

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

Agenda for Issue Specific Hearing 3 (ISH3):

| Hearing | Date and Time | Location |
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| Issue Specific Hearing 3 Environmental Matters | Day 1 Tuesday 29 October 2024 Seating available from 09:00 Hearing Starts at 10:00 Online Registration Process from 09:30 | Blended event at The Colchester United Football Club JobServe Community Stadium United Way Colchester CO4 5UP |
| | Day 2 (if required) Wednesday 30 October 2024 Seating available from 09:00 Hearing Starts at 10:00 Online Registration Process from 09:30 | Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered |

Agenda items

1. Welcome, introductions, arrangements for the Hearing

2. Purpose of Issue Specific Hearing 3

ISH3 is being held to hear evidence relating to matters in respect of the following topics:

- Farming
- Socio economic and residential living conditions
- Navigation and shipping
- Landscape, Visual and Seascape

- Onshore ecology
- Offshore ecology; and
- Terrestrial traffic and transportation

The giving of evidence at this hearing will be led by the Examining Authority (ExA), through the ExA's asking of questions of the Applicant and relevant other IPs, informed by the cases that have been made by parties up to and inclusive of the written and oral submissions made by Examination Deadline 2 (22 October 2024).

3. Matters for discussion at this Hearing

| Agenda for Issue Specific Hearing 3 – Environmental Matters | |
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| 3.1 | <p>Effects for Farming</p> <p>Documents that may be referred to during the discussion of this item: [APP-086], [APP-088], [APP-253], [AS-004], [AS-006], Relevant Representations raising farming matters, [PD3-003] and [PD3-004] and any other relevant submissions made at Deadline 2</p> <p>The ExA will ask questions for the Applicant and other IPs, including amongst other things:</p> <ul style="list-style-type: none"> a) Temporal impacts on agricultural activity b) Drainage c) Effects on soil quality associated with the providing a haul road and the haul road's use by Abnormal Indivisible Loads of up to 400 tonnes between Bentley Road and site for the proposed onshore substation d) Hedgerows |
| 3.2 | <p>Effects for Socio economic and residential living conditions</p> <p>Documents that may be referred to during the discussion of this item: [APP-091], [APP-174], [APP-175], [RR-042], [RR-077], [REP1-37], [REP1-063] and any other relevant submissions made at Deadline 2</p> <p>The ExA will ask questions for the Applicant and other IPs, including amongst other things:</p> <ul style="list-style-type: none"> 1) <i>Socio economic effects, including effects for the fishing industry</i> <ul style="list-style-type: none"> a) Effects for the Fishing Industry, including fish species and fishing methods that might be affected and. Discussion to be led by the ExA and involving representatives from the fishing industry and the Applicant b) Cumulative effects of Five Estuaries OWF with other existing and proposed OWF developments on fishing grounds |

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| | <p>2) <i>Living Conditions</i></p> <p>a) Onshore construction and operational noise effects, including:</p> <ul style="list-style-type: none"> i. Proposed measures for mitigating construction noise ii. The assessment for cumulative construction noise, with particular regard to constructing the proposed substation and the proposed substations for North Falls and the East Anglia Connection Node iii. Measures for mitigating noise associated with the operation of the proposed substation iv. The assessment of cumulative noise associated with the operation of the existing Ardleigh substation and the proposed substations for Five Estuaries, North Falls and the East Anglia Connection Node |
| <p>3.3</p> | <p>Effects for Navigation and Shipping</p> <p>Documents that may be referred to during the discussion of this item: [APP-078], [APP-230], [APP-233], [APP-240], [RR-015], [RR-016], [RR-043], [RR-067], [RR-071], [RR-090], [RR-095], [RR-118], [PD4-004], [REP1-039], [REP1-049], [REP1-059], [REP1-060], [REP1-063], [REP1-065], [REP1-069] and any other relevant submissions made at Deadline 2</p> <p>The ExA will ask the Applicant to provide a brief update on any progress made or discussions that have taken place on navigation and shipping matters since ISH1.</p> <p>The ExA will then ask the Applicant and other IPs any questions it may have in respect of the following issues:</p> <ul style="list-style-type: none"> a) Potential risks during construction and operation of Five Estuaries OWF, including the methodology, risk modelling, risk assessment and mitigation set out in the Navigational Risk Assessment (NRA) b) Cable burial, in particular where the Export Cable Corridor (ECC) crosses the Sunk and the Trinity Deep Water Routes c) Layout of the two array areas for Five Estuaries OWF d) The Navigation Corridor Safety Case e) Potential impacts for shipping if construction and/or maintenance activities associated with Five Estuaries coincide with other projects f) Control and mitigation measures set out in the Outline Navigation Installation Plan (NIP), Outline Cable Burial Risk Assessment (CBRA) and Outline Cable Specification and Installation Plan (CSIP) |

