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5.1 CONSULTATION REPORT

Application Reference	EN010115
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CONTENTS

Executive Summary	7
1. Introduction	9
1.1 Summary.....	9
1.2 Structure of this report.....	11
1.3 The Project.....	14
1.4 The Applicant	14
1.5 Coordination with other projects on consultation and engagement	14
2. Legislation and guidance compliance checklist	16
2.2 The Planning Act 2008	16
2.3 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017	24
2.4 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009	27
2.5 Advice and guidance	28
3. Engagement	38
3.1 Engagement in the context of pre-application consultation	38
3.2 Approach to engagement.....	38
3.3 Engagement activity	39
3.4 Evidence Plan and technical stakeholders	46
3.5 Land interest engagement.....	49
3.6 Marine stakeholder engagement.....	50
4. Stage 1 Consultation	53
4.1 Purpose and scope of the consultation	53
4.2 Publicity.....	53
4.3 Consultation activity	54
4.4 Response to the consultation	55
5. Stage 2 Consultation – Overview	57
5.1 Introduction	57
5.2 Scope of consultation	57
5.3 Consultation materials.....	58
5.4 Consultation activity	58
5.5 Responses to the consultation	59
6. Stage 2 Consultation – Section 42	61
6.1 Introduction	61
6.2 Section 42(1) (a) and (aa)	61
6.3 Section 42(1) (b)	62

6.4	Section 42(1)(d)	63
6.5	Consultation activity	64
6.6	Response to the consultation	64
7.	Stage 2 Consultation – Section 46.....	65
7.1	Overview of activity	65
8.	Stage 2 Consultation – Section 47.....	66
8.1	Introduction	66
8.2	Preparation of the Statement of Community Consultation.....	66
8.3	Consultation with local authorities	68
8.4	Publication of the Statement of Community Consultation.....	70
8.5	Delivery against the Statement of Community Consultation.....	72
8.6	Responses to the consultation	82
9.	Stage 2 Consultation – Section 48.....	83
9.1	Summary.....	83
9.2	Overview of activity	83
9.3	Response to the publicity	86
10.	Stage 3 Consultation – Overview.....	87
10.1	Overview	87
10.2	Section 46 notification	88
11.	Stage 3 Consultation – Targeted land interests	89
11.2	Changes.....	89
11.3	Identification of PILS	90
11.4	Scope	91
11.5	Activity.....	91
11.6	Responses	92
12.	Stage 3 Consultation - Habitat compensatory measures	93
12.1	Background	93
12.2	Section 42	94
12.3	Activity.....	95
12.4	Responses	96
13.	Consultation under other regulations	98
13.1	EIA Scoping consultation	98
13.2	Transboundary consultation	98
13.3	Habitats Regulations Assessment.....	99
14.	Conclusions	101
14.1	Summary.....	101
14.2	Changes as a result of consultation	101

CONTENTS OF TABLES

Table 1.1: Stages of consultation	9
Table 1.2: Structure of this Consultation Report	11
Table 1.3: Structure of the Consultation Report Annexes.....	12
Table 2.1: Sections of the Planning Act 2008 and the Applicant's compliance with them. ...	16
Table 2.2: Adherence with the EIA Regulations.	24
Table 2.3: Compliance with the APFP Regulations 2009	27
Table 2.4: Adherence with the DCLG guidance on the pre-application process.....	28
Table 2.5: Comments from the Planning Inspectorate on the draft Consultation Report and the Applicant's consideration of them.	36
Table 2.6: The Gunning Principles and the Applicants adherence to them.	36
Table 3.1: Project update dates and contents.	39
Table 3.2: Details of meetings with elected representatives and other key stakeholders (excluding ETG meetings set out chapter 3.4).....	41
Table 3.3: Stakeholders consulted on the oSES.	45
Table 3.4: Numbers of enquiries via channels (this excludes consultation responses) as of 29 February 2024.	45
Table 3.5: ETG membership.....	46
Table 3.6: Key stages and milestones of the Evidence Plan	48
Table 3.7: Key meetings with marine stakeholders	50
Table 4.1: Top issues raised from Stage 1 consultation responses.....	55
Table 6.1: Local authorities tables identified for consultation under section 42(1)(b) and 43.	62
Table 8.1: Stage 1 feedback relating to consultation.	66
Table 8.2: Dates of meetings with local authorities to discuss the SoCC.	69
Table 8.3: Date of responses received from local authorities.	69
Table 8.4: Locations where paper copies of the SoCC could be viewed.	70
Table 8.5: Notices of SoCC publication.	71
Table 8.6: SoCC commitments and adherence.	72
Table 8.7: Top ten issues from public feedback based on frequency raised.	82
Table 9.1: Requirements for section 48 notices and wording included in notice.....	83
Table 9.2: Requirements under Schedule 1 of the APFP regulations and publications.....	86
Table 10.1: Breakdown of sections of the Act as they relate to the two Stage 3 consultations.....	87
Table 11.1: Consultation dates for PILs for the targeted land consultation.....	92
Table 12.1: Local authorities tables identified for consultation under section 42(1)(b) and 43.	94
Table 14.1: Summary of the major changes as a result of consultation.	101

DEFINITION OF ACRONYMS

Acronym	Definition
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
ETG	Expert Topic Group
HDD	Horizontal Directional Drilling
HRA	Habitats Regulation Assessment
LVIA	Landscape and Visual Impact Assessment
North Falls	North Falls Offshore Wind Farm project
O&M	Operations and Maintenance
OCSS	Offshore Coordination Support Scheme
OTNR	Offshore Transmission Network Review
PEIR	Preliminary Environmental Information Report
PIL	Person with an interest in the land
SLVIA	Seascape, Landscape and Visual Impact Assessment
SoCC	Statement of Community Consultation
SoS	Secretary of State

EXECUTIVE SUMMARY

1. Since 2020, Five Estuaries Offshore Wind Farm Limited ('the Applicant') has carried out three stages of pre-application consultation and an ongoing programme of engagement. This engagement and consultation has been carried out to help inform in the development of proposals for the Five Estuaries Offshore Windfarm ('the Project'), and to fulfil the requirements of the Planning Act 2008 ('the Act'), relevant regulations and guidance.
2. This Consultation Report covers the activities carried out as part of that consultation and engagement process throughout the pre-application period of the Project' development, and demonstrates how the Applicant has complied with the requirements of the Act and relevant regulation and guidance. This compliance is set out in Chapter 2 of this report.
3. **Stage 1 Consultation (30 June to 12 August 2022)** was non-statutory consultation on early proposals held to introduce the Project and gather initial feedback primarily from the communities potentially affected by onshore elements of the Project. This stage of consultation included two in-person events in Essex. Feedback to this consultation contributed to changes in the proposals such as reducing the size of the northern offshore array, narrowing the onshore cable corridor, and removing one of the onshore cable corridor options.
4. The first stage of consultation is covered by Chapter 4 of this report.
5. Following the first stage of consultation, the Applicant consulted with local authorities on the preparation of a Statement of Community Consultation, which sets out how consultation with communities in the vicinity of the development would be carried out.
6. **Stage 2 Consultation (14 March to 12 May 2023)** was statutory consultation under the Planning Act 2008, which included the Preliminary Environmental Information Report for the Project. This consultation was carried out to fulfil the statutory requirements for pre-application consultation and gather feedback on more detailed proposals and our preliminary environmental information. It included consultation with prescribed consultees, persons with an interest in the land, and members of the community (in line with the published Statement of Community Consultation). This stage of consultation included ten in-person events across Essex, Suffolk and Kent, and two webinars.
7. Feedback to this consultation led to a significant reduction in the width of the cable corridors, the selection of a landfall location, the selection of an onshore substation location, and an increase in the number of obstacles such as roads and hedgerows crossed by trenchless construction techniques (such as horizontal directional drilling). In addition, following feedback from stakeholders, the Application increased the level of coordination with the North Falls Offshore Wind Farm project, aligning aspects of the two developments more closely.
8. The second stage of consultation is summarised in Chapter 5 of this report. Chapters 6 through 9 covers the detail of each element of the Stage 2 consultation.

9. Following the second stage of consultation, refinements were made to the onshore element of the proposals that changed how some land interests were potentially affected, and introduced potential impacts to new interests. In addition, the need to provide compensatory measures for Lesser Black-Backed Gulls in the application was identified.
10. **Stage 3 Consultation (5 December 2023 to 31 January 2024)** involved two focused consultations. The purpose of these consultations was to ensure that the relevant stakeholders potentially affected by changes to the Project since Stage 2 Consultation had an opportunity to provide feedback before the application was finalised. These consultations were:
 - > A targeted consultation with those with an interest in the land affected by changes to our onshore proposals in Essex, that have been made since consultation earlier this year; and
 - > A consultation on proposals to improve the habitat for Lesser Black-Backed Gulls at a site in East Suffolk, to compensate for a potential impact on the species from our proposed offshore wind turbines.
11. Feedback to the targeted consultation in Essex has informed ongoing discussions with land interests and will influence the detailed design of proposed highways improvements. In addition, feedback to the consultation on the habitat improvement proposals informed the selection of a site and the removal of a proposed access route.
12. Stage 3 consultation is summarised in Chapter 11 of this report. The targeted consultation in Essex is covered in more detail in Chapter 12, and the consultation on compensatory measures for Lesser Black-Backed Gulls is covered in Chapter 13.
13. Almost 900 pieces of feedback were received in response to the three stages of consultations. This feedback has influenced the development of the proposals (including routeing, landfall, substation location, road improvements and the use of trenchless construction techniques), environmental impact assessment, and how the Applicant has worked with the North Falls Offshore Wind Farm project and National Grid's Norwich to Tilbury project. The Applicant's consideration of all of the issues raised from consultation, along with whether they altered the proposals, is set out in Appendices 2.3, 8, 9.4 and 10.8.
14. In addition to these fixed periods of consultations, engagement with stakeholders has been ongoing throughout the Project's lifetime. This has included engagement with technical stakeholders through Expert Topic Groups, with marine users, with land interests and with the wider public. This ongoing engagement is covered in Chapter 3 of this report.
15. In carrying out an iterative consultation process and fully considering the responses received to that consultation process, the Applicant has complied with the statutory and regulatory requirements for pre-application consultation under the Act.

1. INTRODUCTION

1.1 Summary

- 1.1.1 This Consultation Report sets out how Five Estuaries Offshore Wind Farm Limited ('the Applicant') has complied with its duties under the Planning Act 2008 ('the Act') to carry out consultation before the submission of a Development Consent Order (DCO) for the powers to construct, operate, maintain and decommission the Five Estuaries Offshore Wind Farm ('the Project').
- 1.1.2 This consultation report has been prepared in accordance with pre-application consultation requirements contained in sections 37(3)(c), 37(7), 42, 45, 47(7), 48 and 49 of the 2008 Act and follows the relevant guidance. This report will demonstrate how the Applicant has complied with all the relevant legislation and guidance.
- 1.1.3 This Consultation Report covers:
- > Engagement undertaken with stakeholders outside of defined consultation periods (both statutory and non-statutory), which was carried out to help inform the development of the Project;
 - > Non-statutory consultation on the proposals;
 - > Statutory consultation on the proposals and preliminary environmental information; and
 - > A summary of consultation under other regulations (Environmental Impact Assessment scoping, transboundary and habitats regulations assessment).
- 1.1.4 The Applicant carried out an iterative consultation process with an initial non-statutory stage of consultation (Stage 1), a wide ranging statutory stage (Stage 2 consultation), and a focused consultation on two specific topics (Stage 3 consultation). In addition to these consultations, an informal consultation was held with stakeholders to help inform the Outline Skills and Employment Strategy.
- 1.1.5 Response to the first stage of consultation informed the method for delivering the second stage of consultation. Responses to each stage of consultation helped inform the development of the final Project. The consultation stages are summarised below.

Table 1.1: Stages of consultation

Stage of Consultation	Period	Summary of activities
Stage 1	30 June to 12 August 2022	Non-statutory consultation with the local community in the Tendring peninsula, Essex. More information on this non-statutory stage is set out in chapter 4 .
Stage 2	14 March to 12 May 2023	Statutory consultation of the proposals and preliminary environmental information was carried out under sections 42, 46, 47 and 48 of the Planning Act 2008. An overview of this stage is set out in chapter 5 . This included the following activity: <ul style="list-style-type: none"> > Consultation with prescribed consultees, the MMO, local authorities and persons with an interest in the land (PILs) as set out in section 42 of the Act. More information on this activity is set out in chapter 6.

		<ul style="list-style-type: none"> > Notification of the Secretary of State (via the Planning Inspectorate) as required by section 46 of the Act. More information on this activity is set out in chapter 7. > Consultation with section 43(1) local authorities under section 47(2) on a draft Statement of Community Consultation, and then delivery against a published version. More information on this activity is set out in chapter 8. > Publicity of the proposed application in regional and national publications as required by section 48 of the Act. More information on this activity is set out in chapter 9.
Stage 3	5 December 2023 to 31 January 2024*	<p>Two separate consultations:</p> <ol style="list-style-type: none"> 1. Targeted statutory consultation with land interest in Essex under section 42(1)(d), which is detailed in chapter 11; and 2. Statutory consultation on habitat compensation measures in Suffolk under section 42, and non-statutory consultation with the local community. More information on this is set out in chapter 12. <p>Notification under section 46 was carried out for these consultations, and is set out in chapter 10.</p>
<p>* The deadline for responding to this consultation was extended for some land interests who were identified after the launch of the consultation.</p>		

1.2 Structure of this report

1.2.1 The structure of this Consultation Report is set out in the table below.

Table 1.2: Structure of this Consultation Report

Chapter	Title	Contents
1	Introduction	An introduction to the Consultation Report including structure, the formal Project description and information about the Applicant.
2	Legislative context and compliance checklist	Checklist of compliance against key legislation and guidance.
3	Engagement	Details of engagement that was carried out alongside and in support of consultation.
4	Stage 1 Consultation	Details of the non-statutory consultation that was carried out on early proposals.
5	Stage 2 Consultation – Overview	An overview of the statutory consultation stage that was carried out between 14 March and 12 May 2023.
6	Stage 2 Consultation – Section 42	Details of consultation under section 42 carried out during Stage 2 Consultation.
7	Stage 2 Consultation – Section 46	Details of the notification of the Secretary of State under section 46 as part of Stage 2 Consultation.
8	Stage 2 Consultation – Section 47	Details of activity and consultation under section 47 carried out during Stage 2 Consultation.
9	Stage 2 Consultation – Section 48	Details of publicity under section 48 carried out during Stage 2 Consultation.
10	Stage 3 Consultation – Overview	Summary of two consultations that were carried out between 5 December 2023 and 31 January 2024. Including details of the notification of the Secretary of State under section 46.
11	Stage 3 Consultation – Targeted land interests	Details of the section 42(1)(d) consultation that was carried out with selected land interest in Tendring, Essex.
12	Stage 3 Consultation – Habitat compensatory measures	Details of the consultation that was carried out on habitat compensatory measure proposals in Suffolk. This consultation was a statutory consultation under section 42, and a non-statutory consultation with the local community.
11	Consultation under the other regulations	Information about the consultation carried out in line with the Environmental Impact Assessment Regulations and Habitats Regulations, as well as the required transboundary screening.
12	Conclusions	Conclusions of the Consultation Report including a summary of the key changes made as a result of consultation.

