline 3</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on submissions for deadline 2. • Revised draft DCO from Applicant • Responses to further information requested by the ExA 	24 April 2019
9	<p>Period reserved for further hearings, which may include:</p> <ul style="list-style-type: none"> • An Open Floor Hearing • An Issue Specific Hearing on draft DCO • An Issue Specific Hearing, on Accessibility and Transport • An Issue Specific Hearing, on Environmental Effects to include Air Quality, Noise and Landscape/ Visual Effects • A Compulsory Acquisition Hearing (including, if required, s127 of the PA2008 issues) <p>And also an Accompanied Site Inspection.</p>	W/C 03 June 2019
10	Deadline 4	14 June 2019

	<ul style="list-style-type: none"> • Post hearing submissions including written submissions of oral case 	
11	<p>Publication by ExA of:</p> <ul style="list-style-type: none"> • The ExA's Further Written Questions (if required) 	19 June 2019
12	<p>Deadline 5</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Responses to the ExA's Further Written Questions (if required) • Responses to further information requested by the ExA • Applicant's revised draft DCO and revised/updated Explanatory Memorandum 	05 July 2019
13	Date Reserved for a fifth Issue Specific Hearing, on the Draft DCO.	w/c 8 July 2019
14	<p>Deadline 6</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on responses to the ExA's Further Written Questions (if required) • Responses to further information requested by the ExA • Post hearing submissions including written submissions of oral case • Applicant's final draft DCO and revised/updated Explanatory Memorandum 	19 July 2019
15	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • The ExA's schedule of changes to the draft DCO (if required) • Report on the Implications for European Sites (RIES) (if required) 	31 July 2019

16	<p>Deadline 7</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on the ExA's schedule of changes to the draft (if required) • Comments on the RIES (if required) • Responses to further information requested by the ExA • Comments on applicant's final draft DCO 	07 August 2019
17	<p>Deadline 8</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Responses to comments on the ExA's schedule of changes to the draft DCO (if required) • Responses to comments on the RIES (if required) • Responses to further information requested by the ExA • Final DCO to be submitted by the Applicant in the SI template with the SI template validation report 	21 August 2019
18	<p>The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.</p>	27 August 2019

Publication dates

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

Hearing agendas

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

Report on the Implications for European Sites

Where the Applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the DCO application, the ExA may decide to issue a Report on the Implication for European Sites (RIES) during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the relevant Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of the Habitats Regulations and/ or Regulation 28 of the Offshore Marine Regulations.

Procedural Decisions made by the Examining Authority

I have made a number of Procedural Decisions following the Preliminary Meeting¹:

1. Examination Timetable

I am not minded to move the date for Deadline 3 for the reasons that I gave at the Preliminary Meeting; those being that allowing an additional week could make it difficult for the ExA to review all of the submitted information and form a clear view about the need for and scope of any of the hearings for which dates have been reserved in early June, whilst still meeting the requisite notice periods for any hearings.

Having considered the representations at the PM I consider that it is possible to move Deadline 5 back to Friday 5 July but to move it back any further could make it difficult to hold a third DCO hearing in the w/c 8 July if one is needed. A corresponding change has been made to deadline 6.

2. Examining Authority's Written Questions

Some of my Written Questions (WQ) are directed to specific Statutory Parties which have not, at the time of writing, confirmed that they wish to become Interested Parties for the purposes of the examination of the application.

All relevant Statutory Parties will receive this correspondence and I request for each to check my WQs carefully in order that they may identify and respond to any questions posed to them. No party should feel inhibited or restricted in responding to any question I ask, even if it is directed elsewhere.

For the avoidance of doubt, Statutory Parties are defined as the parties listed in Schedule 1 to The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015².

3. Statements of Common Ground (SoCG)

The Applicant is taking the lead in the preparation of SoCGs and it will aid the smooth running of the Examination if all Interested Parties who are participating in the preparation of SoCGs liaise and co-operate with the Applicant in respect of their production. Final signed versions of the SoCGs listed below are requested to be submitted by **Deadline 2**

- **The Applicant and South Staffordshire Council**
- **The Applicant and Staffordshire County Council**
- **The Applicant and Network Rail**
- **The Applicant and Highways England**
- **The Applicant and Natural England**

¹ Section 89(1) of the Planning Act 2008

² <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/legislation/>

- **The Applicant** and the **Environment Agency**
- **The Applicant** and the **Canal and Rivers Trust**

All of the SoCGs listed above should cover the Articles and Requirements in the draft DCO. Any Interested Party seeking for an Article or Requirement to be reworded should provide in the SoCG the form of words which are being sought.

