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All Interested Parties and Statutory Parties

Our Ref: EN010139

Date: 25 June 2024

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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 RWE Renewables UK Solar and Storage Limited for an Order Granting Development Consent for the Byers Gill Solar Project.**

**Appointment of the Examining Authority**

Following my appointment by the Secretary of State 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 Andre Pinto and the other members of the ExA are Max Wiltshire and Alex Oyebade. A copy of the appointment notice can be viewed under the [Documents tab](#) on the project webpage of the National Infrastructure Planning website ([project webpage](#)).

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

**Invitation to the Preliminary Meeting and how to participate**

As a recipient of this letter (known as the Rule 6 letter) you are invited to the Preliminary Meeting to discuss **the procedure** for the Examination of the above application.

Date	Start time	Venue and joining details
<b>Tuesday 23 July 2024</b>	<b>Registration and seating available at venue from:</b> 9:00am  <b>Virtual Registration Process from:</b> 9:30am  <b>Preliminary Meeting starts:</b> 10:00am	<b>Mercure Darlington Kings Hotel</b> <b>9-12 Priestgate, Darlington,</b> <b>DL1 1NW</b> and <b>By virtual means using Microsoft Teams</b>  Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
<p><b>IMPORTANT:</b> The Preliminary Meeting should be completed before 1:00pm on Tuesday 23 July 2024, however parties are encouraged to keep the whole day free in case the meeting overruns or there is a matter that requires the meeting to be adjourned and resumed later in the day.</p>		

You **MUST** register by completing the [Event Participation Form](#) by 10 July 2024 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below). Please note that it may not be possible to participate on the day if you have not registered and expressed your wish to speak by 10 July 2024.

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

1. 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
2. watch the recording of the event which will be published on the project webpage shortly after the event has finished;
3. attend the physical event at the venue to observe the proceedings. **However, to ensure the smooth running of the event**, it would greatly assist the ExA if **those who wish to attend “in person”** at the venue register your wish to do so and **observe only** by 10 July 2024 using the [Event Participation Form](#).

If you are unable to complete the online Event Participation Form or require any support or assistance to attend the Preliminary Meeting, either virtually or in person, please contact the Case Team using the contact details at the top of this letter.

### 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, who will take the final decision in this case.

The agenda for the meeting is at **Annex A** to this letter. This has been set following our Initial Assessment of Principal Issues arising from our reading of the application documents and the Relevant Representations received. The Initial Assessment of Principal Issues 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 D** to this letter; and/or
- you wish to comment about the arrangements for future Examination hearings, including the use of virtual methods.

You are invited to make a written submission about how the application is to be examined by **Procedural Deadline A (10 July 2024)** (see **Annex D** to this letter).

We request that all submissions are made using the '[Have your say](#)' option on the [project webpage](#) on or before **Procedural Deadline A** (see **Annex D** to this letter). **Annex J** 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 you can make a Written Representation 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 **10 July 2024** (see **Procedural Deadline A in Annex D** to this letter).



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);
- confirmation of whether you will participate virtually or in-person;
- any special requirements you may have (e.g. disabled access or a hearing loop) and;
- the agenda item on which you wish to speak and a list of the points you wish to make.

Requests to participate should be made using the [Event Participation Form](#) on or before **Procedural Deadline A**.

**Please contact the Case Team using the contact details at the top of this letter if you require any support or assistance to attend the Preliminary Meeting, either virtually or in person.**

### **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 where necessary by various types of hearings (see [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#)).

Both blended (part in-person and part virtual) and fully virtual events form part of the Planning Inspectorate's operating model. We remain flexible and 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.

We are providing formal notification that the **Preliminary Meeting will be a blended event and that the Open Floor Hearings and Issue Specific Hearing referred to in Annex E to this letter will also be blended events.**

Because participation in the Preliminary Meeting or any future Hearings by virtual means relies on the provision of a joining link or telephone number in advance, it is important that you think about whether you wish to speak and confirm your involvement (please see **Annex D** to this letter). Alternatively, if you feel that you are unable to engage in the Preliminary Meeting or further Examination events through any of the methods described in [Advice Note 8.6: Virtual Examination events](#), please contact the Case Team using the contact details at the top of this letter to discuss how you can participate in the Preliminary Meeting.



## 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 initial hearings

We have made a Procedural Decision to hold the following initial hearings during **the week commencing 22 July 2024**:

- **Issue Specific Hearing 1 (ISH1)** on Tuesday 23 July 2024 from 14:00
- **Open Floor Hearing 1 (OFH1)** on Wednesday 24 July 2024 from 10:00
- **Open Floor Hearing 2 (OFH2)** on Wednesday 24 July 2024 from 18:00

Important information about these hearings is contained in **Annex E** to this letter, including what details need to be provided with a request to be heard at a hearing and the procedure that will be followed.

## Further Procedural Decisions made by the Examining Authority

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

- Acceptance of Additional Submissions into the Examination.
- Request for Local Impact Reports from local authorities by Deadline 1.
- Deadline for notification of wish to participate in a further Open Floor Hearing and/or a Compulsory Acquisition Hearing.
- Request for draft Statements of Common Ground (SoCG) from named parties and a draft Statement of Commonality (SoC) by Deadline 1.
- Request for suggested locations for site inspectors (Accompanied and/or Unaccompanied), including justification, by Deadline A.
- Applicant's draft itinerary for an Accompanied Site Inspection (ASI) by Deadline 1.
- Request for comments on Relevant Representations (RRs) and summaries of all RRs exceeding 1500 words by Deadline 1.
- Request for regular updated documents throughout the Examination, including an Application Document Tracker, a Compulsory Acquisitions Schedule and Status of Negotiations with Statutory Undertakers.

## ExA's note of an Unaccompanied Site Inspection

The ExA undertook an Unaccompanied Site Inspection (USI) on Tuesday 4 and Thursday 5 June 2024. A record of the USI to inform the Applicant, Interested Parties and other parties of the actions taken by the ExA was published on the project webpage with the Examination Library reference [\[EV1-001\]](#).



## Changes to land interests

When the Applicant becomes aware that there has been a change in ownership, or a new interest, in relevant land the Applicant is requested to make the relevant person aware that they can make a request to the ExA to become an Interested Party under section 102A of the PA2008 by contacting the Case Team using the contact details at the top of this letter. The Examination Timetable includes various Deadlines for the submission of an updated Book of Reference and schedule of changes to the Book of Reference, which should include confirmation that relevant persons have been informed of their rights under section 102A.

## 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 'Have your say' option 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 J** 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 'BGSF', 'BGSF -0', 'BGSF -AFP', 'BGSF -S57' 'BGSF -APP' you are in Group A. If your reference number begins with 'BGSF -SP' you are in Group B. If your reference number begins with 'BGSF -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 I** 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](#).