1.2.2 Two annexes are appended to this Consultation Report comprised of appendices with additional information and evidence demonstrating how the consultation was delivered, and the issues that were raised from feedback and how that has been considered by the Applicant.

Table 1.3: Structure of the Consultation Report Annexes.

Appendix	Title
Annex 1 – Consultation Report – Appendix 1 to 7 (document reference 5.1.1)	
1	Engagement
1.1	Selected Project update newsletter/emails
1.2	Additional engagement materials
1.3	Organisations included in stakeholder mailing database
2	Stage 1 Consultation
2.1	Publicity
2.2	Consultation material
2.3	Stage 1 Feedback Report
2.4	Project email regarding updated maps
3	Stage 2 Consultation – general material
3.1	Consultation Booklet
3.2	Guide to the Preliminary Environmental Information Report (PEIR)
3.3	Feedback form
3.4	Exhibition boards
3.5	Plans
3.6	Photographs from events
3.7	Stage 2 website document library
4	Stage 2 Consultation – section 42
4.1	Prescribed list of consultees
4.2	List of persons with an interest in the land consulted
4.3	Example letters to section 42 consultees
5	Stage 2 Consultation – section 46
5.1	Section 46 notification
5.2	Receipt of section 46 notification
6	Stage 2 Consultation – section 47
6.1	Draft Statement of Community Consultation (SoCC)
6.2	Email to local authorities consulting on the draft SoCC
6.3	Comments from local authorities
6.4	Published SoCC
6.5	Notices of SoCC publication
6.6	Information points
6.7	Newsletter and distribution boundary
6.8	Other emails and letters to stakeholders and subscribers
6.9	Newspaper and social media advertisements
6.10	Poster distribution
6.11	Press release and media coverage
7	Stage 2 Consultation – section 48
7.1	East Anglian Daily Times
7.2	The Daily Telegraph

7.3	Lloyd's List
7.4	The London Gazette
7.5	Fishing News
7.6	Section 48 notice – reference copy
Annex 2 – Consultation Report – Appendix 8 to 11 (document reference 5.1.2)	
8	Stage 2 Consultation – issues and consideration
8.1	Section 42 issues and consideration (non-PILs)
8.2	Section 42 issues and consideration (PILs)
8.3	Section 47 issues and consideration
8.4	Campaign issues and consideration
9	Stage 3 Consultation – Targeted land interests, Essex
9.1	List of persons with an interest in the land consulted
9.2	Example section 42 letters to PILs
9.3	Consultation material
9.4	Issues and consideration
10	Stage 3 Consultation – Habitat compensatory measures
10.1	List of section 42 consultees
10.2	Example section 42 letters
10.3	Section 46 notification
10.4	Receipt of section 46 notification
10.5	Publicity
10.6	Consultation materials
10.7	Presentation to councillors – 11 January 2024
10.8	Issues and consideration
11	Miscellaneous
11.1	Environmental Impact Assessment (EIA) Scoping Opinion
11.2	Regulation 32 transboundary notice
11.3	Responses to the transboundary notification
11.4	Consultation on draft RIAA – email to consultees
11.5	Example letter to PIL identified after consultation
11.6	DCO Land Referencing Methodology
11.7	Category 3 Claimant Identification and Refinement Methodology
11.8	Webinar / presentation slides
11.9	Example letter to PILs after Stage 2 consultation

1.3 The Project

- 1.3.1 The UK is facing significant climate, energy and cost of living challenges, requiring substantial investment in new technologies and infrastructure.
- 1.3.2 National planning policy makes a clear commitment to the delivery of low carbon renewable energy generation that will help us to tackle climate change, secure energy supplies and reduce the cost of energy. The UK Government expects offshore wind electricity generation to play a key role and has set an ambitious target to increase offshore wind electricity generation to up to 50GW on installed capacity by 2030.
- 1.3.3 Five Estuaries Offshore Wind Farm Ltd is proposing to develop and construct a new offshore wind farm, comprising up to 79 offshore wind turbines, located approximately 37 km off the coast of Suffolk. The Project will generate enough electricity to power up to 380,000 UK households each year. This will not only provide secure low carbon electricity for decades but will create significant long-term employment opportunities and economic benefits for the local community.
- 1.3.4 The Project includes wind turbine generators that will generate renewable electricity, an offshore substation(s) that will collect the energy and transfer it to shore via electricity export cables located securely on the seabed., The electricity export cables will make landfall at Sandy Point between Holland-on-Sea and Frinton-on-Sea on the Essex coast. Once onshore, electricity export cables will transfer the energy to an onshore substation in Tendring, approximately 23 km from the coast, before final export to the National Grid Electricity Transmission network.
- 1.3.5 The Planning Act 2008 provides the legal framework for consenting 'nationally significant infrastructure projects' such as offshore wind farms. Under the Act the main planning consent required to build and operate an offshore wind farm is a Development Consent Order (DCO) granted by the Secretary of State for Energy Security and Net Zero.

1.4 The Applicant

- 1.4.1 Five Estuaries Offshore Wind Farm Ltd is a joint venture company, made up of four partners who are committed to developing the Five Estuaries Offshore Wind Farm Project. The joint venture partners comprise RWE (33.3%), a Macquarie-led consortium (25%), ESB (20.9%) and Sumitomo Corporation (20.9%). Five Estuaries is an extension of the operational Galloper Offshore Wind Farm Project. RWE is leading the development of the Five Estuaries Offshore Wind Farm Project on behalf of the project partners.

1.5 Coordination with other projects on consultation and engagement

- 1.5.1 The Project is proposed to cover much of the same area onshore as the proposed North Falls Offshore Wind Farm project (and extension to the existing Greater Gabbard Offshore Wind Farm). In addition, the onshore substation required for both new offshore wind farms to connect to the national electricity transmission network are proposed to connect to National Grid's East Anglia Connection Node (EACN) Substation, which is part of their proposed Norwich to Tilbury reinforcement project (previously known as the East Anglia GREEN project).

- 1.5.2 The Applicant has liaised with both projects throughout the pre-submission period to align engagement and consultation activities where possible. This has primarily been to avoid carrying out consultations at the same time to avoid the risk of confusion between the projects.
- 1.5.3 Coordination with North Falls has increased from Stage 2 Consultation onwards. Both projects referred to each other during their main statutory consultation periods and in subsequent communications to help increase understanding of the two projects.
- 1.5.4 In addition, information was shared between the projects on the top issues arising from feedback to ensure that both projects were aware of the issues being raised during consultations.
- 1.5.5 Some technical stakeholder engagement was carried out jointly by the two projects, although the extent of this is limited by commercial requirements in the development of individual projects.
- 1.5.6 The coordination with North Falls was a part of external communication since autumn 2023, and project updates included details of how the two were working together to develop complementary proposals.
- 1.5.7 Details of how the Applicant may be able to deliver elements of the proposals alongside North Falls to reduce potential impacts is set out in the Coordination Document (document reference 9.30).

CONSULTATION FATIGUE

- 1.5.8 With three Nationally Significant Infrastructure Projects in the pre-application development stage affecting the same area, the Applicant is aware of the risk of consultation fatigue. Given the constraints of the Planning Act's requirements on consultation and differing project timelines, there was limited opportunity to fully avoid this risk.
- 1.5.9 Five Estuaries coordinated with North Falls and National Grid to avoid holding consultations during periods that the other projects were carrying out consultation. This, plus clear communication about the relation of the projects to each other, is a proportionate mitigation for the risk of consultation fatigue.
- 1.5.10 The Applicant received a good level of feedback to each of its consultation stages.
- 1.5.11 **Timeline of consultations**
 - > North Falls non-statutory introductory consultation: 25 October to 10 December 2021
 - > National Grid non-statutory consultation: 21 April to 16 June 2022
 - > Five Estuaries Stage 1 (non-statutory) Consultation: 30 June to 12 August 2022
 - > North Falls non-statutory consultation: 17 October to 9 December 2022
 - > Five Estuaries Stage 2 (statutory) Consultation: 14 March to 12 May 2023
 - > North Falls statutory consultation: 16 May to 14 July 2023
 - > National Grid non-statutory consultation: 27 June to 21 August 2023
 - > Five Estuaries Stage 3 Consultation: 5 December 2023 to 31 January 2024
 - > North Falls targeted consultation: 14 March to 22 April 2024.

2. LEGISLATION AND GUIDANCE COMPLIANCE CHECKLIST

- 2.1.1 This chapter of the consultation report sets out how the Applicant has complied with the relevant legislation and guidance.
- 2.1.2 Note: When consultation was carried out, the 2011 National Policy Statements (Overarching National Policy Statement for energy (EN-1), National Policy Statement for renewable energy infrastructure (EN-3), and National Policy Statement for electricity networks infrastructure (EN-5)) were still the relevant policies, although updated drafts were being consulted on by government. Since our consultations closed, updated National Policy Statements have been designated and are now the relevant policy.

2.2 The Planning Act 2008

- 2.2.1 Demonstrating compliance with the pre-application consultation requirements of the Act is the main purpose of this Report. Throughout this Report, the use of ‘section 42 – 50’ refers to the relevant sections of the Act. The table below sets out the key sections of the Act that are relevant and the locations within this Report that the evidence of compliance is captured.

Table 2.1: Sections of the Planning Act 2008 and the Applicant’s compliance with them.

Section	Compliance
<p>42. Duty to consult</p> <p>(1) The applicant must consult the following about the proposed application—</p> <p>(a) such persons as may be prescribed,</p> <p>(aa) the Marine Management Organisation, in any case where the proposed development would affect, or would be likely to affect, any of the areas specified in subsection,</p> <p>(b) each local authority that is within section 43,</p> <p>(c) the Greater London Authority if the land is in Greater London, and</p> <p>(d) each person who is within one or more of the categories set out in section 44.</p>	<p>Consultation under sections 42(1)(a), (aa), (b), and (d) was carried out during Stage 2 Consultation, between 14 March and 12 May 2023. A full breakdown of this consultation as it relates to section 42 can be found in chapter 6.</p> <p>Additional targeted consultation under section 42 was carried out during Stage 3 Consultation between 5 December 2023 and 31 January 2024. A full breakdown of this consultation as it relates to section 42 can be found in chapters 11 and 12.</p> <p>Consultation under section 42(1)(c) was not required as the Project does not affect land in Greater London.</p>
<p>43. Local authorities for purposes of section 42(1)(b)</p> <p>(1) A local authority is within this section if the land is in the authority's area.</p> <p>(2) A local authority (“A”) is within this section if—</p>	<p>Stage 2 consultation activity under section 42 is detailed in chapter 6. The local authorities identified and consulted at Stage 2 Consultation were:</p> <p>Section 43(1):</p>

(a) the land is in the area of another local authority (“B”),
(aa) B is a unitary council or a lower-tier district council, and
(b) any part of the boundary of A's area is also a part of the boundary of B's area.

(2A) If the land is in the area of an upper-tier county council (“C”), a local authority (“D”) is within this section if—

(a) D is not a lower-tier district council, and
(b) any part of the boundary of D's area is also part of the boundary of C's area.

- > Tendring District Council (C)
- > Essex County Council (B)

Section 43(2):

- > Babergh District Council (A)
- > Colchester District Council (A)
- > Enfield London Borough Council (A)
- > Havering London Borough Council (A)
- > Medway Council (A)
- > Redbridge London Borough Council (A)
- > Southend-on-Sea Council (A)
- > Thurrock Council (A)
- > Waltham Forest London Borough Council (A)
- > Cambridgeshire County Council (D)
- > Suffolk County Council (D)
- > Hertfordshire County Council (D).

In addition, the following local authorities were included as potentially affected by visual, landscape and seascape impacts:

- > East Suffolk District Council
- > Kent County Council
- > Thanet District Council.

Stage 3 consultation activity under section 42 is detailed in chapter 12. The local authorities identified and consulted at Stage 3 Consultation on habitat compensatory sites were:

Section 43(1):

	<ul style="list-style-type: none"> > East Suffolk District Council (B) > Suffolk County Council (C). <p>Section 43(2):</p> <ul style="list-style-type: none"> > Babergh District Council (A) > Broadlands District Council (A) > Ipswich Borough Council (A) > Mid Suffolk District Council (A) > North Norfolk District Council (A) > South Norfolk Council (A) > The Broads Authority (A) > Essex County Council (D) > Cambridgeshire County Council (D) > Norfolk County Council (D).
<p>44. Categories for purposes of section 42(1)(d)</p> <p>(1) A person is within Category 1 if the applicant, after making diligent inquiry, knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land.</p> <p>(2) A person is within Category 2 if the applicant, after making diligent inquiry, knows that the person—</p> <ul style="list-style-type: none"> (a) is interested in the land, or (b) has power— <ul style="list-style-type: none"> (i) to sell and convey the land, or (ii) to release the land. <p>(3) An expression, other than “the land”, that appears in subsection (2) of this section and also in section 5(1) of the</p>	<p>The process used to identify all landowners and people with interest in land is summarised in chapter 3.5 of this report . The diligent inquiry undertaken includes land registry searches and written requests for information. Information about the process of engaging with persons with an interest in the land is set out in chapter 3.5.</p> <p>The Applicant’s appointed land agents, Dalcour Maclaren, provided their benchmark DCO land referencing methodology for undertaking diligent enquiry of persons with an interest in the land (PILs). This is included in Appendix 11.6. In addition, Dalcour Maclaren has a specific Category 3 Claimant Identification and Refinement Methodology. This is included in Appendix 11.7.</p>

Compulsory Purchase Act 1965 (c. 56) has in subsection (2) the meaning that it has in section 5(1) of that Act.

(4) A person is within Category 3 if the applicant thinks that, if the order sought by the proposed application were to be made and fully implemented, the person would or might be entitled—

- (a) as a result of the implementing of the order,
- (b) as a result of the order having been implemented, or
- (c) as a result of use of the land once the order has been implemented, to make a relevant claim. This is subject to subsection (5).

(5) A person is within Category 3 only if the person is known to the applicant after making diligent inquiry.

(6) In subsection (4) “relevant claim” means—

- (a) a claim under section 10 of the Compulsory Purchase Act 1965 (c. 56) (compensation where satisfaction not made for the taking, or injurious affection, of land subject to compulsory purchase);
- (b) a claim under Part 1 of the Land Compensation Act 1973 (c. 26) (compensation for depreciation of land value by physical factors caused by use of public works);
- (c) a claim under section 152(3).

