



NORTH FALLS

Offshore Wind Farm

Applicant's Written Summary of Oral Submissions at the Compulsory Acquisition Hearing (CAH1)

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NORTH FALLS

Offshore Wind Farm

Project	North Falls Offshore Wind Farm
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1. INTRODUCTIONS

1.1 Background

1.1.1 The Compulsory Acquisition Hearing (**CAH1**) was held on 17 June 2025. The hearing was convened to allow the Examining Authority (ExA) to hear evidence and ask questions in relation to the compulsory acquisition and temporary possession powers sought in the draft Development Consent Order (**DCO**). It also provided an opportunity for Affected Persons (**APs**) to make oral representations.

1.1.2 The Applicant was represented by:

1.1.2.1. Claire Brodrick (Partner at Pinsent Masons LLP, solicitors for the Applicant), David Reid (Engineering Manager, North Falls Offshore Wind Farm), Gordon Campbell (Principal Environmental Consultant, RHDHV), and Sam Butlin (Surveyor, Dalcour Maclaren).

1.1.3 Gwyn Church (Chartered Surveyor at Brooks Leney) made submissions on behalf of two APs:

1.1.3.1. Executors of the Estate of the late Charles Tabor; and

1.1.3.2. T Fairley and Sons Limited.

1.2 Purpose of Document

1.2.1 This document sets out the Applicant's written summary of the oral submissions it made at CAH1. Where the Applicant has made commitments on the topic, the relevant application documentation is identified.

1.3 Matters raised by the ExA and APs and the Applicant's Response

Agenda Item	Summary of Oral Submissions
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	
<p>Whether the purpose for which Compulsory Acquisition powers are sought would comply with section 122(2) of the Planning Act 2008 (PA2008); and</p> <p>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?</p>	<p>The ExA asked the Applicant to justify the need to acquire all of the land sought for the North Falls Offshore Wind Farm project (North Falls) and the Five Estuaries Offshore Wind Farm project (Five Estuaries), explain why it is difficult and not currently feasible to divide the required land between the two projects , and to elaborate on why the acquisition of the full extent of land identified in the DCO application is needed to retain sufficient flexibility.</p> <p>Ms Brodrick referred to the Applicant's response to question 6.0.3 [REP5-054] and explained that there a number of reasons why compulsory acquisition powers are being sought over the entire area required for both the North Falls and Five Estuaries substations. The relevant land is required not only for the substations themselves but also for associated infrastructure such as incoming and outgoing cabling (including cabling to the point of connection at the new National Grid substation), drainage, and landscaping works. She noted that the final design of these elements is still under development, as reflected in the updated Design Vision submitted at Deadline 5 [REP5-005].</p> <p>Ms Brodrick further explained that the Applicant is seeking freehold acquisition of the relevant land rather than lesser powers (such as acquisition of rights or temporary possession) because the extent of rights that might be needed would prevent or restrict the landowner from utilising the land on an ongoing basis, making the acquisition of rights inappropriate. However, she clarified that at the point of exercising the powers, the Applicant must reassess whether it needs to acquire the full extent of land on a freehold basis. If, for example, the final design of the substation shows that not all land is needed, the DCO allows for the Applicant to seek lesser rights instead. This necessity test is ongoing and must be satisfied at the time at which the Applicant exercises the powers.</p> <p>The ExA invited the Applicant to explain further why it is not currently feasible to divide the onshore substation works area between North Falls and Five Estuaries and to clarify why the rights being sought are so extensive that they would prevent landowners from using the land.</p> <p>Mr Reid explained that several ancillary elements are required to support the substation, including access roads, drainage, and cabling. These elements impose constraints on land use, particularly due to restrictions on what can be placed over cables. He noted that these components must be incorporated into the Applicant's proposal and that their final locations are not yet fixed.</p> <p>The ExA asked Mr Reid to clarify why powers of acquisition over the whole of the onshore substation works area is required for both projects and why the Applicant cannot distinguish between infrastructure required for each project.</p> <p>Mr Reid highlighted that further technical assessments, such as infiltration testing to define the size of attenuation ponds and construction compounds, are ongoing. Mr Reid explained that the Applicant needs to accommodate for a scenario where both co-located substations are built or only one is built. The scope of compulsory acquisition powers sought provides flexibility to adjust the location of the ancillary elements required to support the substation(s) so that they can be constructed in the most appropriate location for both scenarios to minimise overall impacts on the environment. These final design decisions cannot be made at this stage so flexibility is required.</p> <p>Ms Brodrick added that the Applicant is seeking sufficient powers to allow for a coordinated design between the two projects to be delivered. This approach is being discussed with local authorities, requested by stakeholders and is supported by national policy. She reiterated that if only North Falls proceeds, the Applicant would only exercise powers over land required for that project. However, due to the current lack of information about the final design (which will not be available before the Secretary of State makes their decision on the DCO application), it is proportionate to seek powers over the full area to ensure delivery of an integrated design solution.</p>