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

Yours faithfully

*Andre Pinto*

## Lead Member of the Examining Authority

### Annexes

- A** Agenda for the Preliminary Meeting
- B** Introduction to the Preliminary Meeting
- C** Initial Assessment of Principal Issues
- D** Draft Examination Timetable
- E** Notification of initial hearings
- F** Agenda for the Issue Specific Hearing (ISH1) on Overview of the Proposed Development and the Development Consent Order
- G** Agenda for the Open Floor Hearing 1 (OFH1) and Open Floor Hearing 2 (OFH2)
- H** Further Procedural Decisions made by the Examining Authority
- I** Availability of Examination Documents
- J** 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 completing the [Event Participation Form](#) by 10 July 2024 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. 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
2. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Alternatively, you can attend the physical event at the venue to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to **observe only** by **10 July 2024** using the [Event Participation Form](#). Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **10 July 2024**.

<b>Date:</b>	<b>23 July 2024</b>
<b>Meeting start time:</b>	<b>10.00am (please note Registration times below)</b>
<b>Venue:</b>	<p><b>Blended event at Mercure Darlington Kings Hotel and by virtual means using Microsoft Teams</b></p> <p>Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered</p>
<b>Attendees:</b>	<b>Invited parties who have pre-registered</b>

<b>Agenda for the Preliminary Meeting</b>	
<b>9:00</b>	Registration and seating available at venue for in-person attendees
<b>9:30</b>	<p><b>Virtual Registration Process</b></p> <p>Please arrive at 9:30 to enter the virtual lobby. From here you will be admitted to the virtual meeting by the Case Team, greeted and given further instructions.</p> <p>The Registration Process will commence at 9:30. 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>



<b>10.00am</b>	<b>Preliminary Meeting</b> The Preliminary Meeting will formally open at <b>10.00am</b> . The Examining Authority will join, welcome participants and lead introductions
<b>Item 2</b>	The Examining Authority's remarks about the Examination process
<b>Item 3</b>	Initial Assessment of Principal Issues – <b>Annex C</b> to Rule 6 letter
<b>Item 4</b>	Draft Examination Timetable – <b>Annex D</b> to Rule 6 letter
<b>Item 5</b>	Hearings and Accompanied Site Inspection – <b>Annexes E, F and G</b> of this letter
<b>Item 6</b>	Procedural Decisions taken by the Examining Authority – <b>Annex H</b> of this letter
<b>Item 7</b>	Any other matters
<b>Close of the Preliminary Meeting</b>	

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 (ExA), 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 and be made on the [Event Participation Form](#):

- 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.

## **Introduction to the Preliminary Meeting**

### **Background**

The Preliminary Meeting (PM) will be a blended event with some participants attending in person and some taking part virtually using Microsoft Teams

The Examining Authority (ExA) is conscious of videoconferencing fatigue and will aim to keep the proceedings focussed and as efficient as possible. This annex provides advance access to information that would usually be included in the ExA's introductory remarks. Please read this carefully. The ExA will only present a summary of the key points set out here in order 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 PM.

The ExA will be supported by the Planning Inspectorate Case Team. During the Registration Process 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 PM. The contact email address is:

[byersgillsolar@planninginspectorate.gov.uk](mailto:byersgillsolar@planninginspectorate.gov.uk)

### **The purpose of the Preliminary Meeting**

The PM is being held to discuss the arrangements for the Examination of the application for a Development Consent Order (DCO) for the Byers Gill Solar Project, which is a Nationally Significant Infrastructure Project (NSIP), and which will generally be referred to in the PM and Examination as the 'Proposed Development'. The application has been made by RWE Renewables UK Solar and Storage Limited, 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 PM 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 PM.

The PM will be your opportunity to influence the process that the ExA intends to follow. The agenda for the PM 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 course of the PM. You may wish to print these in advance of the PM for reference.

### **Government guidance and policy**

The application is a NSIP under the Planning Act 2008 (PA2008) as a consequence of sections 14 and 15: it includes the construction or extension of a generating station in England, not generating electricity from wind and is not an offshore generating station with a capacity of more than 50MW.

The designated National Policy Statements (NPS) for Energy Infrastructure, which came into force on 17 January 2024, specifically the Overarching National Policy Statement for Energy (EN-1), National Policy Statement for Renewable Energy Infrastructure (EN-3) and National Policy Statement for Electricity Networks Infrastructure (EN-5) apply to this Examination and to decision-making relating to this application.

The SoS is entitled to disregard any representations that challenge the policies set out in the NPSs, or the validity of NPSs themselves. The focus will be on the merit of the Proposed Development.

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 PM 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 PM 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 PM. 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 PM. 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.

### **Conduct of the Preliminary Meeting**

The ExA estimate that the PM will take half a day to complete.

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

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 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.

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 the relevant Deadline 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.

### Hearings

The draft Examination Timetable includes provision for hearings, at which the ExA takes oral evidence from the various parties.

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. A written summary note with any supporting evidence or references will be requested of each speaker following the hearing.

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 forward.

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, as any consent will be subject to Requirements (i.e conditions) set out in the DCO.

At hearings **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 a **Deadline 1 (Thursday 8 August 2024)** for participants to notify the ExA that they wish to speak at an OFH or a CAH.

### **Site inspections**

As part of the Examination process the ExA may undertake site inspections. These can be either unaccompanied or accompanied.

The purpose of these is for the ExA to see features of the proposals within the context of the evidence put forward.

The ExA has carried out an unaccompanied site inspection (USI) on the 4 and 5 June 2024. Please check the USI note in our examination library [\[EV1-001\]](#) for further details. Further notes of Unaccompanied Site Inspections (USIs) will be published on the [project webpage](#).

Accompanied Site Inspections (ASI) will only be necessary to view land to which there is no public right of access, or with no clear view from nearby locations with open public access. The purpose of ASIs is familiarisation only and no discussion of the merits of the Proposed Development will be entertained during an ASI.

The ExA may decide to hold USIs to relevant nominated locations, supported by the submission of additional written, photographic, video or even drone material if this would be preferable to not visiting sites or holding ASIs in circumstances which could make them difficult and unduly time-consuming to conduct (for example if public health restrictions are in place). The ExA may 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 a USI on an access required basis (ARSI).

The draft Examination Timetable includes a Deadline for IPs to make submissions suggesting sites and locations that the ExA should visit. These will be used to inform further USIs/ARSIs as well as possible ASIs.



## **Initial Assessment of Principal Issues**

This is the Initial Assessment of Principal Issues prepared as required under section 88(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; and
- its consideration of any other important and relevant matters.

This initial assessment has guided the Examining Authority in forming a provisional view as to how the application is to be examined. 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 Energy Security and Net Zero after the Examination has concluded.