45. Timetable for consultation under section 42

(1) The applicant must, when consulting a person under section 42, notify the person of the deadline for the receipt by the applicant of the person's response to the consultation.

(2) A deadline notified under subsection (1) must not be earlier than the end of the period of 28 days that begins with the day after the day on which the person receives the consultation documents.

(3) In subsection (2) “the consultation documents” means the documents supplied to the person by the applicant for the purpose of consulting the person.

Dalcour Maclaren has confirmed to the Applicant that these methodologies were followed for the Project.

The consultation period for Stage 2 Consultation, which included consultation with all groups identified under section 42, ran from 14 March to 12 May 2023 which is 60 days.

The consultation period for Stage 3 Consultation, which included consultation with targeted stakeholders under section 42, ran from 5 December 2023 and 31 January 2024, which is 57 days.

Stage 3 Consultation included the Christmas holiday period. This was considered acceptable as the time needed to respond to the consultation was shorter for the reasons set out below:

	<p>For the targeted land consultation in Essex:</p> <ul style="list-style-type: none"> > Most consultees had already been consulted at Stage 2 Consultation, and were being re-consulted due to small changes in the proposed land use or additional land interests; > The targeted consultation had a smaller scope and contained less complex information than Stage 2 Consultation as it focused on a number of changes to the proposals; and > The additional land interests newly identified and consulted were offered individual briefings to help them understand the Project and its potential impacts, reducing the amount of time needed to digest the available information. <p>For the habitat compensatory measures in Suffolk:</p> <ul style="list-style-type: none"> > The scope of the consultation and level of information was lower than for that of Stage 2 Consultation and it could be reasonably asserted that it would take less time to meaningfully respond to the consultation; > Outside of the context of a Nationally Significant Infrastructure Project and the Planning Act 2008 it is unlikely that a similar level of pre-application consultation would be carried out for an equivalent local planning application.
<p>46. Duty to notify Secretary of State of proposed application</p> <p>(1) The applicant must supply the Secretary of State with such information in relation to the proposed application as the applicant would supply to the Secretary of State for the purpose of complying with section 42 if the applicant were required by that section to consult the Secretary of State about the proposed application.</p> <p>(2) The applicant must comply with subsection (1) on or before commencing consultation under section 42.</p>	<p>Notification under section 46 was sent as part of the Stage 2 Consultation. The notification of the Secretary of State was carried out via the Planning Inspectorate via a letter and email on 13 March 2023. The section 46 notification letter included:</p> <ul style="list-style-type: none"> > Section 42(1)(d) notice; > Section 42 notice; > Section 48 notice; > Guide to the Preliminary Environmental Information Report; and > A link to the other consultation documents.

	<p>The Planning Inspectorate confirmed receipt on 16 March 2023. More information about notification under section 46 can be found in chapter 7. Copies of the letters are included in Appendix 5.</p> <p>In addition, notification under section 46 was also sent as part of Stage 3 Consultation. The notification of the Secretary of State was carried out via the Planning Inspectorate via a letter and email on 5 December 2023 (copy included in Appendix 10.3). The section 46 notification letter included:</p> <ul style="list-style-type: none"> > Section 42(1)(d) notice for the targeted land interest consultation in Essex; > Section 42 (1)(d) notice for the habitat compensatory measures consultation in Suffolk; > Section 42 notice for the habitat compensatory measures consultation in Suffolk; and > A link to the consultation documents. <p>The Planning Inspectorate confirmed receipt on 7 December 2023 (copy included in Appendix 10.4). More information about notification under section 46 can be found in chapter 10.</p>
<p>47. Duty to consult local community</p> <p>(1) The applicant must prepare a statement setting out how the applicant proposes to consult, about the proposed application, people living in the vicinity of the land.</p> <p>(2) Before preparing the statement, the applicant must consult each local authority that is within section 43(1) about what is to be in the statement.</p> <p>(3) The deadline for the receipt by the applicant of a local authority’s response to consultation under subsection (2) is the end of the period of 28 days that begins with the day after</p>	<p>For Stage 2 Consultation, a Statement of Community Consultation (SoCC) was drafted, consulted on with local authorities in line with section 47(2), published on 15 February 2023 in line with section 47(1) and then delivered against.</p> <p>Local authorities were consulted between 3 October 2022 and 1 November 2022, for 28 days, in line with section 47(3).</p> <p>Comments were received from each of the local authorities consulted. Details of how regard was had to these comments in finalising the published SoCC can be found in chapter 8.2.</p>

<p>the day on which the local authority receives the consultation documents.</p> <p>(4) In subsection (3) “the consultation documents” means the documents supplied to the local authority by the applicant for the purpose of consulting the local authority under subsection (2).</p> <p>(5) In preparing the statement, the applicant must have regard to any response to consultation under subsection (2) that is received by the applicant before the deadline imposed by subsection (3).</p> <p>(6) Once the applicant has prepared the statement, the applicant [F1 must—</p> <p style="padding-left: 20px;">(za) make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land,]</p> <p style="padding-left: 20px;">(a) publish, in a newspaper circulating in the vicinity of the land, a notice stating where and when the statement can be inspected, and</p> <p style="padding-left: 20px;">(b) publish the statement in such manner as may be prescribed.</p> <p>(7) The applicant must carry out consultation in accordance with the proposals set out in the statement.</p>	<p>The SoCC was published online on the Project’s website and placed in 20 locations detailed in full in chapter 8.3.</p> <p>Notices were placed in the following newspapers setting out where and when the SoCC could be inspected:</p> <ul style="list-style-type: none"> > East Anglian Daily Times > Essex County Standard > Felixstowe Flyer > Frinton and Clacton Gazette > Harwich and Manningtree Standard > Isle of Thanet News (online only) > Lowestoft Journal > Southwold Gazette > Thanet Extra. <p>More information on the preparation and the publication of the SoCC can be found in chapter 8.2 and 8.3. The draft SoCC has been included in Appendix 6.1. The published SoCC has been included in Appendix 6.4. Activity was delivered in line with the SoCC, and this is set out in full in chapter 8.5.</p>
<p>48. Duty to publicise</p> <p>(1) The applicant must publicise the proposed application in the prescribed manner.</p> <p>(2) Regulations made for the purposes of subsection (1) must, in particular, make provision for publicity under subsection (1) to include a deadline for receipt by the applicant of responses to the publicity.</p>	<p>Notices complying with section 48 were published between 14 and 21 March 2023. The prescribed manner for publication and how the notice was drafted is set out chapter 9.</p> <p>The section 48 notice included a deadline of 12 May 2023 for responses to the statutory consultation period.</p> <p>Copies of the notices can be found in Appendix 7 of this report.</p>
<p>49. Duty to take account of responses to consultation and publicity</p>	<p>The consideration of relevant responses received to the statutory consultations under sections 42, 47 and 48 has been set out in:</p> <ul style="list-style-type: none"> > Appendix 8 for Stage 2 Consultation; and

<p>(1) Subsection (2) applies where the applicant— (a) has complied with sections 42, 47 and 48, and (b) proposes to go ahead with making an application for an order granting development consent (whether or not in the same terms as the proposed application). (2) The applicant must, when deciding whether the application that the applicant is actually to make should be in the same terms as the proposed application, have regard to any relevant responses. (3) In subsection (2) “relevant response” means— (a) a response from a person consulted under section 42 that is received by the applicant before the deadline imposed by section 45 in that person’s case, (b) a response to consultation under section 47(7) that is received by the applicant before any applicable deadline imposed in accordance with the statement prepared under section 47, (c) a response to publicity under section 48 that is received by the applicant before the deadline imposed in accordance with section 48(2) in relation to that publicity.</p>	<ul style="list-style-type: none"> > Appendix 9.4 for the targeted land interest consultation (Stage 3) and Appendix 10.8 for the habitat compensatory measures consultation (Stage 3) in Suffolk. <p>Late responses were received in response to Stage 3 consultation and included as relevant responses.</p>
<p>50. Guidance about pre-application procedure</p> <p>(1) Guidance may be issued about how to comply with the requirements of this Chapter. (2) Guidance under this section may be issued by the Secretary of State. (3) The applicant must have regard to any guidance under this section.</p>	<p>The following guidance has been followed in the compilation of this report:</p> <ul style="list-style-type: none"> > Planning Act 2008: Guidance on the Pre-Application Process (Department For Communities and Local Government, March 2015); and > Advice Note Fourteen: Compiling the Consultation Report (The Planning Inspectorate, February 2021). <p>How this guidance has been followed is set out fully in chapter 2.5 of this report.</p>

2.3 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

2.3.1 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (“the EIA Regulations”) provide additional requirements for pre-application consultation for projects that classify as Environmental Impact Assessment (EIA) developments.

Table 2.2: Adherence with the EIA Regulations.

Section	Compliance
<p>3. Interpretation</p> <p>“the consultation bodies” means—</p> <ul style="list-style-type: none"> > a body prescribed under s42(1)(a) of the PA2008 (duty to consult) and listed in column 1 of the table set out at Schedule 1 to the APFP Regulations where the circumstances set out in column 2 are satisfied in respect of that body (referred to as ‘prescribed consultees’ within this Advice Note’); > each authority that is within s43 of the PA2008 (local authorities for purposes of s42(1)(b)) (referred to as ‘s43 local authorities’ within this Advice Note’); and > if the land to which the application, or proposed application, relates or any part of that land is in Greater London, the Greater London Authority. 	<p>The prescribed bodies under section 42(1)(a) as relate to the Project are listed in Appendix 4.1 for Stage 2 consultation and Appendix 10.1 for Stage 3 consultation (habitat compensatory measures in East Suffolk).</p> <p>The local authorities identified under section 43 of the Act are set out in Table 2.1 in the preceding chapter.</p> <p>The project does not relate to land in Greater London.</p>
<p>8. Procedure for establishing whether environmental impact assessment is required</p> <p>(1) A person who proposes to make an application for an order granting development consent must, before carrying out consultation under section 42 M1 (duty to consult) either—</p> <p>(a) ask the Secretary of State to adopt a screening opinion in respect of the development to which the application relates; or</p>	<p>The Applicant asked the Secretary of State (via the Planning Inspectorate) to carry out a scoping opinion regarding the Project and notified the Secretary of State (also via the Planning Inspectorate) of its intention to provide an Environmental Statement.</p> <p>Both of these requirements were fulfilled on 30 September 2021 and a copy of the letter sent to the Planning Inspectorate can be found in Appendix 11.1.</p>

(b) notify the Secretary of State in writing that the person proposes to provide an environmental statement in respect of that development.

10. Application for a scoping opinion

10.—(1) A person who proposes to make an application for an order granting development consent may ask the Secretary of State to state in writing their opinion as to the scope, and level of detail, of the information to be provided in the environmental statement.

(3) A request under paragraph (1) must include—

- (a) a plan sufficient to identify the land;
- (b) a description of the proposed development, including its location and technical capacity;
- (c) an explanation of the likely significant effects of the development on the environment; and
- (d) such other information or representations as the person making the request may wish to provide or make.

(4) A request under paragraph (2) must include—

- (a) the reference number of the order granting development consent in respect of which the applicant proposes to make a subsequent application;
- (b) a description of the proposed development, including its location and technical capacity;
- (c) an explanation of the likely significant effects of the development on the environment which were not identified at the time the order granting development consent was made; and
- (d) such other information or representations as the person making the request may wish to provide or make.

<p>12. Consultation statement requirements</p> <p>(1) The consultation statement prepared under section 47(1) (duty to consult local community) must set out—</p> <p>(a) whether the development for which the applicant proposes to make an application for an order granting development consent is EIA development; and</p> <p>(b) if that development is EIA development, how the applicant intends to publicise and consult on the preliminary environmental information.</p> <p>(2) In this regulation, “preliminary environmental information” means information referred to in regulation 14(2) which—</p> <p>(a) has been compiled by the applicant; and</p> <p>(b) is reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development (and of any associated development).</p>	<p>The SoCC set out that the Project is an EIA development, and that preliminary environmental information was to be made available and consulted on as part of the Stage 2 consultation. The SoCC includes how the consultation will be delivered.</p> <p>That preliminary environmental information was then published as part of Stage 2 Consultation.</p> <p>The published SoCC can be found in Appendix 6.4. Reference to the preliminary environmental information can be found in the published SoCC on page 11, in the ‘What we’re consulting on’ section, under the sub-header ‘Preliminary environmental information’.</p>
<p>13. Pre-application publicity under section 48 (duty to publicise)</p> <p>Where the proposed application for an order granting development consent is an application for EIA development, the applicant must, at the same time as publishing notice of the proposed application under section 48(1), send a copy of that notice to the consultation bodies and to any person notified to the applicant in accordance with regulation 11(1)(c).</p>	<p>The section 48 notice was sent to all consultees contacted as part of the section 42 consultation at the same time on 13 March 2023, this included the persons notified to the Applicant in accordance with Regulation 11(1)(c). A list of these consultees can be found in Appendix 4 and a copy of the section 48 notice can be found in Appendix 7.</p>

2.4 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

2.4.1 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) provide details for how parts of the pre-application consultation must be carried out.

Table 2.3: Compliance with the APFP Regulations 2009

Section	Compliance
<p>3. Prescribed consultees</p> <p>The persons prescribed for the purposes of section 42(a) (duty to consult) are those listed in column 1 of the table in Schedule 1 to these Regulations, who must be consulted in the circumstances specified in relation to each such person in column 2 of that table.</p>	<p>The 'prescribed consultees' for the purpose of s42(1)(a) are set out in regulation 3 and schedule 1 to these regulations.</p> <p>The consultees from schedule 1 who were consulted in respect of the project pursuant to section 42(1)(a) for Stage 2 Consultation are set out in Appendix 4.1.</p> <p>For Stage 3 Consultation (just covering the habitat compensatory measures consultation in Suffolk) these are set out in Appendix 10.1.</p>
<p>4. Publicising a proposed application</p> <p>[Text omitted as the detail is covered in full in chapter 9].</p>	<p>Regulation 4 specifies what must be included in the notice publicising an application under sections 48, and where it must be published. The section 48 notices published as part of Stage 2 Consultation contained the required information and were published as prescribed.</p> <p>More information about the section 48 notice including the full breakdown of requirements and compliance with them can be found in chapter 9.</p>

2.5 Advice and guidance

2.5.1 In addition to the requirements covered above, the following documents were used to inform the consultation activities undertaken and the drafting of this Consultation Report.

PLANNING ACT 2008: GUIDANCE ON THE PRE-APPLICATION PROCESS (DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT, MARCH 2015)

2.5.2 In line with section 50 of the Act, this document provides guidance on how to carry out pre-application consultation, what is an appropriate amount of consultation and how best to respond to issues raised during the consultation.

