

Application by North Falls Offshore Wind Farm Ltd for an Order granting Development Consent for the North Falls Offshore Wind Farm (EN010119)

Agenda for compulsory acquisition hearing (CAH) Parts 1 and 2:

Hearing	Date	Time	Location
Compulsory Acquisition Hearing (Parts 1 and 2)	17 June 2025	Virtual registration process from: 9.30am Event start: 10.00am	The hearing will be online only using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered

Agenda items

- 1. Welcome, introductions, and arrangements for the hearing**
- 2. Purpose of the Compulsory Acquisition Hearing (CAH)**
- 3. Matters for discussion at the Hearing:**

CAH Part 1

3.1 The statutory conditions and general principles applicable to the exercise of powers of compulsory acquisition sought in relation to the provision of the onshore export cable corridor and substation for the proposed North Falls Offshore Windfarm, the substation and cable ducting for the proposed Five Estuaries Offshore Windfarm and connection to National Grid's proposed East Anglia Connection Node:

- Whether the purpose for which Compulsory Acquisition powers are sought would comply with section 122(2) of the Planning Act 2008 (PA2008)?
- Whether the Secretary of State could be satisfied that the land proposed to be acquired is no more than is reasonably necessary for the purposes of the Proposed Development?
- Whether all reasonable alternatives to Compulsory Acquisition have been explored?
- Whether having regard to section 122(3) of the PA2008 there is a compelling case in the public interest for the land to be acquired compulsorily and the public benefit would outweigh the private loss?

3.2 Consideration of duties under the Equality Act 2010

The Applicant to provide an update in relation to compliance with any duties under section 149 of the Equalities Act 2010.

3.3 Sections 127 and 138 of the PA2008 – the acquisition of statutory undertaker's land and the extinguishment of rights and removal of apparatus of statutory undertakers

- The current position in relation to negotiations with Statutory Undertakers.
- Whether protective provisions have been agreed with all Statutory Undertakers.
- In the event that agreement is not reached with all Statutory Undertakers, whether the relevant tests for the exercise of powers pursuant to sections 127 and 138 PA2008 would be met.

3.4 Section 135 of the PA2008 - Crown Land

The Applicant to provide an update in relation to the engagement with the Crown Estate to voluntarily acquire the necessary interests/rights over the Crown Land within the Order Land and the seeking of consent from the Crown Estate pursuant to section 135 PA2008.

3.5 Potential risks or impediments to the Proposed Development

The Applicant to provide an update in relation to any consents or licences that are or may be required in order for the Proposed Development to be constructed and subsequently operate including the approval of the Required Navigation Performance Instrument Flight Procedures (RNP IFPs) by the CAA.

CAH Part 2

3.6 Representations from parties who may be affected by the compulsory acquisition provisions in the draft DCO

The ExA will hear oral representations from:

(a) Affected Persons (APs) including additional APs who have notified a wish to make oral representations at this CAH:

- Gwyn Church on behalf of The Executors of the Estate of the late Charles James Tabor
- Gwyn Church on behalf of T Fairley & Sons Limited

(b) Any section 102 of the PA2008 or Category 3 persons wishing to make oral representations.

3.7 Representations from Statutory Undertakers

4. Any other matters relevant to the agenda

5. Close of CAH

Purpose of the CAH

CAHs are for those whose land and/or rights are directly affected. This includes all Affected Persons (APs) and additional APs. It may include persons not listed in the Book of Reference but who have applied for and been granted IP status under section 102 of the PA2008.

The CAH is being held to ensure adequate examination of the provisions within the draft Development Consent Order (dDCO) seeking to authorise the compulsory acquisition of land and/ or rights over land and to assess whether the conditions relating to the land and/ or rights being required for the Proposed Development or required to facilitate or be incidental to that development are met and whether there is a compelling case in the public interest for the land to be acquired compulsorily.

The ExA recognises that other Hearings may contribute information and evidence which will be used in support of a recommendation in respect of compulsory acquisition.

The CAH Part 1 will consider the strategic case for compulsory acquisition and temporary possession for the application. It is not the place for individual objections to be heard. APs will be heard at Part 1 but only on the basis that the applicant has not complied with the relevant legal tests, policy, and guidance in respect of the application in general. Part 2 of the CAH will allow individual objections by APs relating to individual parcels of land and/or interests in land to be heard.

Documents that may be referred to

The CAH will have regard to written submissions already provided to the Examination. Relevant application and supporting documents to be considered include:

Draft DCO [REP5-008]

Explanatory Memorandum [AS-024]

Statement of Reasons [AS-028]

Book of Reference [REP5-011]

Onshore Land Plans [AS-018]

Onshore Works Plans [AS-019]

Co-ordination Report [REP1-004]

Project Description [APP-019]

Land Rights Tracker [REP5-031]

Consents and Licences Statement [AS-030]

Applicant's responses to ExQ1 [REP2-020]

Applicant's responses to ExQ2 [REP5-054]

Attendees

The ExA invites the applicant and the following APs to attend and participate in this hearing.

- Applicant
- Gwyn Church on behalf of The Executors of the Estate of the late Charles Tabor
- Gwyn Church on behalf of T Fairley & Sons Limited

However, this does not indicate that other parties with a Land Rights interest in the Proposed Development will not be able to contribute. All APs whose land interests are affected under Compulsory Acquisition proposals are entitled to speak at a CAH. All APs are therefore 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.

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

Participation in the CAH is subject to the ExA's power to control the CAH. It is for the ExA to determine how hearings are to be conducted, including the time allowed at the CAH for the making of a person's representations. The ExA will keep to the agenda as much as possible.

The CAH will continue until the ExA is content that all matters on the agenda have been addressed. Should the consideration of the issues take less time than

anticipated, the ExA may conclude the CAH as soon as all relevant contributions have been made and all questions asked and responded to.

To avoid 'screen fatigue', session breaks of about 15 minutes will be provided after about 90 minutes of business, and other breaks may be taken, subject to the ExA's discretion. The hearing is not expected to go beyond 5pm.

Anyone who is not able to provide all their oral submissions by the close of the hearing should follow it up in writing by **Deadline 6 (Tuesday 24 June 2025)**.

Registration process

Parties who have registered to speak 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 **10.00am** those attending virtually should join from **9.30am** to ensure that all virtual attendees can complete the registration process before **9.45am**.

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 CAH 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 AP has had a fair chance to put its case.

The ExA may refuse to hear evidence which is, in its view, irrelevant, vexatious, or frivolous; relates to the merits of a National Policy Statement; repeats other representations already made or relates to compensation for compulsory acquisition of land or an interest in or over land. The ExA may request any person behaving in a disruptive manner to leave the hearing, or to remain only if that person complies with specified conditions.

The evidence presented orally at these hearings should be included in post-hearing submissions and submitted at **Procedural Deadline 6 (Tuesday 24 June 2025)**.