



# The Planning Inspectorate

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To the Applicant

Your Ref:

Our Ref: EN010115

Date: 08 August 2024

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Dear Sir/Madam

## **Planning Act 2008 – Section 89(3)**

**Application by Five Estuaries Offshore Wind Farm Limited for an order granting development consent for the Five Estuaries Offshore Wind Farm project (EN010115)**

### **Procedural Decision made by the Examining Authority (ExA) following the submission of the Applicant's draft Land Rights Tracker**

We write following the Applicant's submission of draft Land Rights (LR) trackers on 6 August 2024, pursuant to the Examining Authority's (ExA) seventh Procedural Decision included in [\[PD-005\]](#). Having reviewed the draft LR trackers the ExA has made the Procedural Decision that the Applicant should make the following modifications to the trackers:

- 1) In section B [Examination Library references] the layout should take the form of a single column rather than multiple columns to avoid the tracker becoming unduly wide and difficult to follow on screen. The Examination Library references for Relevant Representations should be cited first followed by each relevant deadline submission listed in chronological order.
- 2) Given the intention for the tracker to be divided into two parts, one for Category 1 persons and one for Category 2 persons there will be no need for the first column in section D (draft DCO information). That first column in section D should therefore be deleted.
- 3) With respect to Temporary Possession, while the ExA notes the Applicant's commentary on this aspect of the trackers, the ExA nevertheless considers that worst

case estimates for the duration of the possessions should be included. The Applicant should populate the tracker on that basis.

- 4) In [\[PD-005\]](#) the ExA omitted to request that for each Land Plot the relevant Work Number(s) should be identified together with a summary descriptor for the proposed acquisition of a freehold or the acquisition for a right(s). The ExA considers that information should be included in the trackers. For example, in the case of Land Plot 17-024 (onshore substation site) the Works Number column should cite the relevant substation zone works (Work Number 15, 15A, 15B etc) and provide a summary descriptor.

In adding this column to the trackers and populating it the Applicant should ensure the information presented is accurate. In that regard the Schedule of Negotiations [\[APP-027\]](#) appears to be subject to some inaccuracy. For example, in [\[APP-027\]](#) the entry for June Hilda Varley refers to the affected Land Plot as being 04-001, while the relevant works package is identified as being 12/12A. For that entry in [\[APP-027\]](#) there appears to be an inconsistency between the works being referred to and relevant Land Plan given that Work Numbers 12 and 12A concern Land Plot 14-004, while Work Numbers 7/7A relate to Land Plot 04-001.

- 5) The ExA agrees with the Applicant that the submission of the LR tracker would make it unnecessary for the Schedule of Negotiations [\[APP-027\]](#) submitted with the Application to be updated and resubmitted during the Examination. Accordingly, the Applicant need not resubmit [\[APP-027\]](#) during the Examination.
- 6) For consistency with [\[PD-005\]](#) can the final version be titled 'Land Rights Trackers' and where appropriate this term be used in all correspondence and documentation for the duration of the Examination.

The Applicant should now proceed to submit the initial completed form of the LR trackers by no later than 28 August 2024, pursuant to the seventh Procedural Decision included in [\[PD-005\]](#).

Yours faithfully

*Grahame Gould*

Grahame Gould  
Lead Panel Member for the Examining Authority

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