### **The order of the issues listed does not imply any order of prioritisation or importance.**

The policy and consenting requirements and documents associated with the PA2008 are an integral part of the Examination and are therefore not listed as Principal Issues.

It should be noted that a number of the Principal Issues set out below have an interrelationship and overlap and these will be reflected in the Examination.

It should also be noted that whilst the effects of the proposal in relation to human rights and equalities duties are not listed as specific Principal Issues, the ExA will conduct all aspects of the Examination with these in mind.

#### **1. Principle of the Proposed Development – to include:**

- Whether the proposed development can be considered as a project of Critical National Priority (CNP);
- Whether the Proposed Development complies with the National Policy Statement for Energy (EN-1), National Policy Statement for Renewable Energy Infrastructure (EN-3) and National Policy Statement for Electricity Networks Infrastructure (EN-5);
- Whether the proposed development complies with national strategy and policy and assists in the delivery of government targets and objectives included in, but not limited to, the 25 Year Environmental Plan (25YEP), the 2023 Environmental Improvement Plan (EIP2023), the Net Zero Strategy and Sixth Carbon Budget (2021);
- The intended generating capacity for the Proposed Development having regard to the draft Development Consent Order's (dDCO) reference to an output capacity of over 50 megawatts and maximization of the potential of the site;
- Potential impediments to development;
- Planning Statement presented in support of the Proposed Development and the need for the development.

**2. Environmental Impact Assessment (EIA) – to include:**

- The assessment of the potential effects of the Proposed Development with the use of the 'Rochdale Envelope' approach and the degree of flexibility requested;
- The approach taken to the consideration of reasonable alternatives and consequent selection of preferred approach, informed by environmental considerations including, but not limited to, access routes and survey locations;
- The approach taken to the assessment of the proposed cable routes and how the potential effects of the off-road and on-road cable route options have been assessed;
- The approach to environmental measures, including assessment of significance, proposed mitigation (including the monitoring and management of their effectiveness) and any residual effects for each of the identified phases of the Proposed Development;
- Whether all other necessary consents and licences have been considered;
- Topics scoped in and out of the EIA including the identification of likely effects from the construction, operational and decommissioning phases of the Proposed Development;
- Whether all necessary parameters and mitigation measures are captured in the dDCO.

**3. The case for Compulsory Acquisition (CA) and Temporary Possession (TP) – to include:**

- Whether all relevant statute and guidance has been complied with, including with the PA2008 and with relevant guidance;
- Accuracy of the Land Plans and the Works Plans and how these relate to the land identified as subject to CA and/or TP;
- Whether the full extent of the land, rights and powers that are sought to be compulsorily acquired, including access for maintenance, temporary possession, powers to override easements are necessary to facilitate or are incidental to the Proposed Development;
- Whether the powers sought are required for the Proposed Development to which the order relates, whether they are legitimate, necessary and proportionate and whether it is clear how the Applicant intends to use the land;
- Whether there is a compelling case in the public interest for the compulsory acquisition of the land, rights and powers that are sought by the dDCO that justifies interference with the human rights of those affected;
- Whether the TP powers sought are needed to enable the construction of the Proposed Development; the notice period for obtaining temporary possession; the total period of time for which the land may be subject to temporary possession;
- Whether the CA and TP powers sought are compatible with Human Rights tests;

- Minimisation of the need for acquisition of land and rights, including full consideration of acquisition by agreement and the exercise of any existing land option agreements;
- Whether all reasonable alternatives to compulsory acquisition have been explored;
- The effects of the proposed acquisition on any statutory undertakers' land or rights over such land and the detriment that may be caused to the carrying on of the undertaking in question;
- The adequacy of the Protective Provisions set out in the draft DCO and the need for any other Protective Provisions to safeguard relevant interests;
- Potential impediments to development;
- Any objections, the Applicant's responses, and related evidence;
- Update on attempts to negotiate with landowners;
- Whether adequate funding would be available to enable the Applicant to carry out the compulsory acquisition within the statutory period.

**3. Draft Development Consent Order (dDCO) – to include:**

- The appropriateness of the Applicant's dDCO including its structure, scope, provisions of legislation (including the disapplication and modification of legislative provisions), and any novel provisions, requirements and adequacy of protective provisions;
- The adequacy of the Explanatory Memorandum and its consistency with the dDCO;
- The clarity of definitions and the consistency of use of terms and phrases within the dDCO;
- Relationship with the Land Plans, Works Plans, Street Works, Rights of Way and Access Plans particularly in relation to the identification of land subject to CA and TP;
- Relationship with other consents, permits and licences and any impediments to them being granted;
- Whether the proposed Requirements effectively secure the mitigation identified in the Environmental Statement and whether there is a need for any additional Requirements;
- Whether the proposed Requirements are relevant to planning, relevant to the development to be consented, enforceable, precise and reasonable;
- Whether there is a need for any additional Requirements or Protective Provisions;
- Matters for which detailed approval needs to be obtained, the discharging authority and the roles of the local authorities and of other independent statutory and regulatory authorities;
- Whether the dDCO is satisfactory in all other respects.

**4. Biodiversity, Ecology and the Natural Environment – to include:**

- The effects of the Proposed Development, including in-combination assessment, on the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site, the Teesmouth and Cleveland Coast

proposed Ramsar and the Thrislington Special Area of Conservation (SAC);

- The effects of the Proposed Development on other statutory designated sites, such as the Briarcroft Pasture, the Newton Ketton Meadow, the Redcar Field and the Whitton Bridge Pasture Sites of Scientific Special Interest (SSSIs) and the Hardwick Dene and Elm Tree Woods Local Nature Reserves (LNRs);
- The effects of the Proposed Development on non-statutory designated sites (including waterbodies, woodland, grassland, trees and hedgerows), sites of nature conservation interest and on any relevant ecological features;
- The nature conservation impacts associated with the proposed loss of trees and hedgerows;
- The effects of the Proposed Development, including alterations in levels of light, noise, surface water drainage, air quality, dust, external lighting and visual disturbance (including glint and glare), on habitats and species;
- Compliance with the Environment Act 2021, the provision of Net Gain and the objectives included in the Government's Environmental Improvement Plan;
- Opportunities for the conservation and enhancement of biodiversity and ecological conservation interests, including biodiversity net gain and no net loss;
- Consideration of any necessary mitigation, monitoring, management and compensatory measures and their effectiveness.

**5. Design** – to include:

- The Design Approach document and how the adopted parameters-based design approach has been informed by environmental considerations;
- Weather independent professional design advice or a design review process has been, or is proposed to be, engaged as part of the development of the Proposed Development;
- Whether opportunities for building-in beneficial biodiversity or geological features have been maximised as part of the proposed design.

