

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

Agenda for Open Floor Hearing 5 (OFH5) on Environmental Matters:

Hearing	Date and Time	Location
<p>Open Floor Hearing 5 (OFH5) 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 16.</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 Open Floor 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 additional Open Floor Hearing (OFH) is being held: OFH5. The main purpose of the OFH5 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, 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.

Oral submissions should be based on representations previously made in writing by the particular participant, either as a consequence of being identified as a new additional interested Parties and/or Affected Persons or made as a consequence of additional issues or concerns being identified due to the ExA's acceptance of Change 1.

However, representations made at the hearing should not simply repeat matters previously covered in a written submission, but rather provide further detail, explanation and evidential corroboration to help inform the ExA

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. OFH5

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. 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;
- 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.

Participation, conduct and management of the hearing

At an OFH, each IP is entitled (subject to the ExA's powers of control over the conduct of the hearing) to make oral representations about the application.

The ExA may request those who wish to speak on the same topic, or represent the same organisation, to select one person to put forward their views. If on the day there are other individuals present who wish to make submissions that have not already been made, it will be open to the ExA to use its discretion to hear any relevant submissions from those present, should time permit.

Arrangements Conference

Parties who have registered to attend (both in person and virtually) will receive an email shortly before the hearing containing a joining link and telephone Annex G G3 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 the OFH

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.

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