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| <p>3.4</p> | <p>Effects for Landscape, Visual and Seascape</p> <p>Documents that may be referred to during the discussion of this item: [APP-079], [APP-084], [APP-086], [APP-098], [APP-180] to [APP-224] (inclusive), [APP-225], [APP-227], [APP-234], [AS-006], [RR-009], [RR-027], [RR-080], [RR-106], [PD2-002], [PD2-011] and [PD2-013] and any other relevant submissions made at Deadline 2</p> <p>The ExA will ask questions for the Applicant and other IPs, including amongst other things:</p> <ul style="list-style-type: none"> a) Any differences in seascape effects associated with wind turbine arrays of either 41 “<i>large</i>” or 79 “<i>smaller</i>” wind turbine generators b) Effects of the offshore safety lighting for the Proposed Development’s wind turbine generators alone and cumulatively with the existing offshore arrays and the proposed North Falls Offshore Wind Farm c) Effect of any nighttime lighting for the proposed substation alone and cumulatively with the proposed substations for the North Falls Offshore Wind Farm and East Anglia Connection Node d) The need for additional viewpoint assessments from within the Dedham Vale Area of Outstanding Natural Beauty or other areas of Babergh District. e) The cumulative visual effects of the proposed onshore substations for proposed Five Estuaries and North Falls Offshore Windfarms and the East Anglia Connection Node (EACN), including any pylons and overhead wires required to connect the EACN substation with National Grid’s electricity transmission system f) Discharging the duty under section 245(6) of the Levelling Up and Regeneration Act 2023, ie “...to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty ...” g) Mitigation for the onshore substation including land levels, fencing and planting h) In relation to the onshore substation sites for the Proposed Development and the proposed North Falls Offshore Wind Farm, clarification as to what elements of the proposals would be needed for: 1) visual screening; and 2) biodiversity need gain |
| <p>3.5</p> | <p>Effects for Onshore Ecology</p> <p>Documents that may be referred to during the discussion of this item: [APP-086], [APP-098], [APP-132] to [APP-149] (inclusive), [APP-153] to [APP-158] (inclusive), [APP-255], [AS-004], [AS-006], [RR-027], [RR-030],</p> |

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| | <p>[R-080], [REP1-068], [PD2-002] and [PD2-012] and any other relevant submissions made at Deadline 2.</p> <p>The ExA will ask questions for the Applicant and other IPs, including amongst other things:</p> <ul style="list-style-type: none"> a) Effects for trees subject to Tree Preservation Orders b) Update on species surveys requested by Natural England |
| <p>3.6</p> | <p>Effects for Offshore Ecology</p> <p>Documents that may be referred to during the discussion of this item: [APP-040], [APP-045], [APP-046], [APP-049], [APP-050], [APP-051], [APP-052], [APP-053], [APP-054], [APP-055], [APP-073], [APP-074], [APP-075], [APP-076], [APP-098], [APP-103] to [APP-127] (inclusive), [APP-225], [APP-228], [APP-243], [AS-003], [RR-030], [RR-070], [RR-077], [RR-094], [RR-107], [PD2-002] and [PD2-005] to [PD2-010] (inclusive) and any other relevant submissions made at Deadline 2.</p> <p>The ExA will ask the Applicant to provide a brief update on any progress made or discussions that have taken place on offshore ecological matters since ISH1.</p> <p>The ExA will then ask the Applicant and other IPs any questions it may have in respect of the following issues:</p> <ul style="list-style-type: none"> a) Species surveys b) Effects on protected species, including bats c) Assessment methodologies d) Compensatory measures e) Benthic and aquatic ecology |
| <p>3.7</p> | <p>Effects for Terrestrial Traffic and Transportation</p> <p>Documents that may be referred to during the discussion of this item: [APP-090], [APP-172], [APP-173], [APP-257], [APP-259], [RR-009], [RR-027], [RR-079], [RR-082], [RR-107], [REP1-018], [REP1-026], [REP1-028] to [REP1-032] inclusive, [REP1-043], [REP1-049], [REP1-059], [REP1-060], [REP1-062], [REP1-066], [REP1-071], any Local Impact Reports submitted by LPAs and any other relevant submissions made at Deadline 2</p> <p>The ExA will ask the Applicant to provide a brief update on any progress made or discussions that have taken place on traffic and transportation matters since ISH1.</p> <p>The ExA will then ask the Applicant and other IPs any questions it may have in respect of the following issues:</p> <ul style="list-style-type: none"> a) Road traffic surveys and predicted traffic generation, including assessment methodology and impacts on junctions during construction |