Table 2.4: Adherence with the DCLG guidance on the pre-application process.

Paragraph	Adherence to guidance
<p>20. Experience suggests that, to be of most value, consultation should be:</p> <ul style="list-style-type: none"> > based on accurate information that gives consultees a clear view of what is proposed including any options; > shared at an early enough stage so that the proposal can still be influenced, while being sufficiently developed to provide some detail on what is being proposed; and > engaging and accessible in style, encouraging consultees to react and offer their views. 	<p>The Applicant published material for consultation in a range of formats, designed to make it as easy as possible for consultees to identify the potential benefits and impacts of the Project, and the options that were being consulted on.</p> <p>For the statutory Stage 2 Consultation, this included:</p> <ul style="list-style-type: none"> > Preparing information at different levels of complexity – starting with the Consultation Booklet that set out the proposals and potential benefits and impacts in summary in plain English, a Non-Technical Summary of the Preliminary Environmental Information Report (PEIR) that summarised the main findings of each chapter of the PEIR, and their PEIR itself that contained the full technical detail; > In order to help people navigate the PEIR, a short visual Guide to the PEIR was created. A digital version of this available on the Project website was also set up to link directly to sections of the PEIR. > The primary option presented during the Stage 2 Consultation was between the two substation search areas. In addition to being set out clearly in the Consultation Booklet, there was a dedicated question on this in the Feedback Form. In addition, the Applicant specifically encouraged feedback on the proposed onshore and offshore route corridor.

For Stage 3 Consultation, this included:

- > Preparing a document for the targeted land consultation that explained the major changes to the proposals since Stage 2 Consultation and what changes they would have on the potential impacts and benefits of the Project. This would enable consultees to understand how the changes that were being consulted on affected their interests;
- > A non-technical document setting out the drivers, site selection and proposals for the habitat compensatory sites on and near Orford Ness – along with the potential impacts. This was supported by technical documents from the draft Report to Inform Appropriate Assessment for those wanting more detailed information.

With regards to the need to balance the ability to influence proposals and sufficient information being available, Stage 1 Consultation was held at a time where the designs were still formative but key issues and information were provided. Following Stage 1 Consultation, a route corridor option was dropped in line with feedback received. Stage 2 Consultation was held when there was still optionality in the design (the two substation search areas and a wide cable route corridor) but more information (including a preferred location within each substation search area and the preliminary environmental information) could be provided than at Stage 1. Stage 3 Consultation on habitat compensatory measures was held before a site was selected and included multiple site options. Stage 3 consultation on changes to the onshore proposals in Essex will be used to inform detailed design and ongoing discussions with affected landowners and farmers.

A range of channels were set up to enable people to offer their views. This included, but was not limited to, handing out

	<p>Feedback Forms at both Stage 1 and Stage 2 Consultation events, and the creation of a 'short' feedback form available at events to enable people to more easily capture their immediate reaction to the information. The Applicant provided an email address for people to respond to the consultation, and this was the most commonly used method at each stage of consultation.</p>
<p>21. Where an applicant has not been able to follow this guidance, they should provide comments setting out why this is the case, in the consultation report.</p>	<p>The Consultation complied with this DCLG guidance.</p>
<p>27. The Planning Act and Regulations set out the statutory consultees and prescribed people who must be consulted during the pre-application process. ... Applicants are therefore encouraged to consult widely on project proposals.</p>	<p>In order to ensure wide consultation, additional potentially interested stakeholders not defined within in section 42 or the prescribed list were sent the same level of information as section 42 consultees.</p> <p>For Stage 2 consultation, this list can be found in Appendix 4.1.5. For Stage 3 consultation on the habitat compensatory measures, this list can be found in Appendix 10.1.5.</p>
<p>28. Whether or not an alternative is identified, the consultation report should briefly note any cases where compliance with statutory requirements was impossible and the reasons why.</p>	<p>The Applicant is not currently aware of any non-compliances.</p>
<p>41. Where a local authority raises an issue or concern on the SoCC which the applicant feels unable to address, the applicant is advised to explain in their consultation report their course of action to the Secretary of State when they submit their application.</p>	<p>All key recommendations were included in the published SoCC. More details of the feedback from local authorities and how the Applicant considered them are included in chapter 8.2.</p>
<p>52. Applicants should explain in the consultation report how they have dealt with any new interests in land emerging after conclusion of their statutory consultation having regard to their duties to consult and take account of any responses.</p>	<p>Land interest identified after Stage 2 consultation were included in the Stage 3 targeted land interest consultation, which is detailed in chapter 11.</p> <p>The Applicant contacted these interests to introduce the Project, explain the upcoming opportunities to be involved in the</p>

	<p>process, and to offer a meeting. An example letter is included in Appendix 11.5.</p>
<p>68. To realise the benefits of consultation on a project, it must take place at a sufficiently early stage to allow consultees a real opportunity to influence the proposals. At the same time, consultees will need sufficient information on a project to be able to recognise and understand the impacts.</p>	<p>Stage 1 Consultation was held at an early stage in the Project's development and led to one of the cable route corridor options being dropped. Stage 2 Consultation helped inform the reduction of cable route corridors and with the selection of an onshore substation location, as well as informing key submission documents such as the Code of Construction Practice. In addition, the coordination with North Falls leading to the potential for coordinated construction delivery was in response to feedback at both stages of consultation.</p> <p>The access routes and site selection process for the habitat compensatory measures on Orford Ness was directly influenced by feedback from stakeholders.</p> <p>Sufficient information was provided at each stage to enable consultees to recognise and understand the potential impacts of the proposals. In order to help consultees understand the potential benefits and impacts of the Project, information was presented at multiple levels of technical complexity. More detail about how this was achieved is covered in the section in this table dealing with paragraph 20 of the guidance.</p>
<p>69. Applicants will often also require detailed technical advice from consultees, and it is likely that their input will be of the greatest value if they are consulted when project proposals are fluid, followed up by confirmation of the approach as proposals become firmer. In principle, therefore, applicants should undertake initial consultation as soon as there is sufficient detail to allow consultees to understand the nature of the project properly.</p>	<p>In addition to the multi-stage consultation process set out above and throughout this Consultation Report, the Applicant set up a series of Expert Topic Groups (ETGs) to engage technical experts throughout the development of the proposals. Engagement through the ETGs started in November 2019. A summary of the key stages of engagement with the ETGs and their membership is set out in chapter 3.4. This was part of the Evidence Plan process set out in document 5.2.</p>

<p>70. To manage the tension between consulting early, but also having project proposals that are firm enough to enable consultees to comment, applicants are encouraged to consider an iterative, phased consultation consisting of two (or more) stages, especially for large projects with long development periods. For example, applicants might wish to consider undertaking non-statutory early consultation at a stage where options are still being considered. This will be helpful in informing proposals and assisting the applicant in establishing a preferred option on which to undertake statutory consultation.</p>	<p>To manage the tension between consulting early enough to give consultees the ability to influence the Project and providing enough information to form a considered response, the Applicant's approach to consultation followed the suggested iterative approach of a non-statutory consultation (Stage 1 Consultation) followed by a more detailed statutory consultation (Stage 2 Consultation) where details were more fixed and more information available. Finally, Stage 3 Consultation was carried out on the refined onshore red line boundary (targeted land consultation in Essex).</p>
<p>71. Where an iterative consultation is intended, it may be advisable for applicants to carry out the final stage of consultation with persons who have an interest in the land once they have worked up their project proposals in sufficient detail to identify affected land interests.</p>	<p>Stage 3 Consultation was carried out in line with this guidance, ensuring that all land interests identified in the Book of Reference had an opportunity to consider the potential benefits and impacts of proposals, and comment on them.</p> <p>It was not considered necessary to consult with all interests at Stage 3 Consultation in Essex (for the targeted land interest consultation), as for some interests the potential benefits and impacts of the Project had not change or increased in impact. All potential land interests identified as part of the habitat compensatory measures consultation in Suffolk were contacted as part of Stage 3 Consultation.</p> <p>More information about how specific interests were identified for consultation as part of Stage 3 Consultation in Essex can be found in chapter 11.5.</p>
<p>72. The timing and duration of consultation will be likely to vary from project to project, depending on size and complexity, and the range and scale of the impacts. The Planning Act requires a consultation period of a minimum of 28 days from the day after receipt of the consultation documents. It is expected that this may be sufficient for projects which are straightforward and uncontroversial in nature. But many projects, particularly</p>	<p>The consultation period for Stage 1 Consultation, which was non-statutory consultation, ran from 30 June and 12 August 2022 which is 43 days.</p> <p>The consultation period for Stage 2 Consultation, which included consultation with all groups identified under section 42, ran from 14 March to 12 May 2023 which is 60 days.</p>

<p>larger or more controversial ones, may require longer consultation periods than this. Applicants should therefore set consultation deadlines that are realistic and proportionate to the proposed project. It is also important that consultees do not withhold information that might affect a project, and that they respond in good time to applicants. Where responses are not received by the deadline, the applicant is not obliged to take those responses into account.</p>	<p>The consultation period for Stage 3 Consultation, which included consultation with targeted stakeholders under section 42, ran from 5 December 2023 to 31 January 2024, which is 57 days.</p> <p>Land interests newly identified and consulted at Stage 3 Consultation were offered individual briefings to help them understand the Project and its potential impacts, reducing the amount of time needed to digest the available information.</p> <p>No consultation responses were excluded for being received after the deadline as it was still possible to consider those which were received late.</p>
<p>73. Applicants are not expected to repeat consultation rounds set out in their Statement of Community Consultation unless the project proposals have changed very substantially. However, where proposals change to such a large degree that what is being taken forward is fundamentally different from what was consulted on, further consultation may well be needed. This may be necessary if, for example, new information arises which renders all previous options unworkable or invalid for some reason. When considering the need for additional consultation, applicants should use the degree of change, the effect on the local community and the level of public interest as guiding factors.</p>	<p>Project proposals did not change after Stage 2 Consultation in a way that introduced significant new adverse potential impacts. As such, no further project-wide consultation was required. Instead, land interests potentially affected by specific changes were consulted as part of Stage 3 Consultation.</p> <p>In addition, in order to communicate changes in the Project proposals between Stage 2 Consultation and the plans submitted as part of the DCO, the Applicant published updated information on 16 January 2024 and held a series of engagement events:</p> <ul style="list-style-type: none"> > Monday 29 January 2024, 2:30pm to 5:30pm at the Venture Centre 2000, Bromley Road, Lawford CO11 2JE; > Tuesday 30 January 2024, 11am to 2pm at Tendring Village Hall, Tendring, CO16 0BL; > Wednesday 7 February 2024, from 6pm, online webinar focusing on onshore elements of the proposals; > Thursday 8 February 2024, from 6pm, online webinar focusing on offshore elements of the proposals.

80. The consultation report should provide a general description of the consultation process undertaken, which can helpfully include a timeline.	This is provided in chapter 1.
80. The consultation report should set out specifically what the applicant has done in compliance with the requirements of the Planning Act, relevant secondary legislation, this guidance, and any relevant policies, guidance or advice published by Government or the Inspectorate.	This chapter (chapter 2) provides this information.
80. The consultation report should set out how the applicant has taken account of any response to consultation with local authorities on what should be in the applicant's statement of community consultation.	This is set out in detail in chapter 8.3. All key recommendations made by local authorities were adopted in the published SoCC.
80. The consultation report should provide a description of how the application was informed and influenced by those responses, outlining any changes made as a result and showing how significant relevant responses will be addressed.	
80. The consultation report should provide an explanation as to why responses advising on major changes to a project were not followed, including advice from statutory consultees on impacts.	
80. The consultation report should, where the applicant has not followed the advice of the local authority or not complied with this guidance or any relevant Advice Note published by the Inspectorate, provide an explanation for the action taken or not taken.	
80. The consultation report should be expressed in terms sufficient to enable the Secretary of State to understand fully how the consultation process has been undertaken and significant effects addressed. However, it need not include full technical explanations of these matters.	A summary of the compliance with all requirements has been set out in this chapter. A summary of the changes made as a result of consultation has been set out in chapter 14.2. A more detailed break down of how issues from feedback have been considered and addressed (or why they were not) are contained within Appendices 2.3, 8, 9.4 and 10.8.

81. It is good practice that those who have contributed to the consultation are informed of the results of the consultation exercise; how the information received by applicants has been used to shape and influence the project; and how any outstanding issues will be addressed before an application is submitted to the Inspectorate.

On 16 October 2023, the Applicant wrote to land interests who responded to the Stage 2 Consultation with a response to their key issues. These responses were tailored to address the individual issues raised by the respondent where possible. An example letter can be found in Appendix 11.9.

On 12 September 2023, a newsletter was sent to a similar distribution zone as those contacted the start of Stage 2 Consultation. This newsletter provided an update on the Project since the consultation, direction to the Project website where a more detailed update was provided. On 19 January 2024 another newsletter was sent to the same distribution list inviting people to two events and two webinars to provide a further update on the proposals ahead of submission of the DCO application. More information about the Applicant's ongoing engagement can be found in chapter 3.

A feedback report was published after Stage 1 Consultation. This can be found in Appendix 2.3.

81. Applicants should consider producing a summary note in plain English for the local community setting out headline findings and how they have been addressed, together with a link to the full consultation report for those interested.

A summary of the key issues raised in feedback was produced and sent to subscribers to the Project's newsletter. This update was sent on 12 September 2023 and can be found in Appendix 1.1.

In addition, as set out in more detail in chapter 3.3, the Applicant carried out a pre-submission public engagement campaign in early 2024 to provide this information to the community.

ADVICE NOTE FOURTEEN: COMPILING THE CONSULTATION REPORT (THE PLANNING INSPECTORATE, FEBRUARY 2021)

2.5.3 Advice Note Fourteen provides advice on the format of consultation reports and what should be included in it. The structure of the Report is in line with the Advice Note.

SECTION 51 ADVICE FROM THE PLANNING INSPECTORATE

2.5.4 A draft copy of this Consultation Report was issued to the Planning Inspectorate on 9 November 2023 along with other draft documents. Comments from the Planning Inspectorate were received on 26 January 2024. These are included below along with details of how the comments have been addressed.

Table 2.5: Comments from the Planning Inspectorate on the draft Consultation Report and the Applicant's consideration of them.

Comment	Consideration
The Consultation Report states that it won't include a list of consultees under s42(1)(d) due to GDPR. Omitting this information in the report could put the acceptance of the application at risk.	Noted. The full list of consultees under section 42(1) has now been included in Appendix 4.2 and 4.2 for Stage 2 consultation; Appendix 9.1 and 10.1 for Stage 3 consultation.
Please clearly define whether local authorities are 'ABCD' authorities.	This has been added to chapter 6.1 and 12.2, which lists the local authorities identified under section 43 and which type they are.
The structure of the Consultation Report is easy to follow	Noted.