**6. Health and Air Quality** – to include:

- The overall approach to health and air quality issues, including assessment of scope as set out in the EIA Scoping Report;
- The anticipated construction and decommissioning effects on human health and air quality sensitive receptors;
- The assessment and consideration of indirect health and wellbeing impacts such as, restricted access to public facilities;
- Whether the dangers of battery storage have been fully taken into consideration;
- Consideration of any necessary mitigation, monitoring and management and their effectiveness.

**7. Historic Environment** – to include:

- The effects of the Proposed Development of the setting of the Bishopton Conservation Area;
- The effect of the Proposed Development on the historic environment, including archaeological remains and any designated or non-designated heritage assets;
- The effectiveness of any mitigation measures.

**8. Landscape and Visual** – to include:

- The adequacy of assessment methodology and approach, including the identification and assessment of sensitive landscape receptors;
- The suitability and the extent of study area and the viewpoints used in the visualisations viewpoints;
- Construction, operation or decommissioning effects, including the landscape and visual impacts of the proposed mitigation measures;
- The effects on views from the PRoW network;
- The effects on views from residential properties and other sensitive landscape receptors;
- The effects on the proposed works on the character and appearance of the existing landscape, including cumulative effects with other solar energy-generating proposals;
- The effectiveness of mitigation, design and planting and whether these are adequately secured in the dDCO.

**9. Land Use and Socioeconomics** – to include:

- The adequacy of assessment methodology and approach, including the identification and assessment of sensitive receptors;
- The assessment of Agricultural Land Classification and the effects of the proposal on agricultural land and farming, including sheep grazing;
- The methodology and data used to assess soil quality and the effects of the proposal on soil resources (including mineral resources) and food security;
- The effects on community uses, including open spaces, PRoW and other recreational or community facilities;
- The effects of the Proposed Development on residential amenity and the local communities and their health and wellbeing, including noise, dust, glint and glare, privacy, crime and safety;
- The cumulative effects of the Proposed Development with other solar energy-generating proposals on land use, residential amenity and the health and wellbeing of local communities;
- Consideration of any necessary mitigation, monitoring, management and compensatory measures and their effectiveness.

**10. Noise and Vibration** – to include:

- The baseline assessment and methodology used for the establishment of the sensitivity of receptors and robustness of surveys;
- The construction, operation and decommissioning effects on local communities and other sensitive receptors;
- Consideration of any necessary mitigation, monitoring and management and their effectiveness;
- Residual effects and their significance.

**11. Traffic and Transport** – to include:

- The Transport Assessment methodology, identification of sensitive receptors, the baseline and assumptions used to inform modelling;
- Traffic generation, traffic management and highway safety;
- The identification of construction effects, proposed routeing and management of construction traffic, including the Outline Construction Traffic Management Plan (CTMP);
- The construction and operational effects on road users, included those impacted by the closure/rerouting of PRow (Public Rights of Way) and the effectiveness of the Outline PRow Management Plan;
- The effects of the Proposed Development on the accessibility of other premises, including residential premises and agricultural land during construction and operational phases;
- The effectiveness and suitability of the Outline Decommissioning Environmental Management Plan.

**12. Water Environment and Flood Risk** – to include:

- The Flood Risk Assessment (FRA) methodology including the use of climate change allowances in modelled scenarios;
- The effects of the Proposed Development on the River Skerne, Newton Beck and Bishopton Beck/Whitton Beck catchment areas;
- The effects of the Proposed Development on sensitive receptors, including Newton Ketton Meadows SSSI, the Teesmouth and Cleveland Coast SPA and Ramsar site and Source Protection Zones;
- Other construction, operation or decommissioning effects;
- Compliance with the Water Framework Directive;
- Consideration of any necessary mitigation, monitoring and management and their effectiveness.

**13. Cumulative Effects** – to include:

- The adequacy of assessment methodology and approach, including the identification of in-combination effects (intra-project) and cumulative effects (inter-project);
- The suitability of the long-list and short-list of other developments;
- Consideration of any necessary mitigation, monitoring, management and compensatory measures and their effectiveness.

## 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.	<b>Procedural Deadline A</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• Written submissions on the Examination Procedure and Timetable</li> <li>• Requests to be heard orally at the Preliminary Meeting</li> <li>• Request to participate in the Issue Specific Hearing 1 (ISH1)</li> <li>• Requests to be heard orally at the Open Floor Hearings (OFH) 1 or 2</li> <li>• Suggested locations for site inspections (Accompanied and/or Unaccompanied), including justification</li> </ul>	10 Jul 2024
2.	<b>Preliminary Meeting</b>	Tuesday, 23 Jul 2024 at 10:00
3.	<b>Issue Specific Hearing (ISH) 1</b> <ul style="list-style-type: none"> <li>• Overview of the Proposed Development and the Development Consent Order</li> </ul>	Tuesday, 23 Jul 2024 at 14:00
4.	<b>Open Floor Hearing (OFH) 1</b>	Wednesday, 24 Jul 2024 at 10:00
5.	<b>Open Floor Hearing (OFH) 2</b>	Wednesday, 24 Jul 2024 at 18:00
6.	<b>Issue by the ExA of:</b> <ul style="list-style-type: none"> <li>• Examination Timetable</li> </ul> <b>Publication by the ExA of:</b> <ul style="list-style-type: none"> <li>• The ExA's Written Questions (ExQ1)</li> </ul>	As soon as practicable following the Preliminary Meeting

<p><b>7. Deadline 1</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 as heard on the ISH1, OFH1 and OFH2</li> <li>• Comments on Relevant Representations (RRs)</li> <li>• Summaries of all RRs exceeding 1500 words</li> <li>• Applicant’s draft itinerary for Accompanied Site Inspection (ASI) (if required)</li> <li>• Local Impact Report(s) (LIRs)</li> <li>• Statements of Common Ground (SoCG)</li> <li>• Statement of Commonality (SoC) of SoCG</li> <li>• The Compulsory Acquisitions (CA) Schedule</li> <li>• Status of Negotiations with Statutory Undertakers</li> <li>• Guide to the Application</li> <li>• Notification by Statutory Parties of their wish to be considered as an Interested Party (IP) by the ExA</li> <li>• Requests by Interested Parties (IPs) to be heard at a subsequent Open Floor Hearing (OFH)</li> <li>• Requests by Affected Persons (APs) (defined in section 59(4) of the Planning Act 2008) to be heard at a Compulsory Acquisition Hearing (CAH)</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 information/submissions accepted by the ExA</li> </ul>	<p><b>Thursday, 8 Aug 2024</b></p>
<p><b>8. Deadline 2</b></p>	<p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Response to the ExA’s ExQ1</li> <li>• Comments on LIR(s)</li> <li>• Written Representations (WRs), summaries of all WRs exceeding 1500 words</li> <li>• Comments from APs on the Applicant’s Compulsory Acquisition Schedule</li> </ul>	<p><b>Wednesday, 21 Aug 2024</b></p>



