

Application by Five Estuaries Offshore Wind Farm Limited for an Order Granting Development Consent for the proposed Five Estuaries Offshore Wind Farm

Agenda for Compulsory Acquisition Hearing 1 (CAH1):

Hearing	Date and Time	Location
Compulsory Acquisition Hearing 1	<p>Tuesday 17 September 2024</p> <p>Seating available from 14:00</p> <p>Hearing Starts at 14:30</p> <p>Online Registration Process from 14:00</p>	<p>Blended event at Wivenhoe House Hotel Wivenhoe Park, Park Road Colchester CO4 3FA</p> <p>Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered</p>

Agenda items

- 1. Welcome, introductions, arrangements for the Hearing**
- 2. Purpose of Compulsory Acquisition Hearing 1**
- 3. Matters for discussion at this hearing**

Documents that may be referred to during the discussion of this item:

- [APP-008] – Onshore Land Plans
- [APP-010] – Onshore Works Plans
- [APP-024] – draft Development Consent Order
- [APP-025] – Explanatory Memorandum
- [APP-026] – Book of Reference
- [APP-030] – Statement of Reasons
- [APP-263] – Coordination Document
- [AS-004] – Onshore Project Description
- [PD3-002] – Land Rights Tracker
- Any Relevant Representations including Land Rights representations

3.1	The extent to which the CA powers sought in relation to the onshore export cable corridor and substation for the proposed Five Estuaries Wind Farm, the substation and cable ducting for the proposed North Falls Wind Farm and National Grid’s proposed East Anglia Connection Node substation accord with:
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	<ul style="list-style-type: none"> • the conditions stated in section 122(2) of the Planning Act 2008 (PA2008); and • the Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land (Department for Communities and Local Government, September 2013) <p>The Applicant will be asked by the ExA to summarise its case with respect to this item and Affected Persons will be given the opportunity to comment. Thereafter the ExA will ask any questions of the Applicant and Affected Persons as it considers necessary.</p>
3.2	<p>Whether full consideration has been given to all reasonable alternatives to the proposals for onshore Compulsory Acquisition (CA) and Temporary Possession (TP) have been considered</p> <p>The Applicant will be asked by the ExA to summarise its case with respect to this item and Affected Persons will be given the opportunity to comment. Thereafter the ExA will ask any questions of the Applicant and Affected Persons as it considers necessary.</p> <p>In responding to this agenda item, the Applicant should prepare on the basis that it is likely it will be asked questions by the ExA about construction contract arrangements, works sequencing and the duration of the proposed TP.</p>
3.3	<p>Whether for the purposes of section 122(3) of the PA2008 there is a compelling case in the public interest for all of the land subject to the CA powers sought by the Applicant to be acquired compulsorily</p> <p>The Applicant will be asked by the ExA to summarise its case with respect to this item and Affected Persons will be given the opportunity to comment. Thereafter the ExA will ask any questions of the Applicant and Affected Persons as it considers necessary.</p>
3.4	<p>Implications of limiting the CA and TP powers sought</p> <p>The Applicant will be asked by the ExA to summarise its case with respect to this item and thereafter the ExA will ask any questions of the Applicant and Affected Persons as it considers necessary.</p>
3.5	<p>Negotiations relating to the CA and TP powers sought by the Applicant</p> <p>The Applicant will be asked by the ExA to explain its approach it has been using and Affected Persons will be given the opportunity to comment. Thereafter the ExA will ask any questions of the Applicant and Affected Persons as it considers necessary.</p>

3.6	<p>The Applicant's notification of an intention to submit a change request in its Pre-examination Procedural Deadline D submissions</p> <p>The Applicant will be asked by the ExA to summarise the implications of the changes it intends to make to the Land Rights powers it is seeking.</p>
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4. Any Other Business

The ExA may extend an opportunity for the Applicant and Affected Persons to raise matters relevant to topics raised in CAH1 that they consider should be examined.

5. Review of matters and actions arising

The ExA will discuss how any actions arising from the discussion of CA and TP matters are to be addressed by the Applicant and Affected Persons following CAH1. A written action list will be published if required.

6. Close of Hearing

Attendees

Based on Relevant Representations received and the requests to attend ISH1 made at Pre-examination Procedural Deadline D, the ExA would find it helpful if the following parties could attend this Hearing.

- Applicant, including a representative(s) who can respond to any questions the ExA may ask with respect to construction contract arrangements, works sequencing and the duration of Temporary Possession
- Essex County Council
- Tendring District Council
- Cobra Mist Limited
- Liana Enterprise Limited
- Strutt and Parker (Farms) Limited

However, this does not indicate that other parties will not be able to contribute. All Interested Parties (IP) are invited to attend and make oral representations on the matters set out in the Agenda, subject to the ExA's ability to control the Hearing.

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.

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.

Timing

The ExA will keep to the agenda as much as possible. The hearing is not expected to go beyond 17:30.

Anyone who is not able to provide all their oral submissions by the close of the hearing should follow it up in writing.

Registration Process

Parties who have registered to speak (both in person and virtually) will receive a Joining Instruction email shortly before the Hearing which will include a link to the virtual event on Microsoft Teams, and a telephone number should they need to participate by telephone. To enable the Hearing to start on time at **14:30** those attending virtually should join promptly at **14:00** to ensure that all virtual attendees can complete the Registration Process in good time.

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.