THE GUNNING PRINCIPLES

2.5.5 The Gunning Principles were established as part of the 1985 court case (R V London Borough of Brent ex parte Gunning). They set out four key principles for lawful consultation.

Table 2.6: The Gunning Principles and the Applicants adherence to them.

Principle	Adherence to guidance
Principle 1: Consultation must be carried out when proposals are still at a formative stage.	<p>The Applicant held a multi-stage consultation process, starting when the proposals were still in a formative stage, to enable consultation feedback to have a meaningful impact on the shape of the final proposals.</p> <p>> Stage 1 Consultation was carried out on early proposals.</p>

	<ul style="list-style-type: none"> > Stage 2 Consultation was carried out on more detailed and refined proposals that included preliminary environmental information; and > Stage 3 Consultation was carried out more refined proposed (for the onshore element of the proposals in Tendring, Essex). <p>Through the use of this multi-stage process, the Applicant was able to consult on increasingly refined proposals while allowing feedback to inform the development of the Project.</p> <p>A summary of the major changes that have been made to the proposals as a result of feedback can be found in chapter 14.2.</p>
<p>Principle 2: There is sufficient information to give 'intelligent consideration'.</p>	<p>At each stage of consultation, a combination of documents and plans were provided to enable intelligent consideration of the proposals.</p> <p>At Stage 2 Consultation this included an interactive digital map of the proposals, summary documentation, and highly detailed preliminary environmental information.</p>
<p>Principle 3: There is adequate time for consideration and response.</p>	<p>The time given for responses to each stage of consultation was significantly longer than the statutory minimum requirements under the Act. In addition, to make sure that the information could be considered within that time, summary consultation materials were provided in clear, non-technical language. Events and contact points were also maintained so that those with questions about the content could raise them with the Applicant.</p>
<p>Principle 4: 'Conscientious consideration' must be given to the consultation responses before a decision is made.</p>	<p>The Applicant has considered the feedback received in significant detail. This is set out in Appendices 2.3, 8, 9.4 and 10.8.</p>

3. ENGAGEMENT

3.1 Engagement in the context of pre-application consultation

- 3.1.1 In this Consultation Report, the term ‘consultation’ is used to describe defined periods of time in which the Applicant has sought comment from stakeholders on published materials. Consultation was carried out to fulfil the requirements of, or adhere to guidance relating to, pre-application in the Planning Act 2008. This includes the period of non-statutory consultation that was carried out as Stage 1 Consultation.
- 3.1.2 Consultation is one part of engagement. Engagement covers all other activity where the Applicant has engaged with external stakeholders throughout the development of the Project.
- 3.1.3 Information to support this chapter of the Report can be found in Appendix 1, with the exception of the Evidence Plan (document reference 5.2).
- 3.1.4 Early engagement on the Project started in 2019, however this was largely with technical stakeholders and the local authorities. The Project was launched as the ‘Five Estuaries Offshore Wind Farm’ in July 2021. Engagement with the wider community started in mid-2022.

3.2 Approach to engagement

- 3.2.1 The Applicant’s approach to engagement is based on the following key principles:
- > **Regular communication:** Due to the length of the Project’s development time, there are significant periods between major milestones. The Applicant has therefore carried out regular communication in a predictable pattern, to enable those interested in the Project to stay informed.
 - > **Responsiveness:** The Project understands that developments such as Five Estuaries can cause concerns from residents and landowners about potential impacts on homes and businesses. From Project launch, the Applicant has maintained a dedicated Freephone number and email address to ensure that stakeholders could contact the team at any time. In addition, dedicated contact channels were established for landowners and fishermen / commercial fisheries.
 - > **Proportionality and coordination:** In addition to the Project, there are several other Nationally Significant Infrastructure Projects which affect many of the same communities and stakeholders. The North Falls Offshore Wind Farm affects a similar set of communities and land interests and National Grid Electricity Transmission’s Norwich to Tilbury Reinforcement Project has a major component (the East Anglia Connection Node Substation) in same area as the onshore substations proposed for the two offshore wind farm projects. This has meant that there is a large amount of information provided and consultation being carried out in a single area. In order to avoid, or reduce, engagement and consultation fatigue the three projects have coordinated so as not to hold consultations at the same time. In addition, the Applicant has made sure only to carry out proactive engagement when there are meaningful updates to give.

3.3 Engagement activity

PROJECT UPDATES

- 3.3.1 Outside of the consultation periods, the Applicant has prioritised the use of regular updates emailed out to an identified stakeholder database (consisting of local authority members, parish councils etc) and those who have subscribed to be kept updated through registering on the website. These updates contain information about the Project's progress, signposting to where further information can be found if relevant, and providing information about upcoming activities that may affect people more directly (onshore surveys for example).
- 3.3.2 Since September 2020, 27 project email updates have been issued. A selection of these are included in Appendix 1.1. Periodic reviews of the subscriber list are carried out to remove addresses that return delivery notifications. In addition, the list is updated to remove people who have unsubscribed. As of 7 March 2024, there are 620 recipients on the Project's stakeholder database and mailing list. Appendix 1.3 includes a list of organisational stakeholders included in the database.

Table 3.1: Project update dates and contents.

Date	Title	Contents	Recipients
29 Sept 2020	Agreement for Lease announcement	Announcement to local authority representatives and stat consultees.	25
22 Feb 2021	Project update	Grid connection acceptance, survey works and upcoming scoping consultation.	102
22 Nov 2021	Autumn 2021 newsletter	First newsletter. Project introduction and high-level details. Timeline. Project stats. Current survey activity.	236
30 June 2022	Stage 1 Consultation Launch	Launch of consultation including event dates, where all information could be found and how to provide feedback. Offer of meeting for councillors and parish councils.	345
22 July 2022	Stage 1 Updated Maps	Provision of higher zoom plans following requests at public events.	354
5 Aug 2022	Stage 1 Consultation close reminder	Reminder of consultation close date, how information can be viewed and how feedback can be provided.	359
2 Sept 2022	Project Manager Update	First of the regular Project Manager updates. Follow up after the consultation closed, thanks to participants.	446
14 Oct 2022	Stage 1 Feedback Report published	Summary of activity and feedback received at Stage 1 Consultation.	451
15 Nov 2022	Project Manager Update	Update on the progression of proposals. Project Manager speaking at Wind Week Conference.	447

16 Dec 2022	Project Manager Update	Christmas wishes and thanks for engagement throughout the year.	436
31 Jan 2023	Project Manager Update	Highlighting upcoming statutory consultation and Land Interest Questionnaire return requests.	479
15 Feb 2023	SOCC publication	Notice of SoCC publication and where it can be viewed.	513
28 Feb 2023	Project Manager Update	Statutory consultation launch announcement.	518
14 Mar 2023	Stage 2 Consultation Launch	Launch of consultation including event dates, where all information could be found and how to provide feedback.	537
31 Mar 2023	Project Manager Update	Reminder of all remaining events dates. Details on onshore surveys. Notice of additional FAQs published on website.	536
21 Apr 2023	Stage 2 Webinars	Reminder of scheduled webinars and how to register.	534
2 May 2023	Stage 2 Webinar Recordings Published	Notification that a recorded webinar was made available on the Project website.	533
5 May 2023	Project Manager Update	Reminder of consultation close date, how information can be viewed and how feedback can be provided. Onshore surveys update. Draft RIAA publication.	549
13 May 2023	Stage 2 Consultation Closed	Notice of consultation close and thank you to those who took part.	549
31 May 2023	Project Manager Update – May 23	Summary of Stage 2 Consultation activity and thank you to participants. MPs and local authority councillors visit to Galloper Wind Farm article. Project Manager presenting at EEEGR SNS Conference article. Trial trenching notice.	548
28 Jul 2023	Design update announcement	Landfall and substation search area selection announcement	697
2 Aug 2023	Project Manager Update	Onshore surveys update and progression with designs since consultation.	680
12 Sep 2023	Post Stage 2 Newsletter	Summary of Stage 2 Consultation activity, themes raised and how we are addressing them. Coordination with North Falls. Early Adopters Programme.	680
10 Nov 2023	The Crown Estate Capacity Increase	Notice of announcement from The Crown Estate to launch a formal	669

		process to assess capacity increases with Five Estuaries being one of the seven projects in the UK being evaluated	
6 Dec 2024	December Project Update	Five Estuaries sign Essex County Councils Green Skills Pledge, launch of Stage 3 Consultation and where to find out more information, and advance notice of January engagement events.	656
16 Jan 2024	January Project Update	January engagement events information including webinars and pointing to online information, and Stage 3 Consultation information.	616
25 Jan 2024	Project Update Events Reminder	January engagement events reminder, and Stage 3 Consultation close reminder.	620

STAKEHOLDER BRIEFINGS

- 3.3.3 At key stages in the Project's development, the Applicant held meetings with elected representatives and other key stakeholders in order to brief them on the Project's progress and discuss key topics of interest.
- 3.3.4 General update meetings with Essex County Council happened throughout pre-application period and are not included below. Other project meetings with technical stakeholders are captured below in relation to the Evidence Plan process / Expert Topic Groups (chapter 3.4), land interests (chapter 3.5) and marine stakeholders (chapter 3.6).
- 3.3.5 A selection of presentations given during these meetings has been included in Appendix 11.8.

Table 3.2: Details of meetings with elected representatives and other key stakeholders (excluding ETG meetings set out chapter 3.4)

Date	Title	Content	Attendees
4 Feb 2021	Suffolk County Council	Project introduction.	Planning officers.
16 Feb 2021	East Suffolk Council	Project introduction.	Planning officers.
16 Feb 2021	Tendring District Council	Project introduction.	Planning officers.
25 Feb 2021	Essex County Council	Project introduction.	Planning officers.
20 Apr 2021	Essex County Council	Project update - site selection, landfall and substation.	Planning officer.
26 May 2022	East of England Energy Group (EEEGR) Energising Essex Business Breakfast	Project update, skills and supply chain need from Project Manager.	Regional business members.

14 Jul 2022	East Anglia Pylons	Meeting to introduce group, talk about concerns and future plans for Five Estuaries.	David Burns, Rosie Pearson and Jonathan Smith all representing the pylons group .
1 Sep 2022	Kent County Council	Project introduction and upcoming SoCC information	Planning officer.
13 Sep 2022	Thanet District Council		Planning officer.
14 Sep 2022	Essex County Council		Planning officers.
20 Sep 2022	Suffolk County Council		Planning officers.
22 Sep 2022	East Suffolk Council		Planning officer.
27 Sep 2022	Sir Bernard Jenkin MP	Meeting to introduce projects - joint meeting with Five Estuaries and North Falls.	Sir Bernard Jenkin.
27 Oct 2022	EEEEGR Wind Week Conference	Project Manager gave project update post Stage 2 Consultation at regional industry event.	Over 100 attendees from supply chain / industry.
18 Jan 2023	Essex County Council	To recap on the project (or introduce where needed), the process the Project has been through and engagement to date. As well as providing information on upcoming consultation and the DCO process.	6 planning officers, ward councillors and cabinet members.
25 Jan 2023	Suffolk County Council		4 planning officers, ward councillors and cabinet members.
26 Jan 2023	Tendring District Council		15 planning officers, ward councillors and cabinet members.
1 Feb 2023	Essex Parish and Town Councils		9 parish councillors.
2 Feb 2023	Suffolk Parish and Town Councils		16 parish councillors .
27 Mar 2023	East Anglia Pylons		Meeting to discuss project, upcoming consultation, planning regulations and coordination with North Falls and National Grid.
27 Mar 2023	Sir Bernard Jenkin MP	Joint briefing from North Falls and Five Estuaries on upcoming consultation, project overview and	Sir Bernard Jenkin MP.

		coordination and regulation policies.	
19 May 2023	Galloper Offshore Wind Farm Trip	Project briefing, update on recent consultation including emerging themes. Coordination with North Falls. North Falls also in attendance.	Giles Watling MP, Sir Bernard Jenkin MP, 2 local ward councillors, Essex County Council planning officer.
25 May 2023	EEEGR Southern North Sea Conference	Project Manager gave project update post Stage 2 Consultation at regional industry event.	Over 200 attendees from supply chain / industry.
13 Jul 2023	Essex County Council	Early discussion around skills requirements and upcoming skills engagement activity.	Skills contacts.
15 Nov 2023	Sir Bernard Jenkin MP and Giles Watling MP	Joint Five Estuaries and North Falls project updates and OTNR process update.	Sir Bernard Jenkin MP and Giles Watling MP.
23 Jan 2024	Essex local authority and parish council briefing	Update on final plans ahead of application submission.	14 Essex County and Tendring District Councils ward councillors and planning officers, Ardleigh and Weeley Parish Councils.
31 Jan 2024	Suffolk local authority and parish council briefing	Update on final plans ahead of application submission.	5 East Suffolk and Babergh District Council ward councillors and planning officers.
8 Feb 2024	Suffolk County Council briefing	Update on final plans ahead of application submission.	5 Suffolk County Council ward councillors and planning officers.

JANUARY 2024 ENGAGEMENT

- 3.3.6 Ahead of the submission of the application for DCO, the Applicant provided a detailed update to the communities potentially affected and previously consulted with by the Project to present our finalised plans ahead of application submission. This included information being sent directly to homes and businesses, and a series of engagement events.
- 3.3.7 On Friday 19 January 2024, newsletters were posted to over 15,000 residents and businesses with an update on the Project status and overview on plans, directing people to further information available on the website, and an invitation to virtual and in person events. A copy of this newsletter can be found in Appendix 1.1.
- 3.3.8 Two in-person drop in events were held along the line of the onshore cable route:
- > Monday 29 January 2024, 2:30pm to 5:30pm at the Venture Centre 2000, Bromley Road, Lawford CO11 2JE. 107 people attended; and
 - > Tuesday 30 January 2024, 11am to 2pm at Tendring Village Hall, Tendring, CO16 0BL. 57 people attended.
- 3.3.9 A copy of the exhibition boards and Project update brochure can be found in Appendix 1.2.
- 3.3.10 The key issues raised at the event in Lawford was the desire to the connection to the national electricity transmission network delivered offshore and concerns regarding the impact of the onshore substation. At Tendring, concerns focused more on the potential traffic and transport impact of the construction work and the proximity of the onshore cable corridor to residential properties particularly at Thorpe-le-Soken.
- 3.3.11 Two webinars were held:
- > Wednesday 7 February 2024, from 6pm, onshore focus. 13 people attended; and
 - > Thursday 8 February 2024, from 6pm, offshore focus. 8 people attended.
- 3.3.12 A copy of the presentation slides can be found in Appendix 11.8.
- 3.3.13 Briefings were also held with local authorities and parish councils. These are referenced in table 3.2.