Agenda Item	Summary of Oral Submissions
	<p>The ExA asked whether the coordinated design relates solely to landscape mitigation or also includes other infrastructure. Mr Reid confirmed that it includes a number of elements such as joint access roads, shared cable routes until the substations split, and a common drainage outfall.</p> <p>The ExA asked the Applicant to explain why a landscaping scheme to a satisfactory standard could not be achieved without acquiring the full extent of the land sought for both substations.</p> <p>Ms Brodrick responded that both North Falls and Five Estuaries had considered whether acquiring rights only would be sufficient for the landscaping works areas. However, due to the extent of landscaping required to mitigate visual and landscape impacts, and to provide ecological enhancement areas, it was concluded that the land could not be used for agricultural purposes going forward. Therefore, freehold acquisition was considered necessary. Ms Brodrick noted that the final landscaping design is still under discussion and must balance the provision of effective visual mitigation with minimising the loss of best and most versatile (BMV) agricultural land.</p> <p>Mr Campbell added that the landscape design, as presented in the Design Vision [REP5-004], was developed to adequately screen both the North Falls project alone and the North Falls and Five Estuaries projects jointly. The design has been reviewed by the Design Council for England and the relevant local authorities, who support a coordinated scheme. The outline design presented to the Design Council for England and relevant local authorities aims to screen the projects from visual receptors in order to reduce impacts on those receptors (including nearby properties, roads and public rights of way), and minimise effects on the local landscape character, using features such as shelter belts, areas of copse woodland and hedgerows. These features also serve to provide biodiversity benefits by creating ecological corridors by linking habitats within and beyond the onshore substation site.</p> <p>Mr Campbell further explained that ecological enhancements will be detailed in the ecological management plan, with ecological enhancements areas forming a habitat mosaic that transitions between grassland, hedgerow and woodland and containing specific features (for example debris piles, scrapes) designed to support protected species, and that these are designed to integrate with the wider landscape.</p> <p>The ExA asked the Applicant to expand on its response to question 6.0.3(ii) [REP5-054] which noted that dividing the onshore substation works area prematurely could lead to fragmented and unusable parcels and asked whether a plan showing potentially fragmented areas could be provided.</p> <p>Ms Brodrick referred to Figure 20 (Outline Landscape Strategy Masterplan) in the updated Design Vision [REP5-004] (which was shown on screen during the hearing). She explained that the remaining green areas on the plan are fragmented and irregularly shaped compared to surrounding fields and reiterated that this fragmentation would prevent landowners from utilising the land for its current agricultural use which means that the acquisition of the freehold is the most appropriate action. Ms Brodrick further submitted that the Applicant needs control over these areas to ensure any habitat mitigation measures and benefits are realised.</p> <p>Mr Reid elaborated that the plan shows that Plot 15-006 contains multiple proposed infrastructure elements, including access roads and interconnecting cables, all of which criss-cross Plot 15-006 with the attenuation ponds currently located to the south of the plot. These features, along with proposed mitigation planting, would result in small, fragmented land parcels that would need to be arranged in irregular patterns to meet all requirements of the substations if the site were divided now.</p> <p>[Post hearing note: The Applicant wishes to clarify that Figure 20 (Outline Landscape Strategy Masterplan) in the updated Design Vision [REP5-004] shows Plot 15-016. Mr Reid's analysis above relates to Plot 15-016 and not Plot 15-006.]</p> <p>The ExA then referred to the Applicant's response to question 6.0.3(iv) [REP5-054] and asked whether a joint landscape mitigation plan with separate areas of responsibility for North Falls and Five Estuaries could be achieved without the use of compulsory acquisition powers over all the land for each developer.</p> <p>Ms Brodrick responded that this is not currently possible because the landscape design and the delivery mechanism has not been finalised including which developer would undertake each element of the works. She explained that the first project to proceed would likely need to undertake works across the entire onshore substation</p>