Where a particular SoCG cannot be agreed between the parties by Deadline 2, or in so far as any local authority position represents an officer level view only, draft versions of that SoCG are requested to be submitted **by the Applicant** to Deadline 2. The position of the relevant Interested Parties should then be confirmed in the course of the Examination.

The content of SoCGs is necessary to help inform me as to the need to hold any Issue Specific Hearings in June 2019, and to enable me and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

4. Local Impact Reports (LIRs)

A LIR is a report in writing giving details of the likely impact of a Proposed Development on a local authority's area (or any part of that area). For more information about the importance and content of LIRs see our Advice Note One: Local Impact Reports³.

Local authorities⁴ are invited to submit LIRs by 5 April 2019 (Deadline 2, **Annex A**).

³ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

⁴ Defined in s56A of the Planning Act 2008

Requests to appear and procedure to be followed at hearings

The Examination Timetable reserves of time for a series of hearings to be held.

Requests to appear at hearings

Interested Parties are required to notify the Examining Authority (ExA) in writing of their wish to take part in an Open Floor Hearing (OFH) or Compulsory Acquisition Hearing (CAH). I remind Interested Parties the Rule 6 letter requesting notification from Interested Parties in this regard on or before 5 April 2019 (Deadline 2, **Annex A**).

I may also choose to hold Issue Specific Hearings (ISH) about topics that I think need to be explored orally.

The time, date and place of any confirmed hearing will be notified in writing to all Interested Parties, providing at least 21 days' notice.

If an Interested Party wishes to attend an OFH or ISH they should indicate which topics in their Relevant Representation or Written Representation they wish to address at the hearing. Similarly, any Affected Person wishing to attend a CAH should identify clearly the plots of land about which they wish to speak.

Notifications from Interested Parties in respect of the above should be sent separately from any other written submission, and appropriately titled to allow us to quickly identify which event the notification relates to.

Procedure at hearings

The procedure to be followed at hearings is set out in The Infrastructure Planning (Examination Procedure) Rules 2010¹. Any oral representations must be based on either the Relevant Representation or Written Representation made by the person by whom, or on whose behalf, the oral representations are made.

The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties². My examination will be principally undertaken through the exchange of written submissions, and we will decide whether a hearing on a particular issue or topic is necessary. This decision is not connected to how relevant or important I consider an issue or topic to be.

Hearing agendas

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

¹ Rule 14

² Rule 14(5)

Availability of representations and application documents

All application documents and representations submitted to the Examination are available to view on the project page on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/?ipcsection=docs>

For ease of navigation, we recommend that you use the Examination Library (EL) which is accessible via a blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records:

- each application document;
- each representation accepted to be read in conjunction with the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is provided with a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the National Infrastructure Planning website is provided. **Please use the unique reference numbers applied in the EL when referring to any Examination documents in representations that you make.**

Documents can also be viewed electronically at the following locations close to the application site, free of charge. If you have difficulty accessing any documentation please contact the Case Team using the details provided at the top of this letter.

Local authority	Library	Opening hours
South Staffordshire District Council	Brewood Library Newport Street, Brewood, Staffordshire, ST19 9DT	Monday Closed Tuesday 9am - 1pm / 2pm- 7pm Wednesday 9am - 1pm / 2pm- 5pm Thursday 9am - 1pm / 2pm- 5pm Friday 9am - 1pm / 2pm- 5pm Saturday 9:30am - 1pm Sunday Closed
	Penkridge Library Bellbrook, Penkridge, Staffordshire, ST19 5DL	Monday 2pm - 6pm Tuesday 2pm - 7pm Wednesday 10am - 1pm / 2pm- 5pm Thursday 2pm - 5:30pm Friday 10am - 1pm / 2pm- 5pm Saturday 9:30am - 1pm Sunday Closed

Annex D

	Cannock Library Manor Avenue, Cannock, Staffordshire, WS11 1AA	Monday 9am - 5pm Tuesday 9am - 7pm Wednesday 9am - 5pm Thursday 9am - 5pm Friday 9am - 5pm Saturday 9am - 4pm Sunday Closed
Printing costs (all libraries)	Black and white	Colour
A4	15p	50p
A3	30p	£1

All printing charges quoted are correct as of 30 January 2019