

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 7 (ISH7):

Hearing	Date and Time	Location
Issue Specific Hearing 7	Thursday 23 January 2025 Registration and Seating available from: 14:30 Online Registration Process from: 14:30 Hearing Starts at 15:00	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 Issue Specific Hearing 7**
- 3. Matters for discussion at this hearing**

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

- [AS-019] – Onshore Land Plans
- [AS-035] – Book of Reference
- [AS-037] – Statement of Reasons
- [REP3-007] – Onshore Works Plans
- [REP3-008] – Explanatory Memorandum
- [REP5-007] - draft Development Consent Order
- [REP5-041] - Schedule of Mitigation – Routemap
- [REP5-090] - Without Prejudice Habitat Regulations Assessment DCO Schedules
- [REP5-102] - Submission from Affinity Water Limited

- [REP5-109] – Submission from TC Gunfleet Sands OFTO Limited
- Any other relevant written submissions made at Deadlines 5 and 5A

3.1	<p>Discussion of the draft Development Consent Order (dDCO), involving the Applicant and other Interested Parties, including:</p> <ul style="list-style-type: none"> a) The Applicant's summary of the substantive changes made to the dDCO since ISH4, most particularly with respect to the proposed Articles and Schedules 1 (Authorised Development) and 2 (Requirements) b) Any local authority comments concerning the drafting of the proposed Articles and Schedules 1 and 2 c) The Examining Authority's (ExA) questions with respect to the proposed Articles and Schedules 1 and 2, including: <ul style="list-style-type: none"> • Schedule 1 (Authorised Development) – the approach to defining Work Numbers 4/4A and 5/5A in comparison with the other linear works defined in Schedule 1 • Requirement 2 (Offshore design parameters) – minimum distance between sea level and rotating turbine blades • Requirement 3 (Aviation Safety) - applicability of meeting the requirements of the Air Navigation Order 2016 • The ability to comply with Requirements 5(2) (Onshore substation works etc) and 10(1) (Landscape and Ecology management plan) should the proposed North Falls Offshore Wind Farm not proceed • Requirement 6 (Code of Construction Practice) - status (a full or outline control document)
3.2	<p>Update with respect to the Protective Provisions included in Schedule 9 of the dDCO</p> <ul style="list-style-type: none"> a) The Applicant and other Interested Parties attending ISH7 will be asked by the ExA to provide an update on the negotiations concerning Protective Provisions, with particular reference to areas of disagreement b) The Applicant will be asked by the ExA to provide an update on the negotiations concerning Protective Provisions with other Interested Parties not in attendance at ISH7, including Affinity Water Limited and TC Gunfleet Sands OFTO Limited, with particular reference to areas of disagreement

	c) Any ExA questions concerning Protective Provisions
3.3	<p>Update with respect to the drafting of the deemed Marine Licences included in Schedules 10 and 11 of the dDCO</p> <p>a) The Applicant will be asked by the ExA to provide an update on the negotiations with the Marine Management Organisation (MMO) and Natural England, with particular reference to areas of disagreement, relating to the drafting of the deemed Marine Licences and advise on when it is expected the negotiations with the MMO and Natural England will be included</p> <p>b) Any MMO comments about the drafting of the deemed Marine Licences</p> <p>c) Any ExA questions with respect to the drafting of the deemed Marine Licences</p>
3.4	ExA questions relating to Schedule 12 (Tree Preservation Orders and hedgerows)
3.5	<p>Consideration of the “<i>without prejudice</i>” additional parts for Schedule 13 (Compensation) included in [REP5-090]</p> <p>a) The Applicant will be asked by the ExA to summarise the provisions of the additional parts of Schedule 13 submitted on a without prejudice basis in [REP5-090]</p> <p>b) Any ExA questions with respect to the drafting of the provisions included in [REP5-090]</p>

4. Any Other Business

The ExA may extend an opportunity for the Applicant, IPs and Other Persons to raise matters relevant to topics raised in ISH7 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 the dDCO are to be addressed by the Applicant, IPs or Other Persons following ISH7. A written action list will be published if required.

6. Close of Hearing

Attendees

- Applicant
- Marine Management Organisation
- Tendring District Council
- Essex County Council
- East Suffolk Council
- Suffolk County Council
- National Highways
- Harwich Haven Authority
- London Gateway Port Limited
- Port of London 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 hearing is not expected to go beyond **18:00**.

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 **15:00** those attending virtually should join promptly at **14:30** 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.