	<ul style="list-style-type: none"> <li>• An updated version of the draft Development Consent Order (dDCO) in clean, tracked and Word versions</li> <li>• Updated Explanatory Memorandum</li> <li>• Updated Statement of Reasons</li> <li>• Updated Guide to the Application</li> <li>• Comments on the Applicant's draft itinerary for the ASI</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>• Comments on any further information/submissions received by <b>Deadline 1</b></li> </ul>	
<b>9.</b>	<b>Dates reserved for:</b> <ul style="list-style-type: none"> <li>• Compulsory Acquisition Hearing (if required)</li> <li>• Issue Specific Hearing (if required)</li> </ul>	<b>Week commencing 2 Sept 2024</b>
<b>10.</b>	<b>Deadline 3</b> For receipt by the ExA of: <ul style="list-style-type: none"> <li>• Post-hearing submissions including written submissions of oral cases</li> <li>• Comments on WRs</li> <li>• Updated SoCG</li> <li>• Updated SoC</li> <li>• Updated CA Schedule (if required)</li> <li>• Updated Guide to the Application</li> <li>• Comments on responses to ExQ1</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>• Comments on any further information/submissions received by <b>Deadline 2</b></li> </ul>	<b>Thursday, 19 Sept 2024</b>
<b>11.</b>	<b>Publication by the ExA of:</b> <ul style="list-style-type: none"> <li>• ExA's final itinerary for the ASI (if held)</li> </ul>	<b>Thursday, 19 Sept 2024</b>
<b>12.</b>	<b>Dates reserved (if required) for:</b> <ul style="list-style-type: none"> <li>• Any Compulsory Acquisition Hearing</li> <li>• Any Issue Specific Hearing</li> <li>• ASI (if held)</li> </ul>	<b>Week commencing 14 October</b>

<p><b>13. Deadline 4</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 (if required)</li> <li>• Updated Statement of Reasons (if required)</li> <li>• Updated CA Schedule (if required)</li> <li>• Updated Status of negotiations with Statutory Undertakers</li> <li>• Updated Guide to the Application</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> </ul> <p>Comments on any further information/submissions received by <b>Deadline 3</b></p>	<p><b>Thursday, 24 Oct 2024</b></p>
<p><b>14.</b></p>	<p><b>Publication by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• The ExA's Written Questions (ExQ2)</li> <li>• ExA's commentary on, or schedule of changes to, the dDCO</li> </ul>	<p><b>Friday, 1 Nov 2024</b></p>
<p><b>15. Deadline 5</b></p>	<p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Responses to ExQ2</li> <li>• Updated SoCG</li> <li>• Updated SoC</li> <li>• Updated Explanatory Memorandum</li> <li>• Updated Statement of Reasons</li> <li>• Updated CA Schedule</li> <li>• Updated Status of negotiations with Statutory Undertakers</li> <li>• Updated Guide to the Application</li> <li>• Comments on the ExA's commentary on, or schedule of changes to, the draft DCO</li> <li>• An updated version of the dDCO in clean, tracked and word versions</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>• Comments on any further information/submissions received by <b>Deadline 4</b></li> </ul>	<p><b>Friday, 15 Nov 2024</b></p>

16.	<b>Dates reserved (if required) for:</b> <ul style="list-style-type: none"> <li>• Any Compulsory Acquisition Hearings</li> <li>• Any Issue Specific Hearings</li> <li>• Any Open Floor Hearings</li> </ul>	<b>Week commencing 25 Nov 2024</b>
17.	<b>Deadline 6</b> For receipt by the ExA of: <ul style="list-style-type: none"> <li>• Comments on responses to ExQ2</li> <li>• Post-hearing submissions including written submissions</li> <li>• Updated Status of negotiations with Statutory Undertakers</li> <li>• Updated CA Schedule (if required)</li> <li>• Updated Guide to the Application</li> <li>• Comments on the dDCO</li> <li>• Comments on any further information/submissions received by <b>Deadline 5</b></li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> </ul>	<b>Friday, 6 Dec 2024</b>
18.	<b>Publication by the ExA of:</b> <ul style="list-style-type: none"> <li>• ExA's Further Written Questions (if required)</li> <li>• Report on the Implications for European Sites (RIES) and any associated questions (if required)</li> <li>• ExA's further commentary on, or schedule of changes to, the dDCO (if required)</li> </ul>	<b>Friday, 20 Dec 2024</b>
19.	<b>Deadline 7</b> <ul style="list-style-type: none"> <li>• Response to Third Written Questions (if issued)</li> <li>• Comments on the ExA's commentary on, or schedule of changes to, the draft DCO</li> <li>• Comments on any additional information/submissions received by <b>Deadline 6</b></li> <li>• Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010</li> </ul>	<b>Friday, 10 Jan 2025</b>
20.	<b>Deadline 8</b> For receipt by the ExA of: <ul style="list-style-type: none"> <li>• Comments on the REIS (if issued)</li> </ul>	<b>Friday, 17 Jan 2025</b>

	<ul style="list-style-type: none"> <li>• Comments on responses to Third Written Questions (if required)</li> <li>• Final dDCO to be submitted by the Applicant in the SI template with the SI template validation report</li> <li>• Final Schedule of Changes to the dDCO</li> <li>• Final Explanatory Memorandum (EM) and schedule of changes to Explanatory Memorandum</li> <li>• Final updated BoR and schedule of changes to BoR</li> <li>• Final CA Schedule</li> <li>• Final Status of Negotiations with Statutory Undertakers</li> <li>• Final SoCG</li> <li>• Final SoC</li> <li>• List of matters not agreed where SoCG could not be finalised</li> <li>• Final Guide to the Application</li> <li>• Comments on any further information/submissions received by <b>Deadline 7</b></li> <li>• Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010</li> </ul>	
<b>21.</b>	<p><b>Deadline 9</b></p> <p><b>For receipt by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• Any further information requested by the ExA</li> </ul>	<b>Thursday, 23 Jan 2025</b>
<b>22.</b>	The ExA is under a duty to complete the Examination of the application by the end of the period of six months	<b>Thursday, 23 Jan 2025</b>

### Submission times for Deadlines

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

### Publication dates

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

### Hearing agendas

Please note that for Issue Specific Hearings and Compulsory Acquisition Hearings the ExA will publish a high-level agenda alongside the notification of the hearing to

help inform your decision about whether to register to participate. A detailed draft agenda will be made available 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 agendas may not be published.

