



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
Email:
FiveEstuaries@planninginspectorate.gov.uk

To: All Interested Parties, Affected
Persons, Statutory Parties, Additional
Interested parties and Other Persons

Our Ref: EN010115

Date: 18 December 2024

Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) (Examination Rules) – Rules 8(3), 9 and 13

Infrastructure Planning (Compulsory Acquisition) Regulations (2010) (as amended) – Regulations 11, 12, 13, 14, and 16 (CA Regulations)

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

Set out below are notification details for hearings to be held during week commencing 20 January 2025 and other Procedural Decisions, including matters relating to the Applicant's change request.

1) Notification of Hearings and related Procedural Decisions

Further to the Examination Timetable at Annex A of the Examining Authority's (ExA) [Rule 8 letter](#), dated 25 September 2024, we are writing to confirm the arrangements for Hearings which will be held during the week commencing 20 January 2025. It should be noted that this third round of hearings takes account of the acceptance of the Applicant's Change Request [[PD-012](#)] and there being an additional Interested Party (IP), the Alde and Ore Association and an IP (Mrs Barbara Roscoe) granted that status under Section 102A of the Planning Act 2008 (PA2008).

Hearings under Sections 91, 92 and 93 of the PA2008 included in the table below have been scheduled. The hearings will be blended events, with participants attending either in person or virtually via Microsoft Teams.

The Alde and Ore Association and Mrs Roscoe became IPs after the holding of Issue Specific Hearings (ISHs) 1 to 4 and these IPs have made representations concerning "*proposed provisions*" (changes) 9 (Orford Ness) and 10 (operational access in Swan Road¹). Accordingly, under the provisions of Regulation 14(2) it is necessary for the ExA to make arrangements for another Issue Specific Hearing (ISH5) to be held, in effect the reconvening of ISH1 to ISH4 (inclusive). Accordingly, part of the morning of Tuesday 21

¹ The representations concerning this aspect of Change 10 having been included as part of the request made under Section 102A to become an IP

January has been reserved for the rerunning of ISH1 to ISH4 as ISH5. While it will be necessary for the Applicant to be represented at ISH5, other IPs and Affected Persons who participated in ISH1 to ISH4 should not feel compelled to attend ISH5.

Following the acceptance of the Change Request **the Alde and Ore Association** (as an additional IP) and **Mrs Roscoe** (as an IP granted that status under Section 102A) are entitled to make requests to be heard at an Open Floor Hearing (OFH). Accordingly, an OFH (OFH1) has been scheduled for the early evening of Monday 20 January 2025 and that hearing will be held should the Alde and Ore Association and/or Mrs Roscoe make a written request by no later than **23:59 on Monday 13 January** to be heard at OFH1. Should no requests to attend OFH1 be received by 13 January then that hearing will not be held.

IPs who were registered on or before 21 June 2024 (ie the expiry of the period for making relevant representations following the submission of the original Application) had the opportunity to notify the ExA of any wishes to be heard at an OFH by making a request by either Pre-examination Procedural Deadline D (9 September 2024) or Examination Deadline 2 (22 October 2024). Accordingly, IPs with that status by 21 June 2024 are therefore no longer entitled to make a request to be heard at OFH1.

Hearing	Date	Start time	Location
<p>Open Floor Hearing (OFH1)</p> <p><u>Note</u> For participation only by the Alde and Ore Association and parties granted IP status under Section 102A of the PA2008 who have requested the holding of this hearing by not later than 13 January 2025</p>	<p>Monday 20 January 2025</p>	<p>Registration and seating available from: 17:30</p> <p>Virtual Registration Process from: 17:30</p> <p>Event start: 18:00</p>	<p>Blended event at:</p> <p>The Colchester United Football Club JobServe Community Stadium United Way Colchester CO4 5UP</p>
<p>Issue Specific Hearing 5 (ISH5) (ie the reconvening of ISH1 to ISH4)</p> <p>Matters relating to:</p> <ol style="list-style-type: none"> 1) Farming 2) Socio economic and residential living conditions 3) Terrestrial traffic and transportation 4) Landscape, visual and seascape 	<p>Tuesday 21 January 2025</p>	<p>Registration and seating available from: 09:30</p> <p>Virtual Registration Process from: 09:30</p> <p>Event start: 10:00</p>	<p>Blended event at:</p> <p>The Colchester United Football Club JobServe Community Stadium United Way Colchester CO4 5UP</p> <p>and</p> <p>By virtual means using Microsoft Teams</p>