Agenda Item	Summary of Oral Submissions
	<p>works area, including site preparation, ground levelling, and potentially early planting to allow screening vegetation to establish during construction. Therefore, the ability to carry out these works across the entire area is a key requirement.</p> <p>Ms Brodrick added that it has not yet been determined how land ownership of the onshore substation works area will be structured. Options include one project owning all the land and leasing it to the other or splitting ownership. Given the shared infrastructure, a management agreement would be required for the ongoing maintenance of landscaping and drainage. As such, it is not currently feasible to divide the land or assign responsibilities neatly between the two projects.</p> <p>The ExA referred to the Applicant's response to question 6.1.18 [REP2-020] and asked the Applicant to confirm whether North Falls is responsible for delivering all aspects of the connection to the East Anglian Connection Node, including works within the node itself.</p> <p>Ms Brodrick referred to sheet 16 of the Land Plans [AS-018] (which was shown on screen during the hearing) and confirmed that North Falls is responsible for all works up to the defined grid entry point. Mr Reid added that this included cabling, switchgear, disconnectors, circuit breakers, and measuring devices. Mr Reid explained that the grid entry point is defined by the National Energy System Operator (NESO) as either the busbar clamps (for AIS systems) or the gas zone separator (for GIS systems). These components must be installed within the National Grid substation and, accordingly, the Applicant will be required to undertake some works within the National Grid East Anglian Connection Node (EACN) substation. Mr Reid explained that the physical connection point will be located within the blue area on the Land Plans but the exact location of that connection point is unclear and still under discussion with National Grid.</p> <p>The ExA asked the Applicant to expand on this response and queried whether the Applicant was concerned about a scenario where the onward cable connection for North Falls was required to cross land that National Grid had not acquired to facilitate the construction of the EACN as part of the Norwich to Tilbury project.</p> <p>Ms Brodrick clarified that while works within the operational boundary of the substation would be covered by the connection agreement between National Grid and North Falls, there is a risk that National Grid may not acquire all the surrounding land needed for North Falls' cable route. Therefore, North Falls is seeking compulsory acquisition powers over the whole area to ensure there is no gap in land rights that could impede delivery of the connection. Ms Brodrick reiterated that the Applicant would only acquire rights over land that is actually required for the cable connection.</p> <p>Ms Brodrick added that if National Grid acquires land for purposes such as landscaping or access around the EACN, North Falls would seek a deed of easement from National Grid for rights for the cables within those areas. However, due to uncertainty over the final layout of the National Grid substation and the location of the connection bays, North Falls needs flexibility to route its cable appropriately. This could involve routing around the northern or southern perimeter of the EACN substation area.</p> <p>The ExA asked for further explanation of the scenario in which land included in the Norwich to Tilbury project does not facilitate North Falls' onward connection.</p> <p>Ms Brodrick explained that National Grid's DCO and powers will not include works for North Falls' cabling, which remains the Applicant's responsibility under the connection agreement. Therefore, North Falls must seek consent for those works separately (by way of this DCO application) and ensure it has sufficient land rights to deliver its infrastructure independently.</p>
<p>Whether all reasonable alternatives to Compulsory Acquisition have been explored?</p>	<p>The ExA asked the Applicant to provide a brief summary of its case regarding whether all reasonable alternatives to compulsory acquisition had been explored, referencing responses to questions 6.1.18 to 6.1.20 [REP2-020] and 6.0.8 to 6.0.9 [REP5-054].</p> <p>Ms Brodrick explained that the consideration of reasonable alternatives includes several elements. Firstly, the Applicant assessed alternative land options during the site selection process, as detailed in ES Chapter 4 Site Selection and Assessment of Alternatives [APP-018]. This included identifying suitable locations for the North Falls substation and co-location with the Five Estuaries substation, the landfall site, and the cable corridor route.</p>