### **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 and/ or Regulation 28 of The Offshore Marine Regulations.

## Notification of initial hearings

The Examining Authority (ExA) provides notice of the following initial hearings:

<b>Date</b>	<b>Hearing</b>	<b>Start time</b>	<b>Venue and Joining details</b>
<b>23 July 2024</b>	<b>Issue Specific Hearing 1 (ISH1)</b>	<b>Registration and seating available at venue from:</b> <b>13:00</b> <b>Virtual Registration Process from:</b> <b>13:30</b> <b>Hearing starts:</b> <b>14:00</b>	Mercure Darlington King's Hotel, 9-12 Preistgate, Darlington, DL1 1NW 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
<b>24 July 2024</b>	<b>Open Floor Hearing 1 (OFH1)</b>	<b>Registration and seating available at venue from:</b> <b>9:00</b> <b>Virtual Registration Process from:</b> <b>9:30</b> <b>Hearing starts:</b> <b>10:00</b>	Mercure Darlington King's Hotel, 9-12 Preistgate, Darlington, DL1 1NW 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
<b>24 July 2024</b>	<b>Open Floor Hearing 2 (OFH2)</b>	<b>Registration and seating available at venue from:</b> <b>17:00</b> <b>Virtual Registration Process from:</b> <b>17:30</b> <b>Hearing starts:</b> <b>18:00</b>	Mercure Darlington King's Hotel, 9-12 Preistgate, Darlington, DL1 1NW 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

**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.

**You MUST register by completing the [Event Participation Form](#) by 10 July 2024 if you intend to participate in any of the hearings notified above and provide all the information requested (see below).** Please note that it may not be possible to participate on the day if you have not registered and expressed your wish to speak by **10 July 2024**.

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

1. 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
2. watch the recording of the event which will be published on the project webpage shortly after the event has finished;
3. attend the physical event at the venue to observe the proceedings. **However, to ensure the smooth running of the event**, it would greatly assist the ExA if **those who wish to attend “in person”** at the venue register your wish to do so and **observe only** by **10 July 2024** using the [Event Participation Form](#).

If you are unable to complete the online Event Participation Form or require any support or assistance to attend, either virtually or in person, please contact the Case Team using the contact details at the top of this letter.

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.

## **Hearing agendas**

High-level agendas for these hearings have been published alongside this notification on the [project webpage](#) to help inform your decision about whether to register to participate.

For Issue Specific Hearings and Compulsory Acquisition Hearings the ExA will publish a detailed draft 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 may not be published, however an agenda for OFH1 and OFH2 has been published on **Annex G** of this letter.

## **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.



## Agenda for Issue Specific Hearing 1 (ISH1) on the Overview of the Proposed Development and the Development Consent Order

Date	Hearing	Start time	Venue and Joining details
23 July 2024	Issue Specific Hearing 1 (ISH1)	<p>Registration and seating available at venue from:</p> <p>13:00</p> <p>Virtual Registration Process from:</p> <p>13:30</p> <p>Hearing starts:</p> <p>14:00</p>	<p>Mercure Darlington King's Hotel, 9-12 Preistgate, Darlington, DL1 1NW</p> <p>and</p> <p>By virtual means using Microsoft Teams</p> <p>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered</p>

You **MUST** register by completing the [Event Participation Form](#) by 10 July 2024 if you intend to participate and provide all the information requested (see below). Please note that it may not be possible to participate on the day if you have not registered and expressed your wish to speak by 10 July 2024. Please also see Annex E.

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

1. 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
2. watch the recording of the event which will be published on the project webpage shortly after the event has finished;
3. attend the physical event at the venue to observe the proceedings. **However, to ensure the smooth running of the event**, it would greatly assist the ExA if **those who wish to attend "in person"** at the venue register your wish to do so and **observe only** by 10 July 2024 using the [Event Participation Form](#).

If you are unable to complete the online Event Participation Form or require any support or assistance to attend, either virtually or in person, please contact the Case Team using the contact details at the top of this letter.

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### Agenda

1. Welcome, introductions, arrangements for this Issue Specific Hearing (ISH1)
2. Purpose of the Issue Specific Hearing

- For the ExA to explore the overarching guiding principles that underpin the Development Proposal, its main components, aims and objectives;
- For the ExA to explore the Applicant's intentions and approach to the identification of land in the Order as identified in Land Plans [APP-010] and how it relates to the articles include in the draft Development Consent Order (dDCO) [APP-012].

### **3. Components of the Byers Gill Solar**

- Applicant to provide a brief explanation of the proposal, including its key components, i.e: the ground mounted solar photovoltaic (PV) panel arrays, Battery Energy Storage Systems (BESS) and supporting infrastructure including cabling routes.

### **4. Need for the Proposed Development**

- Applicant also to provide a brief explanation of how it considers that the Development Proposal complies with the relevant National Policy Statement and other important and relevant matters.
- Applicant to provide brief explanation of how other energy generating facilities, located or proposed to be located within the vicinity of the Proposed Development, have been taken into consideration as part of the overall need for the Proposed Development.

### **5. Alternatives**

- Applicant to provide an overview of how reasonable alternatives, including locations and alternative technologies, have been considered and how these have informed and shaped the Development proposal.

### **6. Order land and the dDCO**

- Applicant to provide an overview of how it has identified land needed for the Proposed Development, the different powers of acquisition and possession of land included in the dDCO [\[APP-012\]](#) and how the Applicant expects the dDCO to provide them with the powers needed to secure the delivery of the Proposed Development. The ExA will also ask the Applicant to expand on [\[AS-008\]](#).
- Applicant to explain how the rights of statutory undertakers and potentially affected person(s) and with a registered legal interest in the land, or any part of the land, affected by the application, have been considered, particularly those affected by the on-road cabling option.

### **7. Review of the issues and actions arising**

### **8. Any other business**

### **9. Closure of hearing**

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#### **Attendees**

The ExA would find it helpful if representatives of the following parties could attend this hearing:

- **The Applicant;**
- **Durham County Council;**
- **Darlington Borough Council;**
- **Stockton Borough Council;**
- **Bishopton Parish Council;**
- **Redmarshall Parish Council;**
- **Stillington and Whitton Parish Council;**
- **Great Stainton Parish Council;**
- **National Highways;**
- **Any other Interested Parties (IPs)** with an interest in the scope of the Proposed Development.

However, this does not indicate that other parties will not be able to contribute. All IPs are invited to attend and make oral representations on the matters set out in the agenda, subject to the ExA's ability to control the hearing.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the hearing. The details set out above are indicative and the ExA may find it necessary to include additional agenda items or to amend the order in which the items are dealt with.

Anyone wishing to attend the hearing in person, who has not already advised the Case Team of this, should do so as soon as possible.

The event will be livestreamed and a link for watching the livestream will be posted on the project webpage of the National Infrastructure Planning website closer to the hearing date. IPs and members of the public who wish to observe the hearing can therefore view and listen to the hearing using the livestream, or view and listen to the recording, after it has concluded.

### **Arrangements Conference**

Parties who have registered to attend (both in person and virtually), and invitees, will receive an email shortly before the hearing containing a joining link and telephone number to enable participation virtually as necessary. If attending virtually please join the Arrangements Conference promptly. The Case Team will admit you from the virtual lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the hearing to start promptly.

