



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

Customer  
Services: 0303 444 5000  
e-mail: [byersgillsolar@planninginspectorate.gov.uk](mailto:byersgillsolar@planninginspectorate.gov.uk)

---

To: The Applicant, all Interested Parties,  
Affected Persons, Category 3 Persons  
and Other Persons

Your Ref:

Our Ref: EN010139

Date: 18 December 2024

---

Dear Sir/Madam

**Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 9, Rule 8(3) and Rule 13**

**Infrastructure Planning (Compulsory Acquisition) Regulations 2010 – Regulations 6 and 11 to 16**

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

**Procedural Decisions relating to the Applicant's Change Application and Amending the Examination Timetable**

We are writing to inform you of Procedural Decisions made by the Examining Authority (ExA) in relation to the Applicant's submission of a request for the ExA to accept amendments to the above mentioned Application, known as a Change Application.

The Change Application was submitted to the ExA on the 17 December 2024, alongside the Applicant's Certificate of Compliance under Regulation 9 of the CA Regulations, the Applicant's Consultation Report and the additional information requested by the ExA in its letter from 01 November 2024 [[PD-009](#)].

The Change Application follows from the Applicant's Change Request [[CR1-001](#)] to [[CR1-018](#)], submitted to the ExA on the 18 October 2024, to which the ExA replied in its letter of 01 November 2024 [[PD-009](#)]. The ExA has reviewed this information submitted by the Applicant and, in accordance with the Planning Inspectorate's Guidance<sup>1</sup> (the PINs Guidance), the ExA must now decide whether to accept or reject the change application.

The PINs Guidance also states that, where the ExA has decided to accept the change application, the examination will proceed by considering the 'changed application'. The

---

<sup>1</sup> [Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination - GOV.UK](#)

changed application is the original application as it has been changed by the accepted change application.

## **Summary of the proposed Change Application**

The Change Application comprises two changes which are summarised below:

*Change 1: the inclusion of provisions in the draft DCO for the compulsory acquisition of new rights over subsoil land beneath highway plots which are within the existing Order limits.*

*Change 2: minor extension of the Order limits and Work No.3 within Panel Area A to include and cover part of an existing private access track known as High House Lane.*

In support of the Change Application, the Applicant has submitted a series of different documents which have been published under the 'Documents' tab on the [project webpage](#) of the National Infrastructure Planning website [REP6b-001 to REP6b-024].

Having reviewed the information now submitted in support of the Change Application, the ExA has made a series of decisions which are set out in this letter, alongside a further amendment to the Examination Timetable.

## **Procedural Decisions**

We have assessed the Applicant's request in line with guidance set out in the Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects<sup>2</sup> dated April 2024 (the Examination Stage Guidance) and The Infrastructure Planning (Compulsory Acquisition) Regulations (the CA Regulations)<sup>3</sup> and have made the following Procedural Decisions:

### **1. Whether to accept the proposed changes**

As set out in the Applicant's Change Request, and then agreed with by the ExA in our letter dated 01 November 2024 [[PD-009](#)], Change 1 evokes the requirements of the CA Regulations and as such, the Applicant was required to carry out additional statutory consultation to engage all those persons identified in the Planning Act 2008 under section 42 (a) to (d) who would be affected by the proposed changes including any section 42 persons not originally consulted on the application but who may now be affected by the proposed changes.

As it was not possible to identify all Affected Persons where subsoil interests are unregistered, the procedures in regulations 5 to 19 of the CA Regulations applied. The Applicant has now submitted its Certificate of Compliance under Regulation 9 of the CA Regulations and the Applicant's Consultation Report. Consequently, the ExA is now in a position to decide whether to accept the proposed changes.

Having carefully considered the information presented, the ExA is of the view that the Applicant has carried out suitable consultation of the proposed changes and therefore the ExA is satisfied that the procedures set out in the Planning Act 2008 and the requirements

---

<sup>2</sup> [Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects - GOV.UK](#)

<sup>3</sup> [The Infrastructure Planning \(Compulsory Acquisition\) Regulations 2010](#)

set out in the CA Regulations have been complied with. The ExA is also satisfied with the level of consultation and involvement evidenced by the Applicant in relation to the proposed changes.