OUTLINE EMPLOYMENT, SKILLS AND EDUCATION STRATEGY ENGAGEMENT

- 3.3.14 In order to develop the Outline Employment, Skills and Education Strategy (oSES) included with the application (9.27), including its key principles and approach, Five Estuaries actively engaged a number of key stakeholders within the education, training, employment and skills sector within the Tendring region.
- 3.3.15 Engagement was undertaken with the stakeholders listed below to inform the creation of the oSES. These stakeholders helped to identify what the need is within the region, where the skills gap is, existing or planned initiatives and advise on how Five Estuaries / RWE can contribute. This includes Essex County Council (who will be required to discharge the requirement for the subsequent final strategy), key educational providers, operational wind farms within vicinity of the project, other neighbouring development projects within the Tendring region, and others across the region.
- 3.3.16 The approach to this engagement is informal and open dialogue to facilitate discussion and highlight opportunities within the region.

3.3.17 Consultation on the oSES was carried out with the stakeholders listed below.

Table 3.3: Stakeholders consulted on the oSES.

Industry Sector	Organisation
Council (Host Authority)	Essex County Council
Local Authority	Suffolk County Council
Chamber of commerce	Essex Chamber of Commerce
UK Government	Department for Work and Pensions
Education and Training Provider	STEM Learning UK
Education and Training Provider	East of England Energy Group (EEEGR)
Operational Wind Farm	Galloper Wind Farm
Developer(s)	Freeport East
Miscellaneous	NHS
Miscellaneous	Careers Transition Partnership

FREEPHONE NUMBER AND EMAIL ADDRESS

3.3.18 A dedicated freephone number for the Project was set up before the launch of Stage 1 consultation in June 2022. The number was manned at all hours and would take details of a caller's enquiry and then pass those details on to the Applicant who would return the call. The number is: 0333 880 5306.

3.3.19 Similarly, a dedicated email address for the Project was set up in 2021. This email address has been used consistently since launch as a channel for people to contact the Project team and for collecting consultation responses. The email address is: fiveestuaries@rwe.com.

3.3.20 The email address and Freephone number will remain in use during the consenting period of the Project, they may be changed in advance of the construction and operational phases.

Table 3.4: Numbers of enquiries via channels (this excludes consultation responses) as of 29 February 2024.

Period	Freephone	Email
Before Stage 1	10	9
During Stage 1 Consultation (30 June to 12 August 2022)	8	40
Between Stages 1 Consultation and 2 Consultation	5	29
During Stage 2 Consultation (14 March and 12 May 2023)	9	19
Between Stage 2 Consultation and Stage 3 Consultation	2	17
During Stage 3 Consultation (5 December 2023 to 31 January 2024)	10	6
Post Stage 3 Consultation / before submission	0	1
Total	44	121

3.4 Evidence Plan and technical stakeholders

- 3.4.1 The Evidence Plan process was initially developed by the Major Infrastructure Environment Unit (MIEU) of the Department for Environment, Food and Rural Affairs (Defra) to provide a formal mechanism for Applicants and statutory bodies to agree what information and evidence should be submitted in support of an NSIP application, with specific focus on habitats regulations assessments (HRA) matters. However, in practice, the MIEU advises that topic areas that may be covered in an Evidence Plan can be expanded, at the request of an applicant, to include broader EIA issues as well as HRA issues.
- 3.4.2 For the purposes of the Five Estuaries Evidence Plan, the remit has been widened to EIA topics in addition to HRA aspects.
- 3.4.3 The overarching purpose of the Evidence Plan process is to seek agreement on key assessment steps; including the baseline approach, assessment methodology, assessment outcomes, and mitigation. As such, the members need to have a technical and organisational mandate to reach agreement on the key assessment steps.
- 3.4.4 The Evidence Plan process consisted of one- to-one meetings, workshops on specific subjects to which several different stakeholders were invited, written correspondence or telephone/ Teams conversations. Wherever possible, the Applicant endeavoured to minimise the engagement burden on stakeholders by ensuring that, where appropriate, multiple topics were covered in a session, suitable pre-reading was sent in advance, accurate minutes of meetings were produced and agreed by those attending, and an acceptable amount of time was allowed for post-meeting comments to be submitted.
- 3.4.5 The Evidence Plan comprised a series of Expert Topic Groups (ETGs), some of which were broken down into ETG sub-groups where meetings were required on specific technical areas. Some of the later ETGs on onshore topics were carried out jointly with the North Falls project.
- 3.4.6 An Evidence Plan Report is submitted with the application (document reference 5.2), which summarises the Evidence Plan process, the roles of those involved including the ETGs listed above, the aims and objectives of the Evidence Plan, and summaries of the meetings and consultation undertaken with the ETGs.
- 3.4.7 The membership of the ETGs is set out below in Table 3.5. The key milestones in the preparation of the Evidence Plan are summarised in Table 3.6.

Table 3.5: ETG membership

ETG	Members
ETG 1 Shipping & Navigation	<ul style="list-style-type: none"> > The Applicant > The Maritime and Coastguard Agency (MCA) > Trinity House Lighthouse Service (THLS) > UK Chamber of Shipping (CoS) > Royal Yachting Association > National Federation of Fishermen’s Organisations > Harwich Haven Authority > Port of London Authority > London Medway Port > London Gateway

<p>ETG 2 Offshore Ornithology</p>	<ul style="list-style-type: none"> > The Applicant > Natural England > MMO > Royal Society for the Protection of Birds (RSPB) > The Wildlife Trusts > Essex Wildlife Trust > Essex County Council > National Trust
<p>ETG 3 Marine Ecology, Physical Processes and Water & Sediment Quality</p>	<ul style="list-style-type: none"> > The Applicant > Natural England > MMO > Cefas; > RSPB > The Wildlife Trusts > Essex Wildlife Trust > Whale and Dolphin Conservation (WDC) > East Suffolk Council > Suffolk County Council > Kent and Essex Inshore Fisheries a& Conservation Association; > Eastern Inshore Fisheries and Conservation Authority
<p>ETG 4 SLVIA, LVIA, Onshore & Offshore Archaeology</p>	<ul style="list-style-type: none"> > The Applicant > Historic England > Natural England > MMO > Essex County Council > Tendring District Council > East Suffolk Council > Suffolk County Council > Suffolk Coast and Heaths AONB > National Trust
<p>ETG 5 Onshore Biodiversity, Hydrology and Ground Conditions</p>	<ul style="list-style-type: none"> > The Applicant; > Natural England > Environment Agency > Essex Wildlife Trust > RSPB > Essex County Council > Tendring District Council
<p>ETG 6 Traffic & Transport, Air Quality, Socioeconomics, Noise, Public Health</p>	<ul style="list-style-type: none"> > The Applicant > The NHS > National Highways > Essex County Council > Tendring District Council > Suffolk County Council > East Suffolk Council
<p>ETG 7 Steering Group & Overarching</p>	<ul style="list-style-type: none"> > The Planning Inspectorate > The Applicant > The MMO > Natural England > Historic England

	<ul style="list-style-type: none"> > Environment Agency > MCA > Essex County Council > Tendring District Council.
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Table 3.6: Key stages and milestones of the Evidence Plan

Stage	Timescale	Description
1	November 2019 to January 2020	Kick-off meetings with ETGs to introduce the Project, the Evidence Plan process and to introduce the draft Terms of Reference (ToR). Feedback was sought on the proposed approach to the Evidence Plan, key topic areas and the programme.
2	February 2020 to October 2021	Comments on the ToR were addressed and agreed with ETG members.
3	February 2020 to September 2021	Provision of technical information to ETGs regarding the scoping process and the development of the Scoping Report, including characterising the receiving environment, communicating the scope of the EIA and the methodologies proposed for assessment.
4	November 2021 to September 2022	Follow-up ETGs and meetings to discuss formal feedback on the Scoping Report received through the Scoping Opinion and next steps.
5	October 2022 to February 2023	Further ETGs and meetings as required to discuss topic specific technical aspects of the EIA and HRA processes in development of the PEIR
6	July 2023 to October 2023	Follow-up ETGs and meetings to discuss the formal feedback on the PEIR received during the statutory consultation period under the Planning Act 2008.
7	November 2023 to February 2024	Further meetings providing key information and feedback as required to continue discussion on technical aspects of developing the ES and RIAA
8	February 2024 to March 2024	Finalisation of the Evidence Plan prior to submission of the DCO and Marine Licence applications.

MEMORANDUM OF UNDERSTANDING

- 3.4.8 The onshore development area falls within the administrative area of Tendring District Council and Essex County Council. A Memorandum of Understanding (MoU) has been signed between these two councils to ensure Essex County Council and Tendring District Council's work is collaboratively aligned when dealing with the different stages of the application.

3.5 Land interest engagement

- 3.5.1 As identified under section 42(1)(d), the Applicant must consult with the relevant persons defined under section 44 of the 2008 Act. this process involves identify relevant landowners and land interests.
- 3.5.2 The Applicant appointed Dalcour Maclaren to carry out the land agency work, including land referencing, managing communications with identified parties and arranging access as might be required.
- 3.5.3 Dalcour Maclaren initially assessed landownership within the scoping boundary using Land Registry data. Based on this data, Landowner Questionnaires (LOQs) and project introduction letters were sent out in Q3 2021 to gather basic information on:
- > Details of the ownership and occupation of the land;
 - > Contact details for affected parties;
 - > The nature of the interest in the land;
 - > Details of the use of the land.
- 3.5.4 Site notices were erected close to any unregistered parcels of land within the scoping boundary and monitored for a period of four weeks to ensure they were still visible. In some instances, adjoining landowners were contacted to enquire whether they could offer any information on the ownership of unregistered land parcels.
- 3.5.5 Following this Landowner Interest Questionnaires (LIQs) were mailed to affected parties in Q4 2022. These questionnaires are more detailed than the LOQs and collect data on rights and other interests in land identified through desktop referencing.
- 3.5.6 LIQs and LOQs are followed up with chaser letters and where contact details were available, by email and phone. Where there was no response from affected parties, Dalcour Maclaren door knocked and try to fill in the questionnaires on the ground.
- 3.5.7 Once ownership and occupation were established, Dalcour Maclaren looked to meet with all impacted parties in person. These meetings were held jointly with representatives of the North Falls Offshore Wind Project. Data collected included landownership and land use, with records being kept through meeting minutes.
- 3.5.8 Alongside investigating landownership, Dalcour Maclaren negotiated non-intrusive access licences along the proposed route. This allowed access for the appointed ecologists to access the land and carry out surveys to feed into the PEIR documentation.
- 3.5.9 Intrusive access has also been agreed in some areas to allow ground investigation works and archaeological trenching. These are currently on going.
- 3.5.10 In Q2 2023 Dalcour Maclaren wrote to all affected landowners to invite them to a further engagement meeting to give landowners the opportunity to see the proposed PEIR boundary. These engagement meetings were held jointly with representatives of the North Falls Offshore Wind Project. Data collected included feedback on the refined project boundary, landownership and land use, with records being kept through meeting minutes.
- 3.5.11 Discussions on the Heads of Terms (HoTs) for an option agreement have been ongoing with the majority of the instructed land agents representing affected parties since May 2023.

3.5.12 Dalcour Maclaren’s benchmark DCO land referencing methodology for undertaking diligent enquiry of persons with an interest in the land is included in Appendix 11.6. In addition, Dalcour Maclaren has a specific Category 3 Claimant Identification and Refinement Methodology. This is included in Appendix 11.7. Dalcour Maclaren have confirmed to the Applicant that this methodology has been followed.

3.6 Marine stakeholder engagement

3.6.1 Marine stakeholders have been party to the engagement set out in sections 3.3, and 3.4 above. In addition this and the detail in the Evidence Plan (see the Evidence Plan Report - document reference 5.2), the Applicant has also engaged with the commercial fisheries working group (CFWG), North Falls, DEFRA, The Crown Estate, shipping and navigation stakeholders, cable owners and aggregates extraction companies and aviation stakeholders. Update and technical meetings have also taken place with Natural England and the MMO in addition to their involvement in the Evidence Plan process.

3.6.2 The offshore Environmental Statement chapters detail specific engagement that has taken place with specific stakeholders in relation to assessing environmental impacts. Engagement commenced pre EIA scoping to discuss landfall and export cable route selection and offshore survey methods. The table below is not exhaustive but sets out key meetings and engagement, beyond the Evidence Plan process and statutory engagement that has informed the development of the project.

Table 3.7: Key meetings with marine stakeholders

Date	Organisation/s	Subject of engagement
12 Jul 2019	Natural England	Ornithology and marine mammals survey scope
19 Feb 2020	Natural England	Benthic data, survey scope and impact assessment methods
2 Mar 2021	Natural England	Export cable route and landfall Area of Search
29 Mar 2021	MMO	Export cable route and landfall Area of Search
30 Mar 2021	Maritime and Coastguard Agency and Trinity House	Offshore cable route corridor options and definition
20 Apr 2021	Harwich Haven Authority and Sunk Vessel Traffic Services	Offshore cable route corridor options and definition
23 Apr 2021	The Wildlife Trusts	Landfall and offshore cable route corridor options and definition
26 Apr 2021	Ministry of Defence	Landfall and offshore cable route corridor options and definition
27 Apr 2021	Harwich Haven Authority	Offshore cable route corridor options and definition
4 May 2021	RSPB	Offshore cable route corridor options and definition
6 May 2021	Sunk Vessel Traffic Services User Group	Offshore cable route corridor options and definition
6 May 2021	Natural England	Landfall location shortlisting
10 May 2021	Chamber of Shipping	Offshore cable route corridor options and definition

13 May 2021	Sunk Vessel Traffic Services User Group	Offshore cable route corridor options and definition
21 May 2021	Tarmac	Proximity of cable route to aggregates dredging site
24 May 2021	London Gateway	Offshore cable route corridor options and definition
25 May 2021	Sea Link	Offshore cable route corridor options and definition
27 May 2021	Sunk Vessel Traffic Services User Group	Offshore cable route corridor options and definition
8 Jun 2021	Port of London and Harwich Haven Authority	Offshore cable route corridor options and definition
17 Jun 2021	Natural England	Landfall selection, offshore cable routing and benthic survey scope
25 Jun 2021	MMO	Offshore cable route corridor options and definition and offshore survey scope
7 Jul 2021	Harwich Haven Authority	Offshore cable route corridor options and definition
8 Jul 2021	Commercial Fisheries Working Group	Proposed offshore survey works and cooperation agreements on gear relocation
8 Nov 2021	Natural England	Habitats regulations, derogation and compensatory measures strategy and program of work
1 Mar 2022	CFWG	EIA scoping process
28 Apr 2022	Natural England	Compensatory measures long list
24 May 2022	London Gateway	Offshore cable route corridor options and definition
13 Sep 2022	DEFRA	Project update on habitats regulations assessment and emerging compensatory measures
5 Oct 2022	Natural England	Benthic survey data
20 Oct 2022	Shipping navigation stakeholders	Navigational Risk Assessment Workshop
13 Dec 2022	CFWG	Baseline data and impact assessment methods
24 May 2023	MMO	Project update
12 Jun 2023	CFWG	Preliminary environmental report findings
20 Jun 2023	London Gateway	Cable burial and interaction between London Gateway Harbour Empowerment Order and VE DCO
22 Jun 2023	MMO	Project Update
26 Jun 2023	Chamber of Shipping	Northern array boundary
26 Jul 2023	MMO	Project update on habitats regulations assessment and compensatory measures
31 Jul 2023	Harwich Haven Authority	Export cable corridor - joint meeting with North Falls

