

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

Agenda for Compulsory Acquisition Hearing (CAH1) dealing with matters relating to Compulsory Acquisition (CA) and Temporary Possession (TP):

Hearing	Date and Time	Location
Compulsory Acquisition Hearing (CAH1) on the Applicant's overall case for Compulsory Acquisition and Temporary Possession and site/plot specific issues	<p>Wednesday 16 October 2024</p> <p>Registration and seating available at venue from: 15:30</p> <p>Virtual Registration Process from: 15:30</p> <p>Event starts at 16:00</p>	<p>Dolphin Centre Horse Market, Darlington, DL1 5RP</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>

Agenda

1. Welcome, introductions, arrangements for the Hearing

2. Purpose of the CAH

A Compulsory Acquisition Hearing (CAH) is being held to:

- ensure adequate examination of the provisions within the dDCO seeing to authorise the CA of land and/ or rights over land;
- assess whether the conditions relating to the land and/ or rights being required for the Proposed Development or required to facilitate or be incidental to that development are met;
- assess whether there is a compelling case in the public interest for the land to be acquired compulsory; and
- To discharge the ExA's duty to hear persons affected by CA and TP proposals (Affected Persons (APs)) who request to be heard.

This discussion will be informed by written submissions received up to this point of the Examination, with a particular focus on, but not limited to:

- Notification of Procedural Decision – Rule 9 [PD-001];
- RWE Response to PD-002 [AS-008];
- Statement of Reasons [APP-014];
- ES non-Technical Summary [APP-022];
- ES Chapter 2 The Proposed Development [APP-025];
- Draft Development Consent Order (dDCO) [REP2-029];
- Book of Reference (BoR) [AS-017]/[AS-018];
- Status of Negotiations with Statutory Undertakers [REP1-018];
- Darlington Borough Council’s Local Impact Report (LIR) [REP1-023];
- Stockton-on-Tees Borough Council LIR [REP1-026];
- RWE’s Response to the ExA’s ExQ1 [REP2-007];
- Comments on LIRs [REP2-008];
- Comments on any further information/submissions received at D1 [REP2-009];
- Fig. 2.13 Underground Cable Routes [REP2-022];
- Darlington Borough Council’s response to ExA’s ExQ1 [REP2-031];
- BVAG Written Representation (WR) [REP2-042];
- RWE’s comments on D2 Submissions [REP3-004];
- RWE’s comments on BVAG WR and REP2-044 [REP3-005]
- Statement of Commonality [REP3-006];
- CA Schedule Rev. 2 [REP3-012];
- National Highways comments on responses to ExQ1 [REP3-015]
- RWE Notification of Applicant’s intention to submit a Change Application [AS-021].

3. The Applicant’s case for CA and TP

The ExA will ask the Applicant to present and justify its case for CA and TP including addressing the following matters:

- How the relevant statutory and policy tests under the Planning Act 2008 (PA2008) (including s.122, s123, s127, s132 and s138) and Department for Communities and Local Government guidance related to CA would be met.
- Identification of the powers sought and their purpose.
- The Applicant’s strategy and criteria for determining whether to seek powers for CA of land, CA of rights or TP of land, including explanation of their strategy for the on-road cabling route as set out in the Applicant’s response to Rule 9 request for information [AS-008].
- Consideration of alternatives to CA and /or TP of land, including for the on-road cabling route.
- Human rights considerations.

The ExA will also ask the Applicant to present its notification of intention to make changes to the Application [AS-021], particularly Change 1, and ask how these will change the Applicant's approach to CA.

The ExA will invite submissions from Affected Persons (AP) who wish to raise general matters in relation to the Applicant's case for CA and TP.

4. Site specific issues for the Applicant

The ExA will ask the Applicant to provide a brief update on the progress of negotiations with Affected Person's (APs) and the timetable for their conclusion.

The ExA may ask questions of the Applicant about matters arising from written and oral submissions and may require further site specific information in order to justify proposed CA as a last resort.

5. Site specific representations by APs

The ExA will ask APs to briefly set out, if any, outstanding concerns in relation to CA and/ or TP for the land which they own and/ or occupy that have not been addressed by the Applicant.

The ExA will ask questions to the Applicant in relation to engagement and any outstanding concerns in relation to CA and/ or TP of land.

The ExA will invite representations from all highways authorities, including National Highways [REP3-015] and Darlington Borough Council [REP2-031]. The ExA may ask questions of APs about matters arising from written and oral submissions.

6. Site Specific issues from Statutory Undertakers

The ExA will ask Statutory Undertakers to briefly set out any outstanding concerns in relation to CA and/ or TP for the land which they own and/ or occupy that have not been addressed by the Applicant.

The ExA may ask questions of Statutory Undertakers about matters arising from written and oral submissions.

The Applicant will be provided with a right of reply.

6. Review of issues and actions arising

7. Any other business

8. Closure of the Hearing

Attendees

All APs are invited to attend the CAH and each AP is entitled to make oral representations at the CAH. However, this is subject to the ExA's power to control

the Hearing. Participants may be legally represented if they wish, but the Hearing will be conducted to ensure that legal representation is not required.

The ExA would find it helpful if the following parties could attend this Hearing:

- the Applicant;
- National Highways;
- Darlington Borough Council;
- Stockton-on-Tees Borough Council;
- Any Affected Person, who wishes to discuss CA and/ or TP matters;
- Statutory Undertakers.

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 who has not already advised 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 CAH

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.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. The hearing will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing, it may be necessary to prioritise matters and defer

others to written questions.

The agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

Please contact the Case Team if you have any questions regarding the arrangements for the hearing or how to participate:

Email: byersgillsolar@planninginspectorate.gov.uk
Tel: 0303 444 5000