In reaching this decision, the ExA is satisfied that it complies with the Requirements of Regulation 5 of the CA Regulations and has prepared a Regulation 5 'Proposed Provision' Checklist in addition to this procedural decision, which is attached at **Annex A** of this letter.

As confirmed in the letter dated 01 November 2024 [PD-009], the ExA is also of the view that, in relation to both Change 1 and Change 2, that neither one of the proposed changes, when considered individually or combined, are so material as to constitute a different project. Also, the proposed changes are not considered, individually or cumulatively, to lead to the project being different in nature or substance to that which was originally applied for.

The Applicant's submission in relation to the Environmental Impact Assessment concludes that the proposed changes do not generate new or different likely significant effects. We concur with this view and are content that the environmental impact assessment's conclusions around significance of effects would remain the same. Despite this view, the Applicant has also carried out informal engagement with the key stakeholders prior to submission of the Change Application, as set out in the Applicant's Change Application Consultation Report [REP6b-020].

We have also concluded that the proposed changes would make no difference to the outcome of a Habitats Regulations Assessment.

In light of the above and considering the information set out in the ExA's previous letter [PD-009] the ExA has decided to accept the proposed changes to the application and is writing to confirm how the application will be examined.

## **2. Initial assessment of issues**

Regulation 11 of the CA Regulations requires the ExA to make an initial assessment of the issues arising in the Proposed Development.

Considering the ExA's view in relation to the Environmental Impact Assessment as submitted by the Applicant in support of the Change Application, and considering that no new or different likely significant effects would be generated from the proposed changes, the ExA is of the view that initial assessment of issues, as included in the Rule 6 Letter, remains valid and therefore does not propose any changes are made to it at this stage.

The ExA does not consider that a separate preliminary meeting to discuss this is necessary.

## **3. Written Representations, Notification of Hearings and general procedure advice**

Pursuant to Regulation 13 of the CA Regulations, the ExA confirms that Written Representations on the proposed provisions (the Change Application as set out in this

letter) will be invited from Wednesday 18 December 2024 as set out in the published timetable included in the ExA's letter of 01 November 2024 [[PD-009](#)].

Persons wishing to make Written Representation should note that Regulation 13 of the CA Regulations provides that an additional affected person, additional interested party or interested party must ensure that **any Written Representation made relates only to the proposed provisions set out here, i.e. the additional land or rights sought** by Change 1 and Change 2 and the effects of the proposed development on or to the taking of the proposed additional land or rights. Further guidance on making a Written Representation and what it may contain can be found [here](#), under Nationally Significant Infrastructure Projects: The stages of the NSIP process and how you can have your say.

Representations that relate to the Application more broadly or to other subject matters than the proposed provisions themselves will not be accepted or considered by the ExA, as the existing Examination already provides a full process for the receipt and consideration of such information.

Pursuant to Regulations 14, 15 and 16 of the CA Regulations the ExA also wishes to inform that additional Hearings will be held week commencing the **13 January 2025** including:

- an Open Floor Hearing for additional affected persons (APs) or additional interested parties (IPs) **(i.e. additional APs or IPs as a consequence of the additional land or rights sought arising from Change 1)**;
- a Compulsory Acquisition Hearing for additional affected persons (APs) or additional interested parties (IPs) **only (i.e. additional APs or IPs as a consequence of the additional land or rights sought arising from Change 1)**;
- An Issue Specific Hearing for additional affected persons (APs) or additional interested parties (IPs) **only (i.e. additional APs or IPs as a consequence of additional land or rights being sought arising from Change 1)**.

The ExA would also like to inform it has made provisions in order to ensure that any additional affected person, additional interested party or interested party have an opportunity to comment on any Relevant Representations received as a result of the Change Application, as well as submit Written Representations and provide comments on any Written Representations received in relation to the Change Application.

