Overview of the nationally significant infrastructure planning process for members of the public and others

Advice Note 8.5: The Examination: hearings and site inspections

This Annex is aimed at all Interested Parties and focuses on the submission of oral evidence at hearings and attendance at site visits.

1. The purpose of hearings
   1.1 Hearings are supplemental to written submissions made during Examination.
   1.2 Hearings allow the Examining Authority to ask questions about the written representations submitted by Interested Parties and gather information and evidence to further their understanding of important and relevant issues.

2. Open Floor Hearings
   2.1 These hearings tend to have a community focus and are an opportunity for individuals and community groups to speak directly to the Examining Authority. For larger projects that may be spread over a wider area, there may be more than one open floor hearing, held in different locations. However, as the name suggests they are open to any Interested Party to attend and are not about a particular location or topic.
   2.2 There is usually no agenda for these hearings. The Examining Authority will hold at least one open floor hearing if one is requested by an Interested Party within the deadline specified in the Examination Timetable; or if they consider it necessary.
   2.3 At these hearings, there is normally a table and chair facing the Examining Authority where each person who wishes to speak will be invited to sit at and make their oral representation. To ensure that everyone has a chance to speak, the Examining Authority might set a time limit for each person and may ask questions based on what has been said. If it is more efficient, the Examining Authority may allow representations to be made on roving microphones rather than at the table.

3. Issue Specific Hearings
   3.1 Issue Specific Hearings are held to explore in detail a specific issue or set of issues arising from the application. For example, a particular type of impact, or impacts on a particular location e.g. noise or traffic.

6 Minute video
To watch a brief, illustrated introduction to having your say on NSIPs visit: https://infrastructure.planninginspectorate.gov.uk/application-process/participating-in-the-process/
3.2 The Examining Authority will choose whether to hold such hearings, what they will be about and how many will be held. An Issue specific hearing will be held, not necessarily because an issue is regarded as more important than other issues, but because the Examining Authority thinks it is necessary to find out more or clarify matters that are already before them, for example, in an application document or a representation. Usually, an Issue Specific Hearing about the Development Consent Order will be held. If you feel that a topic of interest should be the subject of an Issue Specific Hearing, and is not, you can raise this at the Preliminary Meeting in relation to the draft Examination Timetable.

3.3 There is normally a central set of tables, with microphones, for the parties who are most likely to need to speak more than once through the hearing. There will be seating for other parties too, who will be asked to come forward to the table if they wish to speak.

4. Compulsory Acquisition Hearings

4.1 A compulsory acquisition hearing explores the issues relating to compulsory acquisition matters. This is where the application includes powers that allow the applicant to compulsorily acquire land and interests in land (e.g. tenancies and access rights), that are needed for the development to go ahead. This hearing can be requested by an “Affected Person” – a person who possesses rights or interests over the land that is proposed to be compulsorily acquired.

4.2 The room set up is usually the same as for specific issues hearings; a central set of tables, with microphones for the parties likely to need to speak most. There will be seating for other parties too, who will be able to come forward to the table if the Examining Authority invites them to speak.

5. Notifications, agendas and recording of hearings

5.1 The date and time of the hearings is normally included in the Examination Timetable, but is sometimes in a later letter. They are usually held on a weekday and in working hours. Hearings can be held at weekends or evenings in exceptional circumstances.

5.2 All hearings are recorded for the public record. If produced, action points from the hearings will also be published on the relevant project page on the National Infrastructure Planning website.
6. Participating at hearings

6.1 All hearings are held in public. Anyone is welcome to attend and view the proceedings, regardless of whether they have previously participated in the Examination. If you wish to attend and speak at hearings, it is appreciated if you notify the Planning Inspectorate in advance, by the deadline specified in the Examining Authority’s letter.

6.2 If a person has not registered as an Interested Party and wishes to speak at the hearing, it is at the discretion of the Examining Authority whether or not to allow this. If the hearing is busy, Interested Parties will be given priority over others when it comes to allocating seating. In these circumstances non Interested Parties may have to wait until just before the event starts to see if there is any available seating left.

7. The location / venue of the hearing

7.1 The Examining Authority may ask Interested Parties at the Preliminary Meeting for suggestions and preferences in terms of the locations or venues for potential hearings.

7.2 If you have any specific needs, the Planning Inspectorate case team must be made aware of them in advance of the hearing. Every effort will be made to assist. A hearing loop will be provided at hearings and venues are chosen that are accessible to disabled people.

8. What should you do when you arrive at the hearing venue?

8.1 If you are attending the hearing to view it, but you are not speaking, there is normally seating allocated towards the back of the room in the audience. If you have arrived within the time specified on the hearing agenda, you may take a seat and await the start of proceedings.

8.2 If you intend to speak at the hearing it is helpful if you introduce yourself to the Planning Inspectorate case team, who will be able to assist you with seating arrangements and offer advice about the process. At specific issue hearings speakers may be allocated to sit at the main table but only where they have notified us of their attendance and wish to speak, and only where the Examining Authority expects them to play a repeated and significant part in any discussion at the hearing.