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| | <ul style="list-style-type: none"> b) Assessment of cumulative impacts during construction of Five Estuaries with other proposed developments c) Mitigation works proposed at the junction of the A120 and Bentley Road d) Routeing of Abnormal Indivisible Loads (AIL) e) Control and mitigation measures set out in the Outline Construction Traffic Management Plan (CTMP) and the Outline Workforce Travel Plan (WTP) |
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4. Any Other Business

The ExA may extend an opportunity for the Applicant, IPs and Other Persons to raise matters relevant to topics covered in ISH3 that they consider should be examined.

5. Review of matters and actions arising

The ExA will discuss how any actions arising from the discussion are to be addressed by the Applicant, IPs or Other Persons following ISH3. A written action list will be published if required.

6. Close of Hearing

Attendees

Based on Relevant Representations received and input into the Examination to date, the ExA would find it helpful if the following parties could attend this Hearing.

| Agenda Item 3.1 Farming | Agenda Item 3.2 Socio economic and residential living conditions | Agenda Item 3.3 Navigation and Shipping |
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| <ul style="list-style-type: none"> • Applicant, including a representative with an expertise in farming practices • Liana Enterprises Limited • Strutt and Parker (Farms) Limited • Other Interested Parties with an interest in farming | <ul style="list-style-type: none"> • Applicant • Tendring District Council • Essex County Council • Suffolk County Council • Harwich Harbour Fishermen's Association • National Federation of Fishermen's Organisations • Any Interested Parties living in close proximity | <ul style="list-style-type: none"> • Applicant • Maritime Coastguard Agency • Trinity House • Harwich Haven Authority • Port of London Authority • UK Chamber of Shipping • Harwich Harbour Fishermen's Association |

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| | to the proposed development | <ul style="list-style-type: none"> National Federation of Fishermen's Organisations |
| Agenda Item 3.4 Landscape, Visual and Seascape | Agenda Item 3.5 Onshore Ecology | Agenda Item 3.6 Offshore Ecology |
| <ul style="list-style-type: none"> Applicant, including a representative with an expertise in landscape matters Natural England Tendring District Council Essex County Council Babergh District Council East Suffolk Council Suffolk County Council Suffolk and Essex Coast and Heaths National Landscape Partnership | <ul style="list-style-type: none"> Applicant, including representatives with expertise in ecological matters Essex County Council Tendring District Council East Suffolk Council Essex Wildlife Trust National Trust Cobra Mist Limited | <ul style="list-style-type: none"> Applicant, including representatives with expertise in ornithology, fish, benthic ecology and marine mammals East Suffolk Council Marine Management Organisation Natural England Royal Society for the Protection of Birds Essex Wildlife Trust Harwich Harbour Fishermen's Association National Federation of Fishermen's Organisations |
| Agenda Item 3.7 Terrestrial Traffic and Transportation | | |
| <ul style="list-style-type: none"> Applicant National Highways Essex County Council (in its capacity as the local highway authority) Tendring District Council Suffolk County Council (in its capacity as a local highway authority) | | |

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 first day of this hearing is not expected to go beyond 17:00. If necessary, the hearing will recommence at 10:00 on Wednesday 30 October.

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 **10:00** those attending virtually should join promptly at **09:30** to ensure that all virtual attendees can complete the Registration Process in good time.

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.