In addition to making express provision for procedures required to examine the proposed changes under the CA Regulations, the ExA has also added an additional day of Hearings during the week commencing the 13 January 2025 for any additional Issue Specific Hearings that the ExA may want to hold, may these be in relation to the Change Application set out here, or the revised Application as a whole.

For further details, please see **Annex B – Revised Examination Timetable** and **Annex C – Notification of Hearings**. We can also confirm that these meetings will be held as **virtual events only**.

If you wish to participate in any of the Hearings announced, please use the [Event Participation Form](#) by 10 January 2025, further details of which you will find in **Annex C – Notification of Hearings**. If you have any difficulty completing the form please contact the Case Team.

The ExA does not consider that a separate preliminary meeting to discuss these timetable changes is necessary, as the timetable changes are limited in scope and have largely been implemented within the framework provided by the existing Examination process.

#### **4. Examination Timetable**

Further to the amendments previously made to the original Examination Timetable, under Regulation 8(3) of the Examination Procedural Rules and Regulation 12 of the CA Regulations, the ExA notifies all affected persons, additional affected persons, additional interested parties, all interested parties and any other persons that have been invited to any meeting, that it has reviewed and varied the examination timetable.

For further details, please see **Annex B – Revised Examination Timetable**.

#### **Next steps**

The Applicant should liaise with the Case Team as soon as possible, so that an appropriate form can be made available on the [project page](#) of the NI website for representations to be made on the proposed changes only.

A copy of this letter will be published on the [project webpage](#) of the National Infrastructure Planning website. If you have any questions about the content of this letter, please contact the Case Team on the details above.

Yours faithfully,

*Andre Pinto*

**Andre Pinto**  
**Lead Member of the Examining Authority**

#### **Annexes**

- A. Regulation 5 ‘Proposed Provision’ Checklist**
- B. Revised Examination Timetable**
- C. Notification of Hearings**

## The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

### Byers Gill Solar proposed provision for the compulsory acquisition of additional land

Regulation 6(1)			
Within 28 days (starting the day after receipt) the Secretary of State must decide whether or not to accept the proposed provision as part of the application.	Date received	28-day due date	Date of decision
	17 December 2024	14 January 2025	18 December 2024
Regulation 6(2)		Planning Inspectorate Comments	
Regulation 4 - Prescribed procedure for compulsory acquisition of land			
Regulations 5 to 19 prescribe the procedure for the purposes of the condition in subsection (4) of section 123 (land to which authorisation of compulsory acquisition can relate) and apply where—			
<p>a. it is proposed to include in an order granting development consent a provision authorising the compulsory acquisition of additional land;</p>	<p>Change Request comprises two changes:  <i>Change 1: the inclusion of provisions in the draft DCO for the compulsory acquisition of new rights over subsoil land beneath highway plots which are within the existing Order limits.</i>  <i>Change 2: minor extension of the Order limits and Work No.3 within Panel Area A to include and cover part of an existing private access track known as High House Lane.</i></p> <p>The Applicant has confirmed, in paragraph 3.1.1 of the Change Application Summary Report <a href="#">[CR1-012]</a>, that it considers that Change 1 engages the provisions of the CA Regulations because it involves upgrading the Applicant's powers of compulsory acquisition over various subsoils plots within the Order Limits. The Applicant believes that separate additional land rights would be required to the extent that any cabling for the on-road route is laid at a depth beneath the strata of land comprising publicly adopted highway, and therefore seeks to submit the above mentioned change request.</p>		
<p>b. a person with an interest in the additional land does not consent to the inclusion of the provision</p>	<p>As confirmed in paragraph 3.1.3 of the Change Application Summary Report <a href="#">[CR1-012]</a>, at the date of the Change Application, the Applicant was not able to obtain the written consent of all Affected Persons and acknowledged that it may not have been possible to identify all Affected Persons where subsoil interests are unregistered. As such, and in</p>		