9. Can I give written submissions to the Examining Authority at a hearing?

9.1 The submission of written comments at a hearing is discouraged for a number of reasons:

- This could be unfair to other participants not present at the time, who may not have immediate access to that information.
- It may cause others, including the Examining Authority, difficulty in responding to the information at the hearing.

10. Can I record the hearing?

10.1 If you intend to record the hearing, please speak to a member of the case team prior to the hearing. The Examining Authority will then consider the request and may ask other participants if they have any objections. Attendees may wish to use mobile phones, tablets or laptop computers at the hearing. This is likely to be allowed, as long as all devices are set to silent and do not disrupt the hearing and the recording is done considerately, without intimidating other attendees. Please see the advice in Advice Note 8.3, about recording and media at the Preliminary Meeting; which is also relevant.
11. Site inspections

11.1 To fully understand the proposed development and the Examination of the application, the Examining Authority will visit the site of the proposed development.

Unaccompanied site inspections

11.2 If the Examining Authority is able to view the site from public land, they are likely to carry out site inspection(s) without the company of any Interested Parties. After the unaccompanied site inspection(s) have taken place, a note of the date, time and location visited will be published on the relevant project page of the National Infrastructure Planning website.

Accompanied site inspections

11.3 If the Examining Authority requires access to private land or require Interested Parties to be present at the visit to guide them or point out certain features, an accompanied visit will be arranged. The applicant is likely to be present and other Interested Parties may attend.

11.4 For practical reasons the number of attendees may be limited. Ultimately attendance is at the discretion of the Examining Authority and dependant on the landowner granting access. The Examining Authority will invite Interested Parties to indicate if they wish to attend the accompanied site inspection in advance. All requests to participate should be received by the deadline(s) specified in the Examination Timetable.

Notification of site inspections

11.5 The notification will typically contain information about where and when the site visit will start from, any health and safety considerations, an itinerary for the day and travel arrangements.

11.6 Where a site inspection includes multiple sites (for example for a linear project such as a pipeline, railway or road) a minibus or similar may be provided to transport Interested Parties. In each case you should read the notification and speak to the case team if you have any questions about the arrangements.

Conduct at site inspections

11.7 As with hearings, the conduct and timings of the site inspections are at the discretion of the Examining Authority. Unlike hearings, site inspections are not an opportunity for anyone to approach the Examining Authority and discuss the proposed development or its merits. The Examining Authority may, however, wish to ask parties to point out features of the site for the purpose of factual clarification.
Overview of the NSIP process
Advice Note 8.5 The Examination: hearings and site inspections

An Examination is principally written, but can contain three types of hearing:

**Open Floor Hearing**
- There is no agenda; any Interested Party can speak about anything relevant.
- At least one will be held if an Interested Party requests one.
- There is one table at the front, and people will be called when it is their turn to speak. Seating for attendees will be provided behind the speaker’s table.

**Specific Issue Hearing**
- This type of hearing has an agenda, which is set by the Examining Authority and published on the relevant project page at least one week before the hearing.
- A hearing will be held if the Examining Authority decides it is necessary.
- Holding one does not mean that an issue is more important, just that the Examining Authority feels a hearing is necessary to fully explore it.
- There are tables at the front for the parties that the Examining Authority expects will make the most comments on the issue; other parties will be called up to the table.

**Compulsory Acquisition Hearing**
- Compulsory Acquisition Hearings are held on applications that include powers to acquire land or rights compulsorily. A hearing will be held if a party potentially affected by the compulsory acquisition requests one. The hearing is limited to matters relating to compulsory acquisition.
- This type of hearing is a lot like a Specific Issue hearing in layout.

Whether or not to hold hearings and on which issues will be discussed at the Preliminary Meeting (see Advice Note 8.3).

Notification of the time, date and place of hearings will be made in a letter to Interested Parties, published on our website, and published by the applicant in newspaper(s).

Please let us know if you would like to come, so that we can make sure the venue is large enough. Please arrive in good time.

**Site Inspections**
- If the Examining Authority needs to enter private land to view the site, they will invite Interested Parties to accompany them. The Examining Authority will not hear submissions during a site inspections.
Advice Note 8 series

The Planning Inspectorate has produced a series of non-statutory Advice Notes about a range of process matters. These are available to download on the legislation and guidance / advice notes page of the National Infrastructure planning website.

The Planning Inspectorate’s Advice Note 8 series explains how to get involved in the National Infrastructure planning process. It includes 5 annexes, as follows:

Advice Note 8  Overview of the Nationally Significant Infrastructure Planning process for members of the public and others
Annex 8.1  Responding to the developer’s pre-application consultation
Annex 8.2  How to register to participate in an Examination
Annex 8.3  Influencing how an application is examined: the Preliminary Meeting
Annex 8.4  The Examination
Annex 8.5  The Examination – Hearings and Site Visits