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	<p>Secondly, the Applicant engaged with landowners once a route was identified to determine whether any landowner concerns or proposals for the cable route could be accommodated. Several amendments were made to the routing of the cable corridor in response to landowner feedback, while other requests were considered but could not be feasibly accommodated due to technical or environmental constraints.</p> <p>Thirdly, the Applicant has made efforts to acquire land and rights through voluntary agreement with landowners. The Applicant's approach is documented in the Statement of Reasons [AS-028] and the Land Rights Tracker (see [REP5-031], which has been updated regularly throughout Examination. Ms Brodrick noted that heads of terms have been agreed for just over 80% of the cable route. However, compulsory acquisition powers are still necessary to ensure that there is no impediment to the delivery of the project in the event that voluntary agreements fall through which is standard practice for nationally significant infrastructure projects.</p> <p>The ExA referred to the Applicant's response to question 6.0.19 [REP5-054] and asked the Applicant to summarise its position regarding objections raised by Louis Fell on behalf of Strutt & Parker Farms Limited and Liana Enterprises Limited, particularly in relation to alternative cable routing options proposed by the landowner and whether the scheme should be modified to accommodate these options.</p> <p>Ms Brodrick referred to the plan submitted by Mr Fell at Deadline 4 [REP4-091] (which was shown on screen during the hearing), which shows a slight overlap between his client's proposed development site boundary and the North Falls and Five Estuaries cable corridor. She explained that the overlap is minimal and located at the corners of the site boundary, near existing vegetation. The Applicant considers that the proposed development and the cable corridor can coexist at the relevant location. Ms Brodrick stated that the proposed housing development is at an early stage and has not yet been submitted for planning permission. Any housing development will be required to include open space, biodiversity net gain, and landscaping, which could be located and designed to accommodate the cable route.</p> <p>Regarding phase two of the development, Ms Brodrick noted that no details have been provided, making it difficult to assess potential interactions with the North Falls project. However, she reiterated that any future development would need to be designed to coexist with the cable infrastructure installed for the North Falls project.</p> <p>Mr Reid addressed suggestions made by Mr Fell to reroute the cable further north or beneath existing reservoirs. He explained that drilling under the reservoirs would be technically challenging due to depth, rock strata, and maintenance concerns. Routing further north would require crossing an Affinity Water main at a shallow angle, increasing the risk of interference with that apparatus, such as galvanic corrosion to the water pipe, causing much larger impacts on other stakeholders. The current route crosses the pipe perpendicularly to minimise these risks.</p> <p>The ExA requested that the Applicant provide further information on how coexistence could be achieved between the Strutt & Parker Farms proposal and the North Falls project, including planting and access road arrangements, at Deadline 6. The Applicant has provided a response at Deadline 6 in the Applicant's Response to Actions List for CAH1 [Document Ref: 9.97, Rev 0].</p>
<p>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?</p>	<p>The ExA asked the Applicant to summarise how private loss has been assessed and how that has informed the conclusion, in accordance with section 122(3) of the Planning Act 2008, that 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.</p> <p>Ms Brodrick explained that careful consideration has been given to the land and rights over which compulsory acquisition powers are being sought. Appendix A of the Statement of Reasons [AS-028] sets out the purposes for which compulsory acquisition and temporary possession powers are required in Tables 1, 3 and 4. The Applicant has sought only the minimum necessary powers: freehold acquisition is limited to land required for the substations and for the widening of Bentley Road (which must be owned to be designated as highway), while new rights are sought for the cable corridor, and temporary possession is used for construction compounds.</p> <p>Ms Brodrick noted that most of the affected land is agricultural land and can continue to be used for that purpose post-construction even when burdened with new rights. Any disturbance caused during construction can be adequately compensated for under the compensation code. Where freehold acquisition is required, compensation is also considered an appropriate remedy. The Applicant is not aware of any landowners who have circumstances such that their private loss cannot be adequately compensated for under the compensation code.</p>