22 Aug 2023	Natural England	Ornithology compensation measures
23 Aug 2023	MMO	Project update and discussion around drafting of the draft deemed marine licence (dML)
25 Aug 2023	Natural England	Benthic compensation measures
29 Aug 2024	Harwich Haven Authority	Export cable corridor - joint meeting with North Falls
20 Sep 2023	DEFRA	Update on habitats regulations assessment conclusions and update from DEFRA on strategic compensation
22 Sep 2023	Harwich Haven Authority	Offshore cable route and cable installation
6 Oct 2023	MCA and Trinity House	Northern array boundary
11 Nov 2023	London Gateway and Port of London	Offshore cable route and cable installation
22 Nov 2023	MMO	Project update on progress drafting the DCO and deemed marine licence (dML)
27 Nov 2023	Natural England	Ornithology and benthic compensatory measures
15 Dec 2023	Natural England and RSPB	Ornithology compensation measures
18 Dec 2023	MMO	Provision of draft deemed marine licence (dML) for generation assets for comment
19 Dec 2023	Natural England	Provision of draft deemed marine licence (dML) for generation assets for comment
17 Jan 2024	DEFRA	DEFRA progress with strategic compensatory measures
24 Jan 2024	MMO	Update on progress with environmental statement (ES).
25 Jan 2022	Shipping and navigation stakeholders	Follow up navigation risk assessment workshop
2 Feb 2024	London Gateway	Meeting to discuss crossing London Gateway HEO area and potential protective provisions in the DCO
2 Feb 2024	RSPB	Ornithology compensation measures
7 Feb 2024	CFWG	Fisheries coexistence and liaison plan
19 Feb 2024	Natural England	Ornithology compensation measures
21 Feb 2024	DEFRA	Ornithology and benthic compensatory measures
22 Feb 2024	Natural England	Ornithology compensation measures
26 Feb 2024	MMO	Project update and draft DCO/dML feedback

4. STAGE 1 CONSULTATION

NON-STATUTORY CONSULTATION – 30 JUNE TO 12 AUGUST 2022

4.1 Purpose and scope of the consultation

- 4.1.1 Between 30 June and 12 August 2022, the Applicant consulted on early proposals for the Project. This consultation was not carried out to fulfil the requirements of the Planning Act 2008 but to introduce the Project to local communities and was used to inform the development of the Project.
- 4.1.2 Iterative phased consultation, including a non-statutory initial phase, helps manage the tension between the desire to consult at a point where designs are still formative but also to provide enough information for respondents. This approach is recommended by Government advice on the pre-application process for DCOs¹.
- 4.1.3 This initial stage of consultation carried out to fulfil the following objectives:
- > Raise awareness of the Project amongst the communities near the proposed onshore elements of the Project;
 - > Seek initial feedback on the proposed onshore and offshore components of the Project;
 - > Collect information about any specific issues (environmental or otherwise) that the community felt was important for the Applicant to be aware of in developing the proposals; and
 - > Find out if there were any preferred methods of engagement we should use as part of the forthcoming statutory consultation.
- 4.1.4 At this stage of the Project development, detailed environmental information was not available to share. In addition, we were not consulting on either the need for the Project (as this was set in national policy) or the proposed method of connecting to the national electricity transmission network (although information was provided about the Project's involvement with the Offshore Transmission Network Review). More detail why this was scoped out is set out in section 5.2 in relation to the Stage 2 statutory consultation.

4.2 Publicity

- 4.2.1 To promote the consultation the following activity was carried out:
- 4.2.2 A newsletter was sent via Royal Mail to approximately 14,000 residential and business addresses. The boundary for this mailing was 3km from the proposed substation search areas, and 1km from either side of the onshore cable route corridor. The zone was extended around the landfall location to ensure that sections of smaller settlements bisected by the boundary were not excluded. This newsletter was sent via 2nd class post on 28 June 2022. A copy of the newsletter and map of the distribution area can be found in Appendix 2.1.

¹ 'Planning Act 2008: Guidance on the pre-application process', Department for Communities and Local Government, March 2015

- 4.2.3 Newspaper advertisements were placed in local newspapers to promote the consultation and to encourage residents to attend the in-person public events. These newspapers were the Harwich and Manningtree Standard (7 July 2022) and Frinton and Clacton Gazette (8 July 2022). A second round of advertisements were placed in the same newspapers week commencing 1 August 2022 to remind people of the deadline for responding to the consultation. Copies of these advertisements can be found in Appendix 2.1.
- 4.2.4 A press release was issued at the start of the consultation resulting in coverage in local and regional newspapers. The press release and a summary of the media coverage can be found in Appendix 2.1.

4.3 Consultation activity

- 4.3.1 At the start of the consultation period, information was made available online at the Project's website through an online exhibition space. Two in-person events were held during the six-week consultation period. The information at the in-person events were the same as the information presented in the online exhibition.
- 4.3.2 The online exhibition space can still be accessed via the Project website: www.fiveestuaries.co.uk/stage-1-consultation. Copies of the exhibition boards and example screen captures of the exhibition space have been reproduced in Appendix 2.2. In addition, a fact card was produced and made available as part of the consultation. This can also be found in Appendix 2.2.
- 4.3.3 The in-person events were:
- > Wednesday 13 July 2022, 3pm to 8pm, St Mary's Parish Church Hall, Frinton-on-Sea, CO13 9BX – 98 attendees
 - > Thursday 14 July 2022, 2pm to 8pm, Ogilvie Hall, Wignall Street, Lawford, CO11 2JG – 106 attendees*
 - > *Doors were opened early at around 1pm due to visitors waiting.

ADDITIONAL MATERIAL

- 4.3.4 At the in-person events, several members of the public raised concerns about the level of detail on the maps published. A series of larger scale maps showing the search area for the onshore cable route and the two substation search areas were published on the Project website on 21 July 2022 in response.
- 4.3.5 These maps used the same redline boundary as the information presented in other consultation, only at a large scale, and with greater detail on the base mapping. People who had requested these maps were contacted directly via email and an email update regarding the maps was sent to all newsletter subscribers on 22 July 2022. A copy of the email can be found in Appendix 2.4.

RESPONSE CHANNELS

- 4.3.6 The following response methods were made available to enable people to provide feedback during the consultation:
- > A paper feedback form was printed and made available at the events to enable completion at the event or to take home and complete later. A copy of this form can be found in Appendix 2.2;
 - > A digital version of the form was available to complete online, linked from the online exhibition;

- > A freepost address (Freepost FIVE ESTUARIES) was set up so people could send either the printed feedback form or other feedback to the Project; and
- > Feedback could be emailed directly to the Project at fiveestuaries@rwe.com.

4.4 Response to the consultation

4.4.1 In response to the consultation, 139 responses were received. Eight of these responses were from self-identified landowners and the rest from individuals (including one group of three councillors responding together).

4.4.2 The following organisations responded to the consultation:

- > Ardleigh Parish Council
- > Brightlingsea Town Council
- > East of England Ambulance Service
- > East Suffolk Council
- > Essex County Council
- > Essex Wildlife Trust
- > Historic England
- > Little Bromley Parish Council
- > NHS Suffolk and North East Essex Integrated Care Board
- > Suffolk County Council
- > Suffolk Coast & Heaths Area of Outstanding National Beauty Partnership
- > Suffolk Wildlife Trust
- > Tendring District Council
- > Tendring Parish Council
- > The Leith Group (Bramble Island)
- > Woodland Trust

4.4.3 There was a split between highly detailed responses and short responses, the later which tended to focus on the request for an offshore connection. The top issues from non-organisational response are set out below:

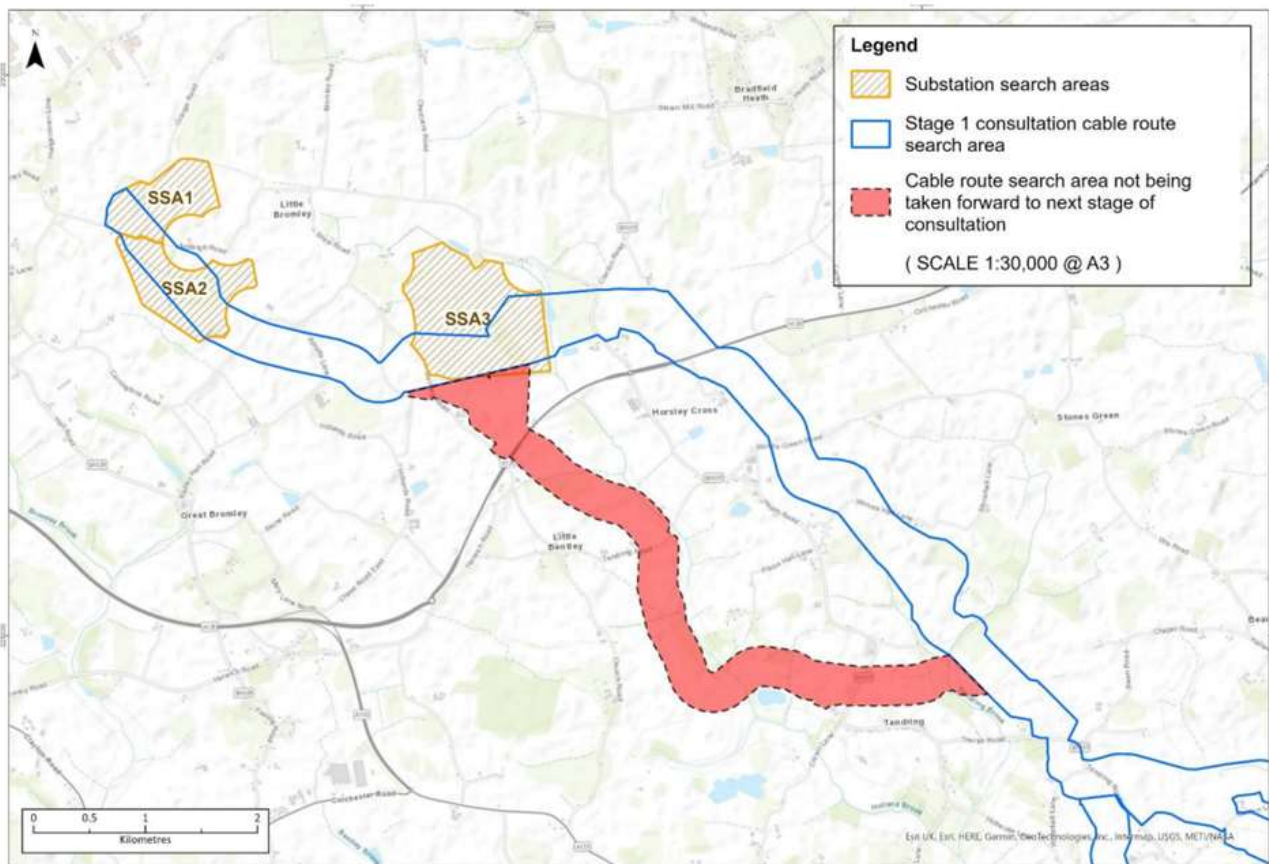
Table 4.1: Top issues raised from Stage 1 consultation responses.

Top general issues (number of times they were raised)		Top specific issues (number of times they were raised)	
1.	Request for an offshore grid connection (32)	1.	Request for coordination between the Project, National Grid and North Falls (14)
2.	Concern about narrow roads (19)	2.	Concern regarding current reliance on well/spring water in Little Bromley (7)
3.	General objection to project (12)	3.	Concern about viability of screening the substation (6)
4.	Concern regarding loss of farm land (12)	4.	Criticism of the scale of maps used (4)
5.	Statement of in principle support of renewables (9)	5.	Concern about the impact of onshore infrastructure on Little Bromley (4)
		6.	Concern about the impact of onshore infrastructure on Ardleigh (4)

4.4.4 A full breakdown of the responses received to this stage of consultation is set out in the Stage 1 Feedback Report, which was published on 15 October 2022 and can be found in Appendix 2.3.

MAJOR CHANGES TO PROPOSALS AS A RESULT OF FEEDBACK

- 4.4.5 The feedback received from consultation fed into the development of the Project, the information presented in the PEIR and how we carried out Stage 2 consultation. One specific major change to the Project was made as a result of feedback.
- 4.4.6 For the first stage of public consultation several cable route search areas were presented. Responses were received expressing concern about the proximity to Tendring village when an alternative route was available that would reduce perceived impact on the village, without increasing the effect on other settlements. Although preliminary environmental information was not available, details of the potential works associated with the construction of the underground cable was sufficient for stakeholders to form an initial opinion on the potential impacts of the proposals.
- 4.4.7 Following consideration of technical issues, preliminary environmental assessments, and preferences expressed from feedback received, the corridor closest to Tendring village was not taken forward to the PEIR stage.
- 4.4.8 The map below shows an area of cable route search area, highlighted in red, that was dropped following Stage 1 Consultation.



5. STAGE 2 CONSULTATION – OVERVIEW

STATUTORY CONSULTATION – 14 MARCH TO 12 MAY 2023

5.1 Introduction

- 5.1.1 This stage of consultation was the main statutory stage of consultation undertaken on the Project. In addition to consultation on more detailed proposals than were made available at Stage 1 Consultation, preliminary environmental information was published to set out in detail the potential benefits and impacts of the Project.
- 5.1.2 The consultation ran for just over eight weeks from 14 March to 12 May 2023.
- 5.1.3 During the consultation period over 466 people attended an in-person or online event and 698 responses² to the consultation were received.
- 5.1.4 This consultation fulfilled the requirements of sections 42, 46, 47 and 48 of the Act.

5.2 Scope of consultation

- 5.2.1 The scope of the consultation was set out in the published Statement of Community Consultation (SoCC), the Consultation Booklet, and the Feedback Form. The scope was defined as:

“We are consulting on our proposals for the Project and the initial findings of our Environmental Impact Assessment. This document outlines key information about the Project, where you can find more information, and how you can respond to the consultation.”

- 5.2.2 It was also stated that the Stage 2 Consultation was likely to be the last project-wide consultation.

