

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 3 (CAH3):

Hearing	Date and Time	Location
Compulsory Acquisition Hearing 3	Thursday 23 January 2025 Registration and Seating available from: 09:30 Online Registration Process from: 09:30 Hearing Starts at 10:00	Blended event at The Colchester United Football Club JobServe Community Stadium United Way Colchester CO4 5UP 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 Compulsory Acquisition Hearing 3**
- 3. Matters for discussion at this hearing**

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

- [APP-263] – Coordination Document
- [AS-019] – Land Plans - Onshore
- [AS-037] – Statement of Reasons
- [AS-041] – Onshore Project Description
- [REP3-004] – Works Plans - Onshore
- [REP3-008] – Draft Explanatory Memorandum
- [REP4-036] - Technical Note - Haul roads between Bentley Road and the Onshore Substation
- [REP4-037] - Legal Note - Compulsory Acquisition Case
- [REP4-038] - Technical Note - Screen planting options for Land Plot 17-024

- [REP5-007] – draft Development Consent Order
- [REP5-009] - Book of Reference
- [REP5-045] - Land Rights Tracker
- [REP5-103 and REP5-104] – submissions made by Cobra Mist Limited
- Any other relevant written submissions made at Deadlines 5 and 5A

3.1	<p>Changes included in Revision E of the Book of Reference submitted at Deadline 5</p> <p>The Applicant will be asked by the ExA to give an explanation for the changes made to the Book of Reference [REP5-009].</p> <p>The ExA will ask any questions of the Applicant and Affected Persons as it considers necessary.</p>
3.2	<p>Summary of cases from Affected Persons attending CAH3</p> <p>a) Affected Persons attending CAH3 will be asked in turn by the ExA to identify any changes to their cases following the holding of CAH2 on 31 October 2024 with respect to the Compulsory Acquisition (CA) and Temporary Possession (TP) powers sought by the Applicant. In highlighting their case, Affected Persons should explain whether they consider the powers sought by the Applicant do or do not accord with conditions stated in Section 122 (Purpose for which compulsory acquisition may be authorised) of the Planning Act 2008 and the <i>“Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land”</i> (Department for Communities and Local Government, 2013).</p> <p>b) The Applicant will be given the opportunity to respond to any summary cases made by Affected Persons.</p> <p>c) The ExA will ask any questions of the Applicant and Affected Persons as it considers necessary, including;</p> <ul style="list-style-type: none"> • the CA powers sought in connection with the proposed onshore substation zone; • restrictive covenants relating to the undertaking of activities above and within the vicinity of the buried cables proposed in Schedule 7 (Land in which only new rights etc. may be acquired) of the draft Development Consent Order; and • the proposed compensatory habitat at Orford Ness.

3.3	<p>Applicant's Land rights negotiations update</p> <p>The Applicant will be asked by the ExA to provide an update with respect to its land rights negotiations with all of the parties listed in the Land Rights Tracker (other than for those parties who participate in Agenda item 3.2) since the beginning of the Examination.</p> <p>The ExA will ask the Applicant any questions it considers necessary.</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 CAH3 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 CAH3. A written action list will be published if required.

6. Close of Hearing

Attendees

- Applicant
- Essex County Council
- Tendring District Council
- Cobra Mist Limited
- The various Fairley family farms

However, the attendee list above does not indicate that other parties (Affected Persons) with a land rights interest in the Proposed Development will not be able to participated in CAH3. All Affected Persons 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 13:00.

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 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.