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	<p>Ms Brodrick noted that the benefits of the North Falls project are set out in the Planning Statement [REP3-004] and the Needs Case and Project Benefits Statement [REP2-004 and REP4-037].</p> <p>The ExA referred to the relevant representation from the executors of the estate of Mr Charles Tabor [RR-334] and [RR-335], who raised concerns about unacceptable impacts on farming operations. Ms Brodrick confirmed that the Applicant is aware of such concerns and maintains that compensation would satisfactorily address any private loss. Ms Brodrick noted that this would be discussed further in Part 2 of the hearing.</p>
<h3>3.2 Consideration of duties under the Equality Act 2010</h3>	
<p>The Applicant to provide an update in relation to compliance with any duties under section 149 of the Equalities Act 2010.</p>	<p>The ExA asked the Applicant to provide an update on compliance with duties under section 149 of the Equality Act 2010 and whether there had been any changes since the submission of the Equality Impact Assessment (EqIA) at Deadline 1.</p> <p>Ms Brodrick confirmed that there had been no changes. The Applicant submitted an Equality Impact Assessment (EqIA) [REP1-049] to assist the Secretary of State in discharging duties under section 149 of the Equality Act 2010. The report identified mitigation measures that should be put in place to ensure that there would not be any disproportionate impact on protected groups, primarily relating to construction-phase management and community liaison. These measures have been secured through relevant management plans and the Applicant is not aware of any changes that would affect the conclusions of the report.</p> <p>The ExA asked for further reasoning to support the conclusion that no protected groups would be disproportionately affected, specifically referencing links 24 and 25, and the role of a community liaison officer in supporting older people.</p> <p>Ms Brodrick explained that the identified impact was potential rather than confirmed and the community liaison officer was considered an appropriate mitigation measure to reduce the risk of disproportionate effects on protected groups. The Applicant is not aware of any further impacts or additional mitigation measures that would be necessary.</p> <p>The ExA requested that the Applicant provide further reasoning at Deadline 6 to support the conclusions of the EqIA and explain how the proposed mitigation would address the identified risks. The Applicant has provided a response at Deadline 6 in the Applicant's Response to Actions List for CAH1 [Document Ref: 9.97, Rev 0].</p>
<h3>3.3 Sections 127 and 138 of the PA 2008 – the acquisition of statutory undertaker's land and the extinguishment of rights and removal of apparatus of statutory undertakers</h3>	
<p>The current position in relation to negotiations with Statutory Undertakers; and</p> <p>Whether protective provisions have been agreed with all Statutory Undertakers.</p>	<p>The ExA asked the Applicant to provide an update on negotiations with statutory undertakers in relation to the status of bespoke protective provisions.</p> <p>Ms Brodrick confirmed that discussions with Affinity Water Limited are ongoing and close to agreement. The Applicant expects to include agreed protective provisions in the draft DCO at Deadline 6, pending final confirmation.</p> <p>Regarding Eastern Power Networks, the Applicant has contacted both the relevant officer and legal team on 5 and 11 June 2025 but has not yet received a response. Eastern Power Networks are covered by the standard protective provisions in Part 1 of Schedule 14, and no representation has been made and no bespoke provisions have been requested to date.</p> <p>For National Highways, the form of the side agreement has been agreed, with only some appendices remaining to be finalised. The protective provisions included in the Deadline 5 draft DCO are in agreed form. Amendments to the Book of Reference requested by National Highways will be included in the next version of that document submitted to Examination.</p>