	accordance with regulation 4 of the CA Regulations, the procedures in regulations 5 to 19 of the CA Regulations would apply.
<b>Summary – Regulation 4</b>	In light of not having obtained the necessary consents from affected landowners to the acquisition of permanent rights over the aforementioned plots, Regulations 5 to 9 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 apply.
<b>Regulation 5 - Proposed Provision</b>	
The applicant must send to the Secretary of State details of the proposed provision which must—	
a. be in the form of a book of reference or, where a book of reference has been submitted to the Secretary of State, a supplement to that book;	<p>The Applicant has submitted an updated Book of Reference [REP6b-016] which lists the plots of land over which the Applicant is seeking powers of compulsory acquisition and powers of temporary possession in the DCO for the purposes of the Proposed Development. This is not, strictly speaking, a supplement to the Book of Reference with the details of additional Affected Persons with a registered subsoil interest and all additional Affected Persons with a presumed interest under the ad medium filum rule (that the ground beneath the surface of unregistered public highways is owned by owners of land adjacent to the highway) only, which is what would have been expected from the Applicant. However, the details of all additional Affected Persons as described above are included in the Book of Reference.</p> <p>The Applicant has submitted, as requested by the ExA, a Compulsory Acquisition Schedule on the Proposed Provision only [REP6b-021]. In it, the Applicant sets out the current status of negotiations between themselves and those additional Affected Persons as identified in relation to the proposed provision. These are also confirmed in Appendix A1 List of Affected Persons of the Change Application Summary Report [<a href="#">CR1-012</a>].</p>
b. be accompanied by— i. land plan identifying the land required as additional land, or affected by the proposed provision; and ii. a statement of reasons as to why the additional land is required and a statement to indicate how an order that contains the authorisation of the compulsory	<p>As part of the Change Request, the Applicant has submitted a new version of the Land Plans [<a href="#">CR1-005</a>] which was updated to reflect upgraded rights sought over the highway land plots in respect of Change 1 and updated Order Limits in respect of Change 2.</p> <p>As part of the Change Application, the Applicant has submitted Land Plans (Revision 4) [REP6b-007] which does identify the land required</p>

Annex A

<p>acquisition of the additional land is proposed to be funded.</p>	<p>as additional land (addition to the Order) and also reflects the upgraded rights. The Applicant has also submitted an updated version of the Statement of Reasons (Revision 5) [REP6b-014] which was updated to reflect additional compulsory acquisition powers sought over subsoils.</p>
<p><b>Summary – Regulation 5</b></p>	<p>A document amounting to a supplement to the Book of Reference (as permitted by Regulation 5(a)) has been submitted. Similarly, a document amounting to a supplemental Land Plan has been provided identifying the land subject to new acquisition of permanent rights. An updated version of the Statement of Reasons has been provided detailing the land in question and therefore accords with the requirements of Regulation 5(b)(ii). An updated version of the Funding Statement was also submitted detailing the predicted cost associated with the acquisition of subsoil plots relating to on-road cable route options.</p>

**Case Manager**

Jennifer Savage

*J Savage*

Signed

**Date:**

18/12/2024

**Lead member of the Examining Authority**

Andre Pinto

*Andre Pinto*

Signed

**Date:**

18/12/2024



**Revised Examination Timetable (with variations in Red and Green)**

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.

Items from 1 to 18 shown in a grey background have already been completed. Items shown **in red** have been previously amended to give effect to Regulations 10 to 16 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regulations) as per ExA's letter of 01 November 2024 [PD-009].

Items **in green** have now been added following from a Procedural Decision made in this letter to add an additional day of Hearings week commencing the 13 January 2025 for any additional Issue Specific Hearings that the ExA may want to hold.