### **Procedure at the ISH**

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA. Cross-questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

## Agendas for Open Floor Hearing 1 (OFH1) and Open Floor Hearing 2 (OFH2)

## Open Floor Hearing 1 (OFH1)

Date	Hearing	Start time	Venue and Joining details
24 July 2024	Open Floor Hearing 1 (OFH1)	<b>Registration and seating available at venue from:</b> <b>9:00</b> <b>Virtual Registration Process from:</b> <b>9:30</b> <b>Hearing starts:</b> <b>10:00</b>	Mercure Darlington King's Hotel, 9-12 Preistgate, Darlington, DL1 1NW 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

## Open Floor Hearing 2 (OFH2)

Date	Hearing	Start time	Venue and Joining details
24 July 2024	Open Floor Hearing 2 (OFH2)	<b>Registration and seating available at venue from:</b> <b>17:00</b> <b>Virtual Registration Process from:</b> <b>17:30</b> <b>Hearing starts:</b> <b>18:00</b>	Mercure Darlington King's Hotel, 9-12 Preistgate, Darlington, DL1 1NW 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 completing the [Event Participation Form](#) by **10 July 2024** if you intend to participate and provide all the information requested (see below). Please note that it may not be possible to participate on the day if you have not registered and expressed your wish to speak by **10 July 2024**.

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

1. 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

2. watch the recording of the event which will be published on the project webpage shortly after the event has finished;

3. attend the physical event at the venue to observe the proceedings. **However, to ensure the smooth running of the event**, it would greatly assist the ExA if **those who wish to attend “in person”** at the venue register your wish to do so and **observe only by 10 July 2024** using the [Event Participation Form](#).

If you are unable to complete the online Event Participation Form or require any support or assistance to attend, either virtually or in person, please contact the Case Team using the contact details at the top of this letter.

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## **Agenda (for OFH1 and OFH2)**

### **1. Welcome, introductions, arrangements for the Open Floor Hearing (OFH)**

### **2. Purpose of the OFH**

- These hearings tend to have a community focus and are an opportunity for individuals and community groups to speak directly to the Examining Authority (ExA) and put forward their views.

### **3. Confirmation of those who have notified the ExA of their wish to be heard at either the OFH**

### **4. Oral submissions from Interested Parties (IPs)**

Each Interested Party (IP) who has indicated a wish to speak will be invited forward, in turn, to speak at a table set up in front of the ExA, or via Microsoft Teams if attending virtually. Therefore it is important to **register your interest to speak at an OFH and specify which one you wish to attend (OFH1 or OFH2)**.

Please note that, in the interest of time management, a timed slot may be given to each IP or group of IPs. This will be confirmed at the start of the OFH.

Following each submission, the ExA may wish to ask the speaker questions. The Applicant is likely to be requested to briefly respond to any matters raised by each of the IPs or in summary at the close of the OFH.

Oral submissions should be based on representations previously made in writing by the particular participant; however, representations made at the hearing should not simply repeat matters previously covered in a written submission, but rather provide further detail, explanation and evidential corroboration to help inform the ExA.

### **5. Closure of hearing**

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## **Participation, conduct and management of the hearing**

At an OFH, each IP is entitled (subject to the ExA’s powers of control over the conduct of the hearing) to make oral representations about the application.

The ExA may request those who wish to speak on the same topic, or represent the same organisation, to select one person to put forward their views. If on the day there are other individuals present who wish to make submissions that have not already been made, it will be open to the ExA to use its discretion to hear any relevant submissions from those present, should time permit.

It would also assist the ExA if copies of any written summaries of the cases put orally are submitted to the Planning Inspectorate by **Deadline 1** of the draft Examination Timetable (**8 August 2024**).

### **Arrangements Conference**

Parties who have registered to attend (both in person and virtually) will receive an email shortly before the hearing containing a joining link and telephone Annex G G3 number to enable participation virtually as necessary. If attending virtually, please join the Arrangements Conference promptly. The Case Team will admit you from the virtual lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the hearing to start promptly.

### **Procedure at the OFH**

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA. Cross-questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

## Further Procedural Decisions made by the Examining Authority

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

### 1. Additional Submissions

The ExA issued a Procedural Decision [\[PD-002\]](#), on the 9 May 2024, confirming the ExA's acceptance of additional submissions [\[AS-001\]](#) to [\[AS-006\]](#) made by the Applicant in response to the Section 51 advice issued on the 08 March 2024. In the same Procedural Decision, the ExA also asked for the Applicant to submit a separate document setting out, in further detail than that provided so far, the Applicant's approach to land included in the Order, particularly in relation to the identification of land required to deliver the proposed on-road cable route option and how the proposed approach would be secured through the draft Development Consent Order (dDCO).

The Applicant's response [\[AS-008\]](#) to the ExA's request can be found in the [Byers Gill Solar Examination Library](#).

#### **Additional Submission in relation to the off-road cable route option to the South of Bishopton**

On the 21 June 2024 the ExA has made a Procedural Decision to accept additional submission [\[AS-010\]](#) in which the Applicant informed the ExA that, on 28 February 2024, the Applicant and a landowner completed an option agreement for a cable easement over land within the Order limits comprising a section of the off-road cable route option to the south of Bishopton (the "Easement Option").

As a result of securing the Easement Option, the Applicant states that it can resolve the cable route optionality in the Bishopton area in favour of the preferred off-road option leading to a reduction in the Order Limits through removal of land. The Applicant would be able to provide increasing certainty to the ExA and all other parties involved in the examination by facilitating the selection of a preferred option as soon as practicable before the commencement of the examination.

As it is the Applicant's intention to submit such information into Examination, the Applicant asks if the ExA is minded to accept the proposed update to the application as 'new or revised information', pursuant to paragraph 2.4 of [Advice Note 16: requests to change applications after they have been accepted for examination \("Advice Note 16"\)](#) and requests the advice of the ExA on the nature of the proposed change.

Having reviewed the information submitted by the Applicant, the ExA is minded to agree with the Applicant that the proposed change, as described in [\[AS-010\]](#), would constitute 'new and revised information', in line with paragraph 2.4 of [Advice Note 16](#). However, the ExA will only be in a position to come to a formal view on this matter once the information is submitted fully by the Applicant for the ExA's consideration and the ExA has had an opportunity to review it in detail.

## Further Additional Submissions

In addition to the above, the ExA has exercised its discretion and made a Procedural Decision to accept the following additional submission:

- [\[AS-009\]](#) National Highways.

## 2. Local Impact Reports

A Local Impact Report (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 the Planning Inspectorate's '[Advice Note One: Local Impact Reports](#)'.