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	<p>In relation to Network Rail Infrastructure Limited, the ExA noted receipt of a late submission outlining outstanding issues, including lift and shift provisions, termination, notice of termination, and consideration amount [AS-053].</p> <p>Ms Brodrick confirmed that the Applicant will respond to this submission at Deadline 6. The Applicant has provided a response at Deadline 6 in the Applicant's Response to Actions List for CAH1 [Document Reference: 9.97, Rev 0].</p> <p>Ms Brodrick explained that negotiations are ongoing. The protective provisions require the Applicant to obtain technical consent from Network Rail prior to undertaking any works on Network Rail operational railway land which adequately protects its undertaking. Ms Brodrick noted that Network Rail is also seeking restrictions on the use of compulsory acquisition powers. The Applicant is only willing to relinquish those powers if a voluntary agreement for a property agreement is reached to provide the Applicant with sufficient land rights. A key commercial disagreement remains over the consideration amount, with Network Rail requesting more than double the Applicant's offer. Two sets of protective provisions may be submitted, with the Applicant's version excluding restrictions on compulsory acquisition.</p> <p>Regarding Thorpe Park Solar Farm Limited, the Applicant is arranging a meeting to explain its proposed approach to protecting Thorpe Park Solar Farm's assets. No written confirmation has yet been received, but the Applicant believes the matter can be addressed through a property agreement rather than bespoke protective provisions in the draft DCO. The Applicant is hopeful of receiving confirmation before the end of the examination.</p>
<p>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.</p>	<p>The ExA asked the Applicant to confirm that if agreement is not reached with all statutory undertakers, the Applicant will submit a response explaining how the tests under sections 127 and 138 of the Planning Act 2008 would still be met with case-specific justification.</p> <p>Ms Brodrick confirmed that a general position on sections 127 and 138 is set out in section 10.3 of the Statement of Reasons. The Applicant will provide a more detailed and specific response at Deadline 6 for each statutory undertaker where a representation has been made and agreement has not been reached. She noted that the Applicant remains hopeful that agreement will be reached with the majority of statutory undertakers before Deadline 6, with the possible exception of Network Rail.</p>
<p>3.4 Section 135 of the PA 2008 - Crown Land</p>	
<p>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.</p>	<p>The ExA asked the Applicant to provide an update on engagement with the Crown Estate regarding the voluntary acquisition of necessary interests or rights over Crown land within the Order Limits and whether consent under section 135 of the Planning Act 2008 is required.</p> <p>Ms Brodrick confirmed that two plots (1-001 and 1-002) had been conservatively identified as potential Crown land based on diligent enquiries undertaken by the Applicant. However, following discussions with the Crown Estate, a letter was received on 13 June 2025 confirming that these plots are not considered to form part of the Crown Estate and therefore do not constitute Crown land. This letter will be submitted at Deadline 6 and is appended to this summary note as Appendix 1. As a result, the Applicant will update the Book of Reference to remove the Crown land designation for these plots. Ms Brodrick confirmed that no consent under section 135 is therefore required.</p>
<p>3.5 Potential risks or impediments to the Proposed Development</p>	
<p>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</p>	<p>The ExA invited the Applicant to provide an update on any consents or licences required for the construction and operation of the North Falls project, including approval of navigational performance instrument flight procedures from the Civil Aviation Authority.</p> <p>Ms Brodrick confirmed that the relevant information is set out in the Consents and Licences Statement [AS-030], which details both onshore and offshore consents required outside the DCO process. These consents will be applied for post-DCO, should the DCO be granted. The Applicant is not aware of any reason why the necessary consents or licences would not be granted and does not consider there to be any impediments to delivery of the North Falls project.</p>

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operate including the approval of the Required Navigation Performance Instrument Flight Procedures (RNP IFPs) by the CAA.	Regarding navigational performance instrument flight procedures, Ms Brodrick clarified that this is not a consent the Applicant is seeking. However, an assessment was undertaken as part of the Environmental Statement (Appendix 17.2) [APP-111] to evaluate potential impacts on Southend Airport. The assessment concluded that the project would not impact the airport's existing or proposed instrument flight procedures.
Part 2	
3.6 Representations from parties who may be affected by the compulsory acquisition provisions in the draft DCO	
<p>The ExA will hear oral representations from:</p> <p>(a) APs including additional APs who have notified a wish to make oral representations at this CAH:</p> <p>Gwyn Church on behalf of The Executors of the Estate of the late Charles James Tabor</p>	<p>The ExA invited representations from APs under agenda item 3.6 of the Compulsory Acquisition Hearing Part Two. Gwyn Church appeared on behalf of the executors of the Estate of the late Charles Tabor.</p> <p>The ExA noted objections to the compulsory acquisition on the basis that the Applicant intends to acquire a large proportion of the Estate's land and raised concerns about impacts on farming operations. The Land Rights Tracker at Deadline 5 [REP5-031] indicated that discussions with the Applicant were ongoing and potentially close to resolution.</p> <p>Gwyn Church confirmed that agreement on heads of terms is nearly complete, but a key issue remains: the need for a 12.5m right of way to access 100 acres of retained farmland. The Applicant has proposed a 5m access and Gwyn Church claims that this would not accommodate the Estate's machinery.</p> <p>In response to Gwyn Church's submissions, Mr Butlin confirmed that the Applicant is willing to grant a right of way but cannot accommodate the requested 12.5m width due to potential adverse implications on the substation landscaping design. A 5m access width has been offered, which exceeds the standards general traffic lane width of 3.65 metres as set out in the National Highways' Design Manual for Road and Bridges document. This width is considered sufficient for agricultural access, though it may require the combine harvester header to be removed and towed separately.</p> <p>Gwyn Church responded that while a 5m width may technically allow access, it would be impractical and burdensome. He noted that the Estate is seeking a voluntary agreement and that the right of way is essential to making that agreement viable.</p> <p>Mr Butlin clarified that the 5m offer is a minimum and could potentially be increased, but a final commitment cannot be made until the landscaping design is finalised and approved. The Applicant is currently developing a Design Guide in consultation with stakeholders including Mr Church's clients that will inform the final layout.</p> <p>The ExA requested further explanation as to why a wider access could not be accommodated and asked the Applicant to refer to relevant plans to support its position.</p> <p>Ms Brodrick explained that the proposed 12.5m right of way would conflict with the evolving landscaping design, which must balance visual screening, ecological connectivity, and landscape character. A wider access route could reduce space available for these functions and risk an unacceptable design outcome. The Applicant is therefore only able to commit to a minimum 5m width at this stage, which it considers sufficient for agricultural access if the header is towed separately.</p> <p>The ExA asked whether intermediate widths, such as 10m, had been considered. Mr Butlin responded that anything between 5m and 10m would still not allow the combine harvester to pass with the header attached and would not eliminate the need to detach it. The landscaping design is still under development and the Applicant is not currently in a position to commit to more than 5m.</p> <p>The Applicant confirmed it would explore whether any further flexibility could be offered and provide an update at Deadline 6. The Applicant has provided a response at Deadline 6 in the Applicant's Response to Actions List for CAH1 [Document Ref: 9.97, Rev 0].</p>