<b>Item</b>	<b>Matters</b>	<b>Date</b>
<b>1.</b>	<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>	<b>10 Jul 2024</b>
<b>2.</b>	<b>Preliminary Meeting</b>	<b>Tuesday, 23 Jul 2024 at 10:00</b>
<b>3.</b>	<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>	<b>Tuesday, 23 Jul 2024 at 14:00</b>
<b>4.</b>	<b>Open Floor Hearing (OFH) 1</b>	<b>Wednesday, 24 Jul 2024 at 10:00</b>
<b>5.</b>	<b>Open Floor Hearing (OFH) 2</b>	<b>Wednesday, 24 Jul 2024 at 18:00</b>
<b>6.</b>	<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>	<b>As soon as practicable following the Preliminary Meeting</b>

	<ul style="list-style-type: none"> <li>• The ExA's Written Questions (ExQ1)</li> </ul>	
<b>7.</b>	<p><b>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>	<b>Tuesday, 13 Aug 2024</b>
<b>8.</b>	<p><b>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> <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> </ul>	<b>Thursday, 29 Aug 2024</b>

	<ul style="list-style-type: none"> <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>	<p><b>Deadline 3</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <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>10.</b>	<p><b>Publication by the ExA of:</b></p> <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>11.</b>	<p><b>Dates reserved for:</b></p> <ul style="list-style-type: none"> <li>• Compulsory Acquisition Hearing (CAH)</li> <li>• Issue Specific Hearings (ISH1)</li> <li>• ASI (if held)</li> </ul>	<b>Week commencing 14 October</b>
<b>12.</b>	<p><b>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>	<b>Thursday, 24 Oct 2024</b>
<b>13.</b>	<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>	<b>Friday, 1 Nov 2024</b>

<p><b>14.</b></p>	<p><b>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>
<p><b>15.</b></p>	<p><b>Dates reserved (if required) for:</b></p> <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>	<p><b>Week commencing 25 Nov 2024</b></p>
<p><b>16.</b></p>	<p><b>Deadline 6</b></p> <p>For receipt by the ExA of:</p> <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>	<p><b>Friday, 6 Dec 2024</b></p>
<p><b>17.</b></p>	<p><b>Deadline 6a</b></p> <p>Closing date for CA Regulations Relevant Representations (CA Regulations RRs) relating to change request</p>	<p><b>Monday, 16 Dec 2024</b></p>

<b>18.</b>	<b>Deadline 6b</b> For receipt by the ExA of the Applicant's Certificate of Compliance under Regulation 9 of the CA Regulations and Consultation Report relating to change request	<b>Tuesday, 17 Dec 2024</b>
<b>19.</b>	<b>Publication by the ExA of:</b> <ul style="list-style-type: none"> <li>Procedural Decision in relation to the change application and whether the change application is accepted.</li> <li>Timetable to be sent to all additional APs, additional IPs, IPs and any other persons</li> </ul>	<b>Wednesday, 18 Dec 2024</b>
<b>20.</b>	Start of Written Representations (in accordance with Regulation 13 of the CA Regulations)	<b>Wednesday, 18 Dec 2024</b>
<b>21.</b>	<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>
<b>22.</b>	<b>Deadline 7a</b> For receipt by the ExA of: <ul style="list-style-type: none"> <li>Requests to be heard orally at the Open Floor Hearing from additional affected persons or additional interested parties</li> <li>Requests to be heard orally at a Compulsory Acquisition Hearing) from additional affected persons or additional interested parties</li> <li>Written Representations (WRs) (in accordance with Regulation 13 of the CA Regulations)</li> <li>Comments on the CA Regulations RRs received by Deadline 6a</li> </ul>	<b>Wednesday, 8 Jan 2025</b>
<b>23.</b>	<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> </ul> Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010	<b>Friday, 10 Jan 2025</b>
<b>24.</b>	<b>Dates reserved for:</b> <ul style="list-style-type: none"> <li>Any Issue Specific hearings (ISHs)</li> <li>An Open Floor Hearing (OFH) (if required)</li> <li>A Compulsory Acquisition Hearing (CAH) (if required)</li> <li>An Issue Specific Hearing (ISH) on the Change Application</li> <li>Any other additional hearings (if required)</li> </ul>	<b>Tuesday, 14 Jan 2025</b> <b>Wednesday 15 – Thursday 16 Jan 2025</b>