The ExA requests LIRs from the host local authorities, and welcomes LIRs from any other relevant local authorities, defined in section 56A of the Planning Act 2008, who may wish to submit one. All LIRs are requested to be submitted into the Examination no later than by **Deadline 1 (8 August 2024)**, in order to front-load the Examination and maximise the available time.

## 3. Deadline for notification of wish to participate in a further Open Floor Hearing and/ or a Compulsory Acquisition Hearing

The ExA has made the Procedural Decision that IPs must notify the ExA that they wish to speak at a further Open Floor Hearing (OFH), and that Affected Persons must notify the ExA that they wish to speak at a Compulsory Acquisition Hearing, by **Deadline 1 (8 August 2024)**.

For the purposes of Rule 13(1) of the Infrastructure Planning (Examination Procedure) Rules 2010, the '21 days' which the ExA must provide as notice for the deadline commences on Tuesday 25 June 2024. This is a date before the start of the Examination. However, as the deadline for requesting a further OFH and/ or CAH (Deadline 1 – 8 August 2024) from the publication of this letter is more than the required 21 days' notice, the ExA is satisfied that IPs have been permitted sufficient time in which to make such a request.

## 4. Statements of Common Ground (SoCG)

In relation to some of the Principal Issues identified in **Annex C** to this letter, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft Examination Timetable at **Annex D** to this letter therefore establishes **Deadline 1 (8 August 2024)** for submission of SoCGs.

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**.

SoCGs are requested to be prepared between the Applicant and:

- **Tees Valley Combined Authority;**
- **Durham County Council;**
- **Darlington Borough Council;**
- **Stockton Borough Council;**
- **Bishopton Parish Council;**
- **Redmarshall Parish Council;**
- **Stillington and Whitton Parish Council;**
- **Great Stainton Parish Council;**
- **Historic England;**
- **National Highways;**
- **Northern Powergrid;**
- **Environment Agency;**
- **National Grid;**
- **Network Rail;**
- **National Gas.**

The above list maybe added to during the Examination and should not be taken as precluding any IP not listed and the Applicant from drafting a SoCG.

For each of those areas that are in dispute, it would be beneficial if each party would put their estimation as to the likelihood that disagreement will remain by the end of the Examination. This should be done on a '**Low**', '**Medium**' and '**High**' **traffic light model**.

**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.

Where a particular SoCG cannot be agreed between the parties or if any local authority position needs to be signed off at a higher level, draft versions of that SoCG are requested to be submitted **by the Applicant to throughout the Examination**. The position of the relevant Interested Parties should then be confirmed in the course of the Examination. The draft Examination Timetable makes provision for updated SoCGs to be submitted at various Deadlines with final versions by **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.

In addition, the ExA requests that, at the **Deadlines specified in Annex D**, the Applicant provides a **Statement of Commonality of Statements of Common Ground (SoC)** to provide an update on progress with SoCG and an overview of where the areas of agreement and dispute between the Interested Parties are.

## **5. Accompanied Site Inspection – suggested locations**

The draft Examination Timetable at **Annex D** to this letter includes a date reserved for an Accompanied Site Inspection (ASI) w/c 14 October 2024.

The ExA requests that Interested Parties submit suggested locations for the ExA to visit as part of an ASI by **Procedural Deadline A (10 July 2024)**. 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 1 (8 August 2024)**. 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 **Procedural Deadline A**.

Comments by Interested Parties on the Applicant's draft itinerary must be submitted by **Deadline 2 (21 August 2024)**.

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.

The ExA will publish its final itinerary, on the **19 September 2024**, at least five working days before the date of the ASI.

## **6. Relevant Representations (RRs)**

The ExA requests the Applicant to provide responses to all RRs and summaries of all RRs exceeding 1500 words by procedural **Deadline 1 (08 August 2024)**.

## 7. Compulsory Acquisitions (CA) Schedule

The ExA requests the Applicant to produce a Compulsory Acquisition Schedule detailing the progress of CA negotiations for all the plots proposed to be subject to CA as set out in the Land Plans [APP-010] by procedural **Deadline 1 (08 August 2023)** subsequently to be updated throughout the examination process as per Draft Examination Timetable (Annex D).

The CA Schedule should be presented in table form and should include, as a minimum, the following:

- a) Objection number - All objections listed in this table should be given a unique number in sequence.
- b) Reference number assigned to each Interested Party (IP) and Affected Person (AP)
- c) Reference number assigned to each Relevant Representation (RR) in the Examination library
- d) Reference number assigned to each Written Representation (WR) in the Examination library
- e) Reference number assigned to any other document in the Examination library
- f) Interest – which refers to parts 1 to 3 of the Book of Reference:
  - i) Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land; Annex H H4
  - ii) Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who “would or might” be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
  - iii) Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.
- g) Column indicating whether the applicant is seeking compulsory acquisition or temporary possession of land/ rights
- h) Column setting out if compulsory acquisition is proposed. The answer is ‘yes’ if the land is in parts 1 or 3 of the Book of Reference and applicant is seeking compulsory acquisition of land/ rights.
- i) Status of Objection

## 8. Application Document Tracker

The ExA requests the Applicant to produce an Application Document Tracker, by Procedural **Deadline 1 (08 August 2024)** setting out the full list of all the application documents submitted to date and indicating the latest version of each document. The tracker should also reflect when an updated application document is submitted. The updated tracker is to be submitted at each Examination deadline whenever an application document is updated.

## 9. Status of Negotiations with Statutory Undertakers

The ExA welcomes the submission of a Statutory Undertakers Position Statement Issue, as per the Applicant's submission [\[APP-170\]](#), particularly Table 2 – Summary of current position with statutory undertakers.

The ExA requests that the Applicant keeps this document updated throughout the Examination reflecting progress on any negotiations and agreements with relevant Statutory Undertakers using, for each of the areas that are in dispute a '**Low**', '**Medium**' and **High**' traffic light model as to identifies issues as these progress throughout the Examination. The updated tracker is to be submitted at each Examination deadline whenever there has been any change in the table.

## 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 listed in the table below. Please note that you will need to bring a form of identification and register as a library member in order to use a computer at these locations.

The opening hours and availability of information technology set out in the table below may be subject to changes. Please check the current circumstances with the relevant locations before you attend.

Local authority	Venue/address	Opening hours	Printing costs
Norton Library	87 High Street, Norton, Stockton-on-Tees, TS20 1AE	Monday: 9:30-17:00 Tuesday: 9:30-17:00 Wednesday: 9:30-19:00 Thursday: 9:30-17:00	A4 BW: 10p A4 COL: 40p

**Annex I**

		Friday: 9:30-19:00 Saturday: 9:30-13:00 Sunday: Closed	
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## Information about the Make a submission tab

The '[Have your say](#)' option 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 2002 or REF, REF, REF. 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 'Have your say' option please contact the Case Team using the contact details at the top of this letter and they will assist.