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Gwyn Church on behalf of T Fairley & Sons Limited	<p>Gwyn Church noted that although heads of terms for the cable easement have been signed, two key issues remain regarding the voluntary disposal of the substation site: (1) potential claim for injurious affection to the client’s adjoining residential property, yard, and buildings; and (2) the Applicant’s landscaping plans differ significantly from Five Estuaries’ specifically referring to tree planting that would enclose the property.</p> <p>In response, Ms. Brodrick confirmed that the area in question falls within the Five Estuaries Order Limits and is not part of the North Falls Order Limits or landscaping proposal. She acknowledged the disconnect between the two plans and referred to the evolving joint design, which will be finalised post-DCO. On injurious affection, she clarified that the Applicant is not denying the right to make a claim in a compulsory acquisition scenario, but discussions around a one-off payment are part of voluntary negotiations. The Applicant will continue to engage and provide further detail at Deadline 6.</p>
<p>The ExA will hear oral representations from:</p> <p>Any section 102 of the PA2008 or Category 3 persons wishing to make oral representations</p>	N/A
3.7 Representations from Statutory Undertakers	
N/A	
4 Any other matters relevant to the agenda	
N/A	
5 Close of CAH	

Appendix 1 Letter from the Crown Estate dated 13 June 2025

Pinsent Masons
30 Crown Place
London
United Kingdom
EC2A 4ES

13th June 2025

Dear Sir or Madam

**APPLICATION BY NORTH FALLS OFFSHORE WIND FARM LIMITED FOR A DEVELOPMENT CONSENT ORDER
UNDER THE PLANNING ACT 2008**

CONSENT PURSUANT TO SECTION 135 OF THE PLANNING ACT 2008

LAND AT THE FORESHORE BETWEEN CLACTON-ON-SEA AND FRINTON-ON-SEA

Thank you for your letter dated 16 May 2025.

In your letter, you refer to investigations in relation to two plots of land (known as Plot 01-001 and Plot 01-002 (the “Plots”)) within the limits for the proposed North Falls Offshore Wind Farm Order (the “Order”). You explain the basis for considering the Crown Estate Commissioners (the “Commissioners”) to be the presumed owner of the Plots and document the subsequent correspondence with the Commissioners in relation to this.

Following an investigation into the ownership of the Plots, the Commissioners confirm that these are not considered to form part of The Crown Estate.

Accordingly, the Commissioners do not consider there to be any ‘land’ forming part of the Crown Estate which is subject to the Order. On the basis that the Plots are not considered to form part of The Crown Estate, there is no onshore Crown land forming part of the Crown Estate included in the limits of the Order and the seabed that is included in the limits of the Order is not ‘land’ for the purposes of section 227 of the Planning Act 2008.

Accordingly, it is not considered that consent pursuant to section 135 of the Planning Act 2008 is applicable and, instead, the necessary rights and interests in the offshore Crown land that the Applicant requires for the undertaking of the proposed development are dealt with in the Agreement for Lease granted by the Commissioners.

Yours sincerely,



Senior Legal Counsel, Marine



NORTH FALLS

Offshore Wind Farm



RWE

HARNESSING THE POWER OF NORTH SEA WIND

North Falls Offshore Wind Farm Ltd

A joint venture company owned equally by SSE Renewables and RWE.

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