

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

Agenda for Issue Specific Hearing 5 (ISH5) on Environmental Matters:

Hearing	Date and Time	Location
Issue Specific Hearing 5 (ISH5) on Environmental Matters <ul style="list-style-type: none"> Development Consent Order 	Tuesday 26 November 2024 Registration and seating available at venue from: 09:00 Virtual Registration Process from: 09:30 Event starts: 10:00	Dolphin Centre Horse Market Darlington, DL1 5RP 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

Agenda

1. Welcome, introductions, arrangements for the Hearing

2. Purpose of the Issue Specific Hearing

The main purpose of the ISH5 is to undertake an oral examination of the draft Development Consent Order's (dDCO) articles and schedules.

3. Draft Development Consent Order (dDCO)

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:

- Statement of Reasons (following Change Request) [CR1-008];
- ES non-Technical Summary [APP-022];
- ES Chapter 2 The Proposed Development [APP-025];
- Updated Explanatory Memorandum (following Change Request) [CR-016];
- Status of Negotiations with Statutory Undertakers [REP4-018];
- 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];
- RWE's Post-Hearing submission [REP4-010];
- ExA's commentary on the dDCO [PD-010];
- National Highways comments on responses to ExQ1 [REP3-015];
- ExQ2 [PD-011];
- RWE's responses to ExQ2 D5 submission;
- Statement of Common Ground Darlington Borough Council D5;
- Statement of Common Ground Great Stainton Parish Meeting [REP4-016];
- Statement of Common Ground Redmarshall Parish Council [REP4-008];
- Statement of Common Ground Bishopton Villages Action Group [REP1-017];
- Statement of Common Ground Stockton-on-Tees Borough Council D5;
- Statement of Common Ground Durham County Council D5;
- Statement of Commonality D5;
- Schedule of Changes to the dDCO D5;
- dDCO D5.

Although the ExA has made every effort to review documents received at Deadline 5 prior to the publication of this Agenda, please note that the list above may not fully reflect documents received on that Deadline due to timing. However, these will all be reviewed by the ExA prior to the Hearing. The Applicant and all IPs should be aware that additional questions relating to submissions made at Deadline 5 may be posed by the ExA as far as these relate to the DCO.

The ExA also wishes to clarify that although the Agenda acknowledges the Applicant's submission of a request to make a change to the DCO application, the change application has not yet been accepted. The ExA may ask questions in relation to the change request and the change application itself, however this should not be interpreted as any indication of the ExA's position in relation to the change request itself.

The ExA might start by asking the Applicant to present the Deadline 5 Statement of Commonality of the Statements of Common Ground, particularly how areas where agreement has not been reached are reflected in the latest version of the Statement of Commonality and an to provide an update on negotiations.

The ExA will ask the Applicant to briefly provide an overview of each part of the DCO but with a particular emphasis on how Part 2 - Principal Powers, Part 3 - Streets, Part 4 - Supplemental Powers and Part 5 - Powers of Acquisition.

The ExA will ask the Applicant about the scope of Schedule 1 (Authorised Development), and the "work" as set out in Sch.1. The ExA will ask queries regarding how the different works included in Schedule 1 are defined and the

wording used. At this point, the ExA may also ask questions of the Applicant in relation to its response to DCO.2.4.

The ExA will then ask the Applicant to explain how the cabling element (on road and off road cabling) has been addressed in the DCO, in line the Applicant's response to ExQ2 DCO.2.2 and DCO.2.3. The ExA may rely on Fig. 2.13 Underground Cable Routes [REP2-022] to illustrate its questioning.

The ExA will then ask the Applicant to clarify the need and applicability of supplemental powers under Part 4.

The ExA will then ask questions to the Applicant in relation to Part 5 of the dDCO, particularly how the articles included here relate to the Change Request [\[CR1-001\]](#) to [\[CR1-018\]](#) the Applicant has submitted on the 18 October 2024.

The ExA will ask the Applicant questions in relation to Part 6 Interpretation, particularly the application of Art. 29 - Rights under or over streets and Art. 30 - Temporary use of land for carrying out the authorised development.

The ExA may then ask questions in relation to Schedule 3 - Streets subject to Street Works, Schedule 4 - Alteration of Streets, Schedule 7 – Removal of Hedgerows Schedule 2A Counter-notice requiring purchase of land.

The ExA will then ask the Applicant for its response to the ExA's commentary on the dDCO [PD-010].

The ExA will then give opportunity for any relevant Statutory Consultees, Statutory Undertakers or other IPs to comment on any issues raised so far under this point of the Agenda.

The ExA will then ask for an update from the Applicant in relation to Schedule 11 Protective Provisions and will ask for comments from any Statutory Undertakers. The ExA will then give an opportunity for all IPs to comments on any issues raised under this point of the Agenda.

4. Review of issues and actions arising

5. Any other business

6. Closure of the Hearing

Attendees

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

- the Applicant;
- Darlington Borough Council;
- Stockton-on-Tees Borough Council;
- Bishopton Parish Council;
- Great Stainton Parish Council;

- Redmarshall Parish Council;
- Stillington and Whitton Parish Council;
- Bishopton Villages Action Group (BVAG);
- Statutory Undertakers;
- IPs who submitted comments on any of the topics proposed to be covered at this Hearing.

All IPs are invited to attend the ISH and make oral representations. 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 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 by completing the [Event Participation Form](#).

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 virtually, and Invitees, will receive an email shortly before the Hearing containing a joining link and telephone number to enable participation virtually as necessary. 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 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.

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