25.	<p><b>Deadline 8</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on the REIS (if issued)</li> <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>	Friday, 17 Jan 2025
26.	<p><b>Deadline 8a</b></p> <p>For receipt by the ExA of:</p> <p>Comments on WRs received at Deadline 7a</p>	Friday, 17 Jan 2025
27.	<p><b>Deadline 9</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Any further information requested by the ExA</li> </ul>	Thursday, 23 Jan 2025
28.	<p><b>Deadline 9a</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 at the hearings held on the 15 – 16 Jan 2025</li> </ul>	Thursday, 23 Jan 2025
29.	The ExA is under a duty to complete the Examination of the application by the end of the period of six months	Thursday, 23 Jan 2025

### 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.

## Notification of Hearings

The Examination Timetable at Annex B of this letter, dated 18 December 2024, included reserved dates for Hearings.

We are now writing to advise you that the following Hearings will be held under Sections 91, 92 and 93 of the Planning Act 2008. The Hearing(s) will be Blended Events, with participants attending either in person or virtually via Microsoft Teams.

Please note that Open Floor Hearing 5 (OFH5) has been provided to enable persons affected by the Change Application referred to in this letter (additional Affected Persons) to be heard if they wish. If there are no such requests from additional Affected Persons to be heard at such a Hearing, then OFH5 will NOT proceed. In such circumstances OFH5 will be cancelled by the ExAs by providing notice on the banner in the project pages of the National Infrastructure Planning Website, which may be done at any point before the hearings are due to commence.

Please also note that Compulsory Acquisition Hearing 2 (CAH2) has been provided for similar reasons (i.e. to enable persons affected by the Change Application referred to in this letter (additional Affected Persons) to be heard in relation to Compulsory Acquisition matters if they wish. If there are no such requests from additional Affected Persons to be heard at such a Hearing, then CAH2 will NOT proceed. In such circumstances CAH2 will be cancelled by the ExAs by providing notice on the banner in the project pages of the National Infrastructure Planning Website, which may be done at any point before the hearings are due to commence.

Please also note that Issue Specific Hearing (ISH9) has been provided for similar reasons (i.e. to enable persons affected by the Change Application referred to in this letter (additional Affected Persons) to be heard in relation to matters already discussed at any of the previously held Issue Specific hearings (ISH1 to ISH8). If there are no such requests from additional Affected Persons to be heard at such a Hearing, then ISH9 may NOT proceed. In such circumstances ISH9 will be cancelled by the ExAs by providing notice on the banner in the project pages of the National Infrastructure Planning Website, which may be done at any point before the hearings are due to commence.

***Finally, please note that CAH2, ISH9, OFH5 may be held concurrently.***

Hearing	Date	Start time	Location
<b>Issue Specific Hearing 8 (ISH8)</b> on Environmental Matters: <ul style="list-style-type: none"> <li>• Landscape and Visual</li> <li>• Development Consent Order</li> <li>• any other Env. Matters (if required)</li> </ul>	<b>Tuesday, 14 January 2025</b>	Virtual Registration Process from: 9:30  Event start: 10.00	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



<p><b>Compulsory Acquisition Hearing 2 (CAH2) for additional APs or IPs as a consequence of the additional land or rights sought arising from Change 1 (if required)</b> Hearing held under Reg. 15</p>	<p><b>Wednesday, 15 January 2025</b></p>	<p>Virtual Registration Process from: 09:30</p> <p>Event start: 10:00</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>	<p>CAH2, ISH9, OFH5 may be held concurrently</p>
<p><b>Issue Specific Hearing 9 (ISH9) for additional APs or IPs as a consequence of the additional land or rights sought arising from Change 1 (if required)</b> Hearing held under Reg. 14</p>	<p><b>Wednesday, 15 January 2025</b></p>	<p>Virtual Registration Process from: 09:30</p> <p>Event start: 10:00</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>	
<p><b>Open Floor Hearing 5 (OFH5) for additional APs or IPs as a consequence of the additional land or rights sought arising from Change 1 (if required)</b> Hearing held under Reg. 16</p>	<p><b>Wednesday, 15 January 2025</b></p>	<p>Virtual Registration Process from: 09:30</p> <p>Event start: 10:00</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>	
<p><b>Time reserved for continuation of ISH8, CAH2, ISH9, OFH5 (if required)</b></p>	<p><b>Thursday, 16 January 2025</b></p>	<p>Virtual Registration Process from: 09:30</p> <p>Event start: 10:00</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>	

