

**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 (CAH2) dealing with matters relating to Compulsory Acquisition (CA) and Temporary Possession (TP):**

<b>Hearing</b>	<b>Date and Time</b>	<b>Location</b>
<b>Compulsory Acquisition Hearing (CAH2) for additional APs or IPs as a consequence of additional land or rights sought arising from Change 1</b> (held under Reg. 15)	<b>Wednesday</b> <b>15 January 2025</b>  Virtual Registration Process from:  <b>09:30</b>  <b>Event starts at 10:00</b>	<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

**Agenda**

**1. Welcome, introductions, arrangements for the Hearing**

**2. Purpose of the CAH**

The Applicant has submitted a change request for the inclusion of provisions in the draft Development Consent Order (DCO) for the compulsory acquisition of new rights over subsoil land beneath highway plots which are within the existing Order limits (Change 1). The ExA has accepted the change into Examination. Please see [\[PD-013\]](#) for further details. As a result of Change 1, a Compulsory Acquisition Hearing (CAH) is being held, **in relation to the additional land or rights sought only**, 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:

- Land Plans [REP6b-007];
- Draft DCO in Clean [REP6b-009] and Tracked versions [REP6b-010];
- DCO Schedule of Changes [REP6b-013];
- Statement of Reasons in Clean [REP6b-014] and Tracked versions [REP6b-015];
- Book of Reference (BoR) [REP6b-016];
- BoR Schedule of Changes [REP6b-019];
- Funding Statement (Clean) [REP6b-017];
- Change Application Consultation Report [REP6b-020];
- Compulsory Acquisition Schedule (Change Only) [REP6b-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 of additional land linked to Change 1 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.
- Consideration of alternatives to CA and /or TP of land, including for the on-road cabling route.
- Human rights considerations.

The ExA will invite submissions from APs affected by CA or TP **as a consequence of additional land or rights sought arising from Change 1** and who wish to raise general matters in relation to the Applicant's case.

### **4. Site specific issues for the Applicant**

The ExA will ask the Applicant to provide a brief update on progress of negotiations with APs **as a consequence of additional land or rights sought arising from Change 1**, and set out in the Compulsory Acquisition Schedule (Change Only) [REP6b-021].

### **5. Site specific representations by APs**

The ExA will ask new APs **affected by Change 1** [REP6b-021] to briefly set out outstanding concerns, if any, 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 for those APs included in the Compulsory Acquisition Schedule (Change Only) [REP6b-021].

Considering previous comments made the Darlington Borough Council and Stockton-On-Tees Borough Council in their capacity as highways authority, please see CAH1 [EV9-001], the ExA will ask highway authorities to comment on the Applicant's approach to CA and TP of Land, following from the Change 1.

## **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 of land included as a **result of Change 1** 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 **affected by Change 1** are invited to attend the CAH and each new AP identified in the Compulsory Acquisition Schedule (Change Only) [REP6b-021] 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;
- Darlington Borough Council;
- Stockton-on-Tees Borough Council;
- Any Affected Person identified in the Compulsory Acquisition Schedule (Change Only) [REP6b-021], 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](mailto:byersgillsolar@planninginspectorate.gov.uk)

Tel: 0303 444 5000