SPECIFIC AREAS OF INTEREST

- 5.2.3 Comment was welcome on any element of the proposals or preliminary environmental information; however the consultation also sought specifically to collect feedback on the:
- > Proposed onshore underground cable route corridor;
 - > Search areas and indicative locations for the onshore substation;
 - > Proposed offshore cable route corridor;
 - > Mitigation proposals for potential impacts; and
 - > Environmental Impact Assessment information about the Project (as set out in our Preliminary Environmental Information Report).

WHAT WAS OUT OF SCOPE

- 5.2.4 The Applicant was not consulting on the need for the Project. This is set out in national and government policy.
- 5.2.5 In addition, there had been significant local interest in connecting the Project to the national electricity transmission network via a theoretical offshore option instead of the proposed onshore route.

² This is after the removal of duplicate responses, defined as the identical text (or PDF) sent from an identical email address with no indication of a different signatory.

- 5.2.6 As set out in the Offshore Connection Scenario document (document reference 9.29) submitted with the application, this remains a theoretical option that is not currently deliverable, and the Applicant is exploring it as part of the Offshore Coordination Support Scheme.
- 5.2.7 Because the ability to deliver an offshore connection was reliant on several external factors (regulatory, technical and commercial challenges) that would not be affected by the responses to a single project's consultation, it was not consulted on. These are set out in more detail in the Consultation Booklet published as part of Stage 2 consultation and re-produced in Appendix 3.1.
- 5.2.8 Consulting on an option that was at the time undeliverable and for which deliverability was dependant on variables beyond the control of the Project team (such as the outcome of the Offshore Transmission Network Review), it was not considered to represent an honest or fair consultation and was likely to have distracted from feedback on the onshore proposals.

5.3 Consultation materials

- 5.3.1 The materials listed below were published on the Project's dedicated website at the launch of the consultation. The Consultation Booklet and Guide to the PEIR have been included in Appendix 3.1 and 3.2 (respectively). The other materials are still available on the Project's website www.fiveestuaries.co.uk/stage-2-consultation.
- > Consultation Booklet
 - > Guide to the Preliminary Environmental Information Report
 - > Preliminary Environmental Information Report (including a Non-Technical Summary)
 - > Maps and plans (reproduced in Appendix 3.5), including;
 - > Simplified onshore plans at multiple scales;
 - > Simplified offshore plan;
 - > Focused plans of the two substation search areas;
 - > Redline boundary showing the maximum extent of the onshore development area assessed by the PEIR.
- 5.3.2 The purpose of these documents was to set out the proposals and their potential benefits and impacts. This was provided in detail in the PEIR, which is a draft of what will become the Environmental Statement that supports the DCO application.
- 5.3.3 Screenshots of the Stage 2 consultation document library can be found in Appendix 3.7.

PROJECT WEBSITE

- 5.3.4 In addition to the documents published, the Project's website provided two additional forms of information:
- > An introductory video from the Project lead setting out the consultation scope and how people can find information; and
 - > An interactive map (still available on the Project website) showing major elements of the proposals.

5.4 Consultation activity

- 5.4.1 Consultation activity carried out is broken down in the following four chapters:

- > Chapter 6 – Section 42: prescribed consultees and those with an interest in the land;
- > Chapter 7 – Section 46: a brief chapter covering the requirement to notify the Secretary of State as part of statutory consultation;
- > Chapter 8 – Section 47: the preparation of the Statement of Community Consultation and the delivery of activity set out in the statement; and
- > Chapter 9 – Section 48: the duty to publicise the application.

RESPONSE CHANNELS

5.4.2 The following response methods were made available to enable people to provide feedback during the consultation:

- > A paper feedback form was printed and made available at the events to enable completion at the event or to take home and complete later. A copy of this form can be found in Appendix 3.3;
- > A digital version of the form was available to complete online;
- > A freepost address (Freepost FIVE ESTUARIES) was set up so people could send either the printed feedback form or other feedback to the Project; and
- > Feedback could be emailed directly to the Project at fiveestuaries@rwe.com.

5.5 Responses to the consultation

5.5.1 In total, 698 unique responses were received to the consultation. A number of duplicate responses (the same content from the same person) were received, these each counted once.

- > 47 responses were received from prescribed bodies under section 42(a)
- > The Marine Management Organisation responded (section 42(aa));
- > 8 local authorities (section 42(b)) responded;
- > 56 persons with land interests responded under section 42(1)(d). These were self-identified; and
- > 586 other responses were received.
- > 467 responses contained text that was fully or mostly copied from one of three distinct campaign responses.

5.5.2 How responses have been analysed and considered by the Applicant is explained below.

RESPONSE ANALYSIS APPROACH

5.5.3 As per Advice Note Fourteen: Compiling the Consultation Report (The Planning Inspectorate, February 2021) when reporting on responses to statutory consultation it is considered appropriate, when the level of response is significant, to group responses under headline issues providing care is taken to ensure that in doing so responses are not presented in a misleading way.

5.5.4 As recommended by the Advice Note, below is a description of the methodology used to summarise the issues identified in responses to the consultation to create those headline issues. This methodology has been used to summarise the responses to statutory consultation.

- 5.5.5 **Section 47 and Section 42(1)(d)** responses: Each response to the consultation is read individually and each issue is identified and recorded. The issues identified are then grouped with a record kept of how many times each issue has been identified. A summary of the issue is prepared to capture the comments grouped as such. Once a list of summarised issues is identified, they are assigned topics primarily based on the Environmental Statement's chapters – although some categories sit outside of this framework due to the issues being out of scope (such as with requests for an offshore connection) or not directly covered by the Environmental Statement (such as comments related to the consultation).
- 5.5.6 A precautionary approach was taken to include as much detail in each summarised issue as possible to avoid a loss of meaning, and to not unnecessarily group similar issues where they raised distinct issues that merited individual consideration.
- 5.5.7 **Section 42(1)(a, aa and b)** responses: A similar process was carried out for the analysis of these responses; however, issues were not grouped. Instead, the issues identified from each respondent were listed, considered and responded to. This was done to increase visibility of how the Applicant had considered responses from prescribed bodies and local authorities.
- 5.5.8 **Campaign responses:** Responses that were near identical text were considered separately. With a full consideration of each response and the number of times it was submitted included. These are included in Appendix 8.4.
- 5.5.9 The issues identified through both processes have then been set out in a series of tables (Appendix 8) along with details of how the Applicant considered the issues and its response to it; as well as whether it led to a change in the Project. Where an issue has requested an explicit change, but it has not led to a change in the Project, a short explanation as to why is included.
- 5.5.10 Many of the comments related to areas of concern that had been assessed within the PEIR or ES. In these cases, the consideration or regard to the response has been recorded as signposting to the relevant document where the full context of the assessment is included. These have been marked in the tables as not having led to a change in the Project. In some cases they may have led to additional surveys or information being included.
- 5.5.11 By its nature, preparing summarised versions of issues raised in long form qualitative feedback is a subjective process. The Applicant has endeavoured to define the issues as inclusively as possible to ensure that it is considering the issue in the most thorough way possible. The number of times an issue has been raised via feedback is intended to be a guide to the level of commentary on that specific point. The Applicant considers all responses equal, and the number of times an issue was raised did not necessarily affect the level of consideration it received.
- 5.5.12 The Applicant is confident that the responses presented represent a fair representation of the content of the responses and representations made to these consultations.

6. STAGE 2 CONSULTATION – SECTION 42

6.1 Introduction

- 6.1.1 This chapter of the report covers how the Applicant consulted under section 42 during the statutory Stage 2 consultation (14 March to 12 May 2023). A targeted consultation with section 42(1)(d) stakeholders was carried out separately on 5 December 2023 to 31 January 2024 as part of Stage 3 Consultation. This is covered in chapter 10.
- 6.1.2 Section 42(1) covers the duty to consult several categories of people and organisations. Those categories are:
- (a) such persons as may be prescribed,
 - (aa) the Marine Management Organisation, in any case where the proposed development would affect, or would be likely to affect, any of the areas specified in subsection (2),
 - (b) each local authority that is within section 43,
 - (c) the Greater London Authority if the land is in Greater London, and
 - (d) each person who is within one or more of the categories set out in section 44.
- 6.1.3 The Project would affect the areas set out within section 42(aa) and therefore the Marine Management Organisation has been included in the consultation process. Consultation with the MMO is covered in Chapter 6.2 as they received the same information to that provided to prescribed bodies under section 42(a).
- 6.1.4 The Project does not affect any land in Greater London; therefore section 42(c) does not apply.

6.2 Section 42(1) (a) and (aa)

- 6.2.1 Section (1)(a) requires an applicant to consult with prescribed bodies. These are set out in regulations and comprise bodies with specific expertise and/or statutory responsibility for a given discipline(s). Prescribed bodies cover the main statutory bodies that are to be consulted under section 42.
- 6.2.2 The starting point for identifying the prescribed bodies relevant to the Applicant was the list of consultees prescribed in Schedule 1 of the APFP Regulations. These include consultees that need to be consulted in specific circumstances.
- 6.2.3 This list of consultees was then augmented with additional bodies who were notified of the proposed application by the Inspectorate under Regulation 11(1)(a) of the EIA Regulations (the Regulation 11 list) Appendix 4.1.
- 6.2.4 As per section 42(1)(aa) the Marine Management Organisation was included as a consultee due to the project comprising an offshore wind farm in waters adjacent to England up to the seaward limits of the territorial sea in accordance with section 42(2).

6.3 Section 42(1) (b)

- 6.3.1 Section 42(1)(b) requires consultation with those local authorities within section 43. This section identifies host authorities in whose area the project is proposed to be located, and adjoining authorities at both upper and lower tier levels. In order to identify the section 43(1) local authorities, the land for the proposed development was defined as the area within which the onshore infrastructure could be located. The onshore electricity cable corridor, onshore substation, accesses, as well as land required for environmental mitigation and enhancement, are all proposed to be situated on land within the jurisdiction of 'host authorities' for the project. The Applicant is required to:
- > Consult the 'host authority' on the project under section 42; and
 - > Consult the 'host authority' on the contents of the SoCC under section 47(2).
- 6.3.2 Local authorities under section 43 also include those that share a boundary with the host authority, as above, these are both upper tier and lower tier authorities.
- 6.3.3 In addition, Planning Inspectorate Advice Note Three (2017) recommends that, where projects are located offshore, developers also consult local authorities that may be visually impacted by the offshore elements of the proposals, even if they are not captured within the definitions set out under section 43 of the Act.
- 6.3.4 Local authorities identified under section 43 are listed below and in Appendix 4.1.

Table 6.1: Local authorities tables identified for consultation under section 42(1)(b) and 43.

Section 43	Local authority (ABCD categorisation)
(1) A local authority is within this section if the land is in the authority's area.	<ul style="list-style-type: none"> > Tendring District Council (B) > Essex County Council (C)
(2) A local authority ("A") is within this section if— (a) the land is in the area of another local authority ("B"), (aa) B is a unitary council or a lower-tier district council,] and (b) any part of the boundary of A's area is also a part of the boundary of B's area.	<ul style="list-style-type: none"> > Babergh District Council (A) > Colchester District Council (A) > Enfield London Borough Council (A) > Havering London Borough Council (A) > Medway Council (A) > Redbridge London Borough Council (A) > Southend-on-Sea Council (A) > Thurrock Council (A) > Waltham Forest London Borough Council (A)
(2A) If the land is in the area of an upper-tier county council ("C"), a local authority ("D") is within this section if— (a) D is not a lower-tier district council, and (b) any part of the boundary of D's area is also part of the boundary of C's area.]	<ul style="list-style-type: none"> > Suffolk County Council (D) > Cambridgeshire County Council (D) > Hertfordshire County Council (D)
Non-prescribed local authorities that may be visually impacted by the offshore elements of the Project.	<ul style="list-style-type: none"> > Thanet District Council > Kent County Council > East Suffolk District Council

6.4 Section 42(1)(d)

- 6.4.1 Section 42(1)(d) of the Act states that applicants must consult each person who is within one or more categories set out in section 44; referred to as Persons with an Interest in the Land (PILs). These include any landowner, lessee, tenant, occupier, any person with an interest in the land or who has power to sell and convey the land and any person entitled to make a relevant claim.
- 6.4.2 The Applicant, through its appointed land agents, undertook a land referencing process to identify the persons within each category of section 44. Land referencing is an iterative process, and the list of PILs consulted under section 42(1)(d) during the Stage 2 Consultation does not include all interests included in the Book of Reference. Details of the additional targeted consultation that was carried out to ensure that all interests in the Book of Reference (4.1) were consulted with is set out in Chapter 11.
- 6.4.3 In order to carry out land referencing, land agents Dalcour Maclaren were appointed in December 2019. The referencing activity carried out in advance of the Stage 2 Consultation is summarised below.
- 6.4.4 A list of PILs consulted during Stage 2 is included in Appendix 4.2.

REFERENCING ACTIVITY

- 6.4.5 In order to ascertain unknown ownership of land, including that which was unregistered, Dalcour Maclaren erected site notices for a period of six weeks. This invited any person who may have information on the land ownership or occupation to contact the scheme.
- 6.4.6 Affected parties with known addresses within the PEIR boundary were written to, inviting them to meet with Dalcour Maclaren at their property, and to attend an in person public consultation event.
- 6.4.7 In addition to directly affected parties under Section 42 of the Planning Act 2008 (the 'Act'), the project has a duty to consult with each party set out in the categories in Section 44 of the Act. Upon acceptance of the application and in accordance with Section 56 of the Act, the applicant must give notice of the application to each person set out in categories Section 57. In both Section 44 and 57, one of the categories is "Category 3" which includes any persons that the applicant believes "would or might be entitled to make a relevant claim" if the "proposed application were to be made and fully implemented".
- 6.4.8 Dalcour Maclaren, on behalf of the applicant, has undertaken diligent inquiry to identify the relevant land interests under section 44. The multidisciplinary approach to methodology was as follows:
- > Land Agency: The Applicant's appointed firm of land agents, Dalcour Maclaren, provided advice on what could constitute a relevant claim and undertook a GIS exercise to determine what property titles might potentially be able to make a claim based on the PEIR boundary and proximity to the substation and temporary construction areas.
 - > Environmental Consultants: The Applicant's appointed environmental consultants, provided advice on matters arising from the construction or operation of the Project which may give rise to A claim.

- > Five Estuaries Project and Lands Team: The Project and Lands team provided advice on matters arising from the construction or operation of the Project which may give rise to a claim.
- 6.4.9 The DCO Land Referencing Methodology used by Dalcour Maclaren is included in Appendix 11.6, which sets out fully how the process for diligent enquiry. In addition as dedicated Category 3 Claimant Identification and Refinement Methodology is included in Appendix 11.7 setting out how Dalcour Maclaren determined Category 3