<p>5) Navigation and shipping 6) Onshore ecology 7) Offshore ecology 8) The provisions of the Development Consent Order</p>			<p>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered</p>
<p>Issue Specific Hearing 6 (ISH6)</p> <p>Environmental matters including:</p> <ol style="list-style-type: none"> 1) Terrestrial traffic and transportation 2) Navigation and shipping 3) Landscape, Visual and Seascape 4) Offshore Archaeology 5) Farming 6) Socio economic and residential living conditions 7) Offshore ecology 8) Onshore ecology 	<p>Tuesday 21 January 2025 (Day 1)</p> <p>and</p> <p>continuing on Wednesday 22 January 2025 (Day 2) (if not completed on 21 January)</p>	<p><u>For Day 1</u></p> <p>Registration and seating available from: 13:00</p> <p>Virtual Registration Process from: 13:00</p> <p>Event start: 13:30</p> <p><u>For Day 2</u></p> <p>Registration and seating available from: 09:30</p> <p>Virtual Registration Process from: 09:30</p> <p>Event start: 10:00</p>	<p>Blended event at:</p> <p>The Colchester United Football Club JobServe Community Stadium United Way Colchester CO4 5UP</p> <p>and</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>
<p>Compulsory Acquisition Hearing 3 (CAH3)</p> <p>Compulsory Acquisition and Temporary Possession matters</p>	<p>Thursday 23 January 2025</p>	<p>Registration and seating available from: 09:30</p> <p>Virtual Registration Process from: 09:30</p> <p>Event start: 10:00</p>	<p>Blended event at:</p> <p>The Colchester United Football Club JobServe Community Stadium United Way Colchester CO4 5UP</p> <p>and</p> <p>By virtual means using Microsoft Teams</p> <p>Full instructions on how to join online or</p>

			by telephone will be provided in advance to those who have pre-registered
Issue Specific Hearing 7 (ISH7) Draft Development Consent Order (dDCO) matters	Thursday 23 January 2025	Registration and seating available from: 14:30 Virtual Registration Process from: 14:30 Event start: 15:00	All hearings will be blended events at: The Colchester United Football Club JobServe Community Stadium United Way Colchester CO4 5UP and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered

Applicant's notification duties

The Applicant is reminded of its duty to notify and publicise hearings under Rule 13 of The Infrastructure Planning (Examination Procedure) Rules 2010. However, for the purposes of Rule 13(6)(c), the ExA hereby directs that the publication of a local advertisement in a newspaper giving notice of the holding of the hearings must not be later than 14 days before the date fixed for the holding of the hearings. The ExA has made the Procedural Decision that the newspaper advertisement period can be reduced from a minimum of 21 to 14 days because hearing participants are likely to have been notified of the holding of these hearings by electronic means or will have sight of site notices and the Applicant's ability to place newspaper advertisement may be affected by changes to the publication schedules during the Christmas and New Year period.

Purpose of Hearings

Please refer to the Planning Inspectorate's Advice for members of the public: [The stages of the NSIP process and how you can have your say](#) for information about the purpose of Issue Specific and Compulsory Acquisition Hearings.

Registration and requests to participate in Hearings

Please register using the [Event Participation Form](#) by 13 January 2025 if you intend to participate in any of the other hearings and provide all the information requested. If no requests from the Alde and Ore Association and/or Mrs Roscoe to attend OFH1 are received by 13 January then that hearing will be cancelled by the ExA.

If you have any difficulty completing the form please contact the Case Team.

Please note that by attending any of the hearings either in person or online you are agreeing to be filmed for the purposes of the online live stream of the event and the recordings of the hearings will get published on the [project webpage](#). A limited number of seats will be available for observers who wish not to be filmed at the event. Please contact the case team to notify them if you prefer not to be filmed at the event. A transcript of the event will also be published on the [project webpage](#) after the event.

Any request to participate in a hearing should include the following information:

- Name and unique reference number (found at the top of any letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- for blended events, confirmation of whether you will participate virtually or in-person;
- confirmation of the hearing(s) you wish to participate in, the agenda item(s) on which you wish to speak and/or brief details of the topic(s) that you would like to raise;
- for Compulsory Acquisition Hearings, the plot number(s) of the relevant land provided in the Book of Reference and the Land Plans; and
- the Examination Library reference number (with paragraph/page number where appropriate) of any documents you wish to refer to.

