

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 9 (ISH9) on Environmental Matters:

Hearing	Date and Time	Location
<p>Issue Specific Hearing 9 (ISH9) for additional Affected Persons (APs) and Interested Parties (IPs) as a consequence of additional land or rights sought arising from Change 1 - Hearing held under Reg 14.</p>	<p>Wednesday, 15 January 2025</p> <p>Virtual Registration Process from:</p> <p>09:30</p> <p>Event starts: 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>

Agenda

- 1. Welcome, introductions, arrangements for the Hearing**
- 2. Purpose of the Issue Specific Hearing**

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). Please see [\[PD-013\]](#) for further details.

As a result of Change 1, an Issue Specific Hearing (ISH) is being held: ISH9. The main purpose of the ISH9 is to provide an opportunity for any new additional interested Parties and/or Affected Persons, following the submission of a new written representation or relevant representation, to raise any concerns they might have in relation to the Proposed Development on any of the topics previously covered at Hearings by the ExA, or for any Interested Parties (IPs) and/or Affected Persons (APs) to raise any additional concerns they might have in relation to the Proposed Development following from the acceptance of the Applicant's Change 1. A full list of the topics which the ExA has previously held hearings on, is available via the Examination Library [here](#).

Please note that the ExA must notify all IPs and APs of any Hearings via a Rule 13 letter and that an Agenda for all Hearings was published at least 5 days in advance

of any Hearing being held. An Agenda was not prepared for Open Floor Hearings 3 and 4 as their purpose was to hear the oral representations of Interested Parties who registered their wish to elaborate on their written representations. Therefore the topics covered were up to the participants, not the ExA.

If any new additional Interested Parties and/or Affected Persons want to raise any topics in relation to the Proposed Development, they can do so as a new Open Floor Hearing, Open Floor Hearing 5 (OFH5), has been organised. Please see Annex C of [PD-013] [here](#) and item 10 of this Agenda.

Please note that the ExA has reserved time on **Thursday 16 January 2025** for the continuation of this hearing in the event that all items are not fully explored by the ExA on Tuesday 14 January 2025.

Please also note that CAH2, ISH9 and OFH5 may be held concurrently. Therefore the ExA would advise any APs or IPs wishing to participate on any of the hearings notified [here](#) (see Annex C of [PD-013]) to check the Agenda for all the hearings proposed for Wednesday, 15 January 2025.

3. ISH1

The purpose of ISH1 was to provide an opportunity for the ExA to explore the Applicant's overall approach to the Proposed Development and the draft Development Consent Order (dDCO) as submitted into the Examination at the time of the hearing (23 July 2024).

Details of this agenda can be found [here](#). Please see Annex F of [PD-003].

The ExA will ask if any additional APs or IPs wish to raise any concerns and if any APs or IPs have additional concerns as a consequence of Change 1 being accepted.

4. ISH2

The purpose of ISH2 was to undertake an oral examination of Environmental Matters in relation to the principle of the Proposed Development, namely: overall generating capacity, energy storage, size, technology, alternatives and site selection; and the Historic Environment, mainly the effects of the proposed development on heritage and archaeology.

Details of this agenda can be found [here](#) [EV10-001].

The ExA will ask if any additional APs or IPs wish to raise any concerns and if any APs or IPs have additional concerns as a consequence of Change 1 being accepted.

5. ISH3

The purpose of ISH3 was to undertake an oral examination of Environmental Matters in relation to traffic and transport, water environment and flood risk together with compliance with relevant planning policies.

Details of this agenda can be found [here](#) [EV11-001].

The ExA will ask if any additional APs or IPs wish to raise any concerns and if any APs or IPs have additional concerns as a consequence of Change 1 being accepted.

6. ISH4

The purpose of ISH4 was to undertake an oral examination of Environmental Matters in relation to Landscape and Visual matters, and the dDCO as submitted into the Examination at the time of the hearing (16 October 2024).

Details of this agenda can be found [here](#) [EV12-001].

The ExA will ask if any additional APs or IPs wish to raise any concerns and if any APs or IPs have additional concerns as a consequence of Change 1 being accepted.

7. ISH5

The purpose of ISH5 was to undertake an oral examination of the dDCO as submitted into the Examination at the time of the hearing (26 November 2024).

Details of this agenda can be found [here](#) [EV13-001].

The ExA will ask if any additional APs or IPs wish to raise any concerns and if any APs or IPs have additional concerns as a consequence of Change 1 being accepted.

8. ISH6

The purpose of ISH6 was to undertake an oral examination of Environmental Matters in relation to Land Use and Socioeconomics together with compliance with relevant planning policies.

Details of this agenda can be found [here](#) [EV14-001].

The ExA will ask if any additional APs or IPs wish to raise any concerns and if any APs or IPs have additional concerns as a consequence of Change 1 being accepted.

9. ISH7

The purpose of ISH7 was to undertake an oral examination of Environmental Matters in relation cumulative effects.

Details of this agenda can be found [here](#) [EV15-001].

The ExA will ask if any additional APs or IPs wish to raise any concerns and if any APs or IPs have additional concerns as a consequence of Change 1 being accepted.

10. OFH1, OFH2, OFH3, OFH4, OFH5

The purpose of any of the Open Floor Hearings held so far (OFH1 to OFH4) was to hear the oral representations of Interested Parties who registered their wish to elaborate on their written representations on the Proposed Development, therefore an Agenda was not set for OFH3 or OFH4. However an agenda was set for OFH1 and OFH2, as part of the Rule 6 Letter [PD-003] which can be found [here](#).

A new Open Floor Hearing (OFH5) has been organised to provide an opportunity for any new additional interested Parties and/or Affected Persons, following the submission of a new written representation or relevant representation, to raise any concerns they might have in relation to the Proposed Development, or for any Interested Parties and/or Affected Parties to raise any additional concerns they might have in relation to the Proposed Development following from the acceptance of the Applicant's Change 1

The ExA will therefore ask if any new additional interested Parties and/or Affected Persons would like to raise any concerns they might have in relation to the Proposed Development.

The ExA will then ask if any Interested Parties and/or Affected Persons want to raise any additional concerns they might have in relation to the Proposed Development following from the acceptance of the Applicant's Change 1.

11. Review of issues and actions arising

12. Any other business

13. Closure of the Hearing

Attendees

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

- the Applicant;
- Any additional APs that wish to raise any concerns;
- Any additional IPs that wish to raise any concerns;
- Any APs that have additional concerns as a consequence of Change 1 being accepted;
- Any IPs that additional concerns as a consequence of Change 1 being accepted;
- Any additional 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