**NOTE:** If any of the above Hearings are no longer required then notification will be published as soon as practicable on the [project webpage](#) of the National

Infrastructure Planning website, providing reasonable notice to Interested Parties of the decision to cancel.

### **Applicant's notification duties**

The Applicant is reminded of its duty to notify and publicise hearings under Rule 13(6) and 13(7) of The Infrastructure Planning (Examination Procedure) Rules 2010.

### **Purpose of Hearings**

Please refer to the Planning Inspectorate's Advice for members of the public: [The stages of the NSIP process and how you can have your say](#) for information about the purpose of Open Floor, Issue Specific and Compulsory Acquisition Hearings.

### **Registration and requests to participate in Hearings**

**Please register using the [Event Participation Form](#) by 10 January 2025 if you intend to participate in the Hearings and provide all the information requested. If you have any difficulty completing the form please contact the Case Team.**

Please note that by attending the event either in person or online you are agreeing to be filmed for the purposes of the online live stream of the event and the recording of the event which will get published on the [project webpage](#). A limited number of seats will be available for observers who wish not to be filmed at the event. Please contact the case team to notify them if you prefer not to be filmed at the event. A transcript of the event will also be published on the [project webpage](#) after the event.

Any request to participate in a Hearing should 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.

Joining instructions for Hearings will be issued by the Case Team via email shortly before the Hearing dates.

**Please contact the Case Team if you require any support or assistance to attend any Hearing, either virtually or in person.**

If you simply wish to observe any of the Hearings then you can 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 January 2025** 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 January 2025**.

### Hearing Agendas

The Agendas and any detailed arrangements for the Hearings will be published on the [project webpage](#) at least five working days before the Hearings. However, the actual Agenda on the day of each Hearing may be subject to change at our discretion. There may not be an Agenda for an Open Floor Hearing.

### Procedure at Hearings and Post Hearing submissions

The procedure to be followed at Hearings is set out in The Infrastructure Planning (Examination Procedure) Rules 2010.

Participation in a Hearing will be subject to the ExA's powers of control. It is for the ExA to determine how the Hearing will be conducted, including the time allowed at the Hearing for the making of a person's representations. The Hearing will be managed in the interests of ensuring fair access to the Hearing for all parties, and to ensure that the submissions of all invited persons are fully heard within the allotted time. For Issue Specific Hearings Interested Parties (IPs) may be invited to make oral representations at the Hearing on the specific issues being examined at the Hearing as set out in the Agenda.

All Hearings are recorded. The recordings and transcripts will be made available on the [project webpage](#) as soon as practicable following 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 at a Hearing. It is therefore important to note that anyone speaking at the Hearing will need to introduce themselves, including any organisation or groups that they represent, **each time they speak** to ensure that someone listening to the recording after the Hearing is clear who was speaking.

As the recordings are retained and published, they form a public record that can contain personal information to which the General Data Protection Regulation (GDPR) applies. Please refer to our [Privacy Notice](#) for further information. Participants must do their best to avoid making public any information which they would otherwise wish to 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 transcripts and retain them for a period of five years from the Secretary of State's decision on the Development Consent Order (DCO). If you actively participate in

the Hearing, it is important that you understand that you will be recorded and that the recording and transcript will be made available in the public domain.

The evidence presented orally at Hearings should be included in post Hearing submissions and submitted at the relevant deadline in the [Examination timetable](#).

If you have any further queries, please do not hesitate to contact the Case Team [byersgillsolar@planninginspectorate.gov.uk](mailto:byersgillsolar@planninginspectorate.gov.uk) .