Joining instructions for hearings will be issued by the Case Team via email shortly before the hearing dates.

Please contact the Case Team if you require any support or assistance to attend any hearing, either virtually or in person.

If you simply wish to observe any of the hearings then you can either:

1. Watch a livestream of the event - a link to the livestream will be made available on the project webpage shortly before the event is scheduled to begin; and/or
2. Watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Alternatively, you can attend the physical event at the venue to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to observe only by **13 January 2025** using the [Event](#)

[Participation Form](#). Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **13 January 2025**.

Hearing Agenda

The Agenda for each hearing and any detailed arrangements for each of the hearings will be published on the [project webpage](#) at least five working days before the hearings. However, the actual Agenda on the day of each hearing may be subject to change at our discretion. The detailed agenda for each hearing will identify attendees that the ExA would particularly request be present to assist with the answering of its questions.

Procedure at Hearings and Post Hearing submissions

The procedure to be followed at hearings is set out in The Infrastructure Planning (Examination Procedure) Rules 2010.

Participation in a hearing will be subject to the ExA's powers of control. It is for the ExA to determine how the hearing will be conducted, including the time allowed at the hearing for the making of a person's representations. The hearing will be managed in the interests of ensuring fair access to the hearing for all parties, and to ensure that the submissions of all invited persons are fully heard within the allotted time. For the Issue Specific Hearings IPs and the Compulsory Acquisition Hearing Affected Persons may be invited to make oral representations at the Hearing on the specific issues being examined at the hearings as set out in the Agenda.

All hearings are recorded. The recordings and transcripts will be made available on the [project webpage](#) as soon as practicable following the hearing. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed at a hearing. It is therefore important to note that anyone speaking at the hearing will need to introduce themselves, including any organisation or groups that they represent, **each time they speak** to ensure that someone listening to the recording after the hearing is clear who was speaking.

As the recordings are retained and published, they form a public record that can contain personal information to which the General Data Protection Regulation (GDPR) applies. Please refer to our [Privacy Notice](#) for further information. Participants must do their best to avoid making public any information which they would otherwise wish to be kept private and confidential. If there is a need to refer to such information, it should be in written form. Although this will also be published, personal and private content can be redacted or removed before it is made publicly available. Any person who is unclear on this point should ask the Case Team for guidance before they place personal and private information into the public domain. The Planning Inspectorate's practice is to publish the recordings and transcripts and retain them for a period of five years from the Secretary of State's decision on the Development Consent Order (DCO). If you actively participate in the hearing, it is important that you understand that you will be recorded and that the recording and transcript will be made available in the public domain.

The evidence presented orally at hearings should be included in post hearing submissions and submitted at the relevant deadline in the [Examination timetable](#).

If you have any further queries, please do not hesitate to contact the Case Team FiveEstuaries@planninginspectorate.gov.uk.

2) Other Procedural Decisions made by the Examining Authority relating to the Applicant's Change Request

1. Initial Assessment of issues

Following the ending of the period for making Relevant Representations (RRs) in respect of the proposed provisions, pursuant to Regulation 11 of the CA Regulations the ExA has undertaken a further "Initial assessment of issues" and is of the view that there are no issues over and above those identified by it when it undertook its Initial Assessment of Principal Issues (as recorded in Annex C of [\[PD-007\]](#)) prior to commencement of the Examination. Accordingly, the ExA has made the Procedural Decision that there is no need for it to hold a meeting to discuss how the proposed provisions (changes) should be examined.

2. Timetable for examining the proposed provisions, including submitting Written Representations

Given the nature of the proposed provisions and the ExA's conclusion that the making of those changes to the originally submitted Application has not raised any new substantive issues for this Examination, the ExA considers that it is only necessary to make some minor changes to the original Examination Timetable [Annex A in [PD-009](#)]. Under the provisions of Regulation 13 of the CA Regulations **all IPs** are entitled to submit Written Representations relating to the proposed provisions and a minimum of 21 days must be given for the making of any such Written Representations. Accordingly, the ExA has made the Procedural Decision to vary the Examination Timetable to enable any Written Representations relating to the proposed provisions to be submitted at what will be a new Examination deadline, Deadline 5A – not later than 23:59 on Monday **13 January 2025**.

To enable written responses to be made to any Written Representations submitted in relation to the proposed provisions, an amendment to the submissions that can be made at Deadline 6 (11 February 2025) is necessary. The ExA considers no further amendments to the original Examination Timetable are necessary to accommodate the examination of the proposed provisions.

The changes to the Examination Timetable referred to above have been made pursuant to Regulation 12 of the CA Regulations and Rule 8(3) of the Examination Rules and are shown in red in the amended version of the Examination Timetable, **Annex A** to this letter.

3. Preparation and publication of proposed provisions acceptance checklist

As part of the consideration and acceptance of the Applicant's proposed provisions for Examination compliance was checked against the provisions of the CA Regulations. That compliance assessment is recorded in the published checklist [\[PD-013\]](#).

Yours faithfully

Grahame Gould

Grahame Gould

Lead Member of the Panel of Examining Inspectors

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

Annex A

Extant Five Estuaries Examination Timetable with variations in **Red**

Item	Date
<p>17. Deadline 5</p> <p>Receipt by the ExA of:</p> <ul style="list-style-type: none"> • Further PADs update from Natural England (clean and tracked) • Completed and signed Statements of Common Ground (SoCG) • Applicant's updated version of the dDCO (clean and tracked) (if required) • Applicant's update to the Land Rights Tracker (clean and tracked) • Applicant's updated Guide to the Application documents (clean and tracked) • Comments on any submissions received at Deadline 4 • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	10 January 2025
<p>17a. Deadline 5A</p> <p>Receipt by the ExA of:</p> <ul style="list-style-type: none"> • Written Representations relating to the Proposed Provisions (changes) submitted by the Applicant on 10 October 2024 • Requests to be heard at Open Floor Hearing 1 from parties entitled to make such requests (Alde and Ore Association and Mrs Roscoe) 	13 January 2025
<p>18. Date reserved for third round of hearings:</p> <ul style="list-style-type: none"> • ISH (if required) • CAH3 (if required) • OFH1 (if required) • ASI1 (if required) 	w/c 20 January 2025
<p>19. Publication by the ExA of:</p> <ul style="list-style-type: none"> • The Report on the Implications for European Sites (RIES) • The ExA's proposed schedule of changes to the dDCO (if required) • The ExA's Written Questions (ExQ3) (if required) 	3 February 2025
<p>20. Deadline 6</p> <p>Receipt by the ExA of:</p> <ul style="list-style-type: none"> • Post-hearing submissions including written submissions of oral cases and responses to any 	11 February 2025

	<p>hearing action points arising from the hearings held w/c 13 January 2025 (if required)</p> <ul style="list-style-type: none"> • Further PADs update from Natural England (clean and tracked) • Applicant's updated version of the dDCO (clean and tracked) (if required) • Applicant's updated Guide to the Application documents (clean and tracked) • Any SoCG updates, either agreed updating notes or unilateral notes (if required) • Comments on any submissions received at Deadline 5 and Deadline 5A • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	
21.	<p>Deadline 7</p> <p>Receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on the Report on the Implication for European Site (RIES) • Comments on the ExA's proposed schedule of changes to the dDCO (if required) • Responses to the ExA's ExQ3 (if required) • Applicant's final dDCO to be submitted in the SI template accompanied by a SI template validation report. This version of the dDCO should be submitted in an editable format and it should also be accompanied by an editable copy showing any revisions to the preceding version shown with tracked changes (if required) • The Applicant's final version of the Explanatory Memorandum (clean and tracked) • Final Land Rights Tracker (clean and tracked) • Final Book of Reference (BoR) and a schedule of any changes to BoR • Final Statement of Reasons (clean and tracked) • Certified copies of any executed (signed and dated) legal agreements • Applicant's final Guide to the Application Documents (clean and tracked) • Final PADs update from Natural England (clean and tracked) • Any SoCG updates, either agreed updating notes or unilateral notes (if required) • Comments on any submissions received at Deadline 6 • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	3 March 2025
22.	<p>Deadline 8</p> <p>Receipt by the ExA of:</p>	10 March 2025

	<ul style="list-style-type: none"> • Comments on any submissions received at Deadline 7 • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 (if required) 	
23.	<p>The ExA is under a duty to complete the Examination of the application by the end of the period of six months.</p> <p>Please note that the ExA may close the Examination before the end of the six-month period if it is satisfied that all relevant matters have been addressed and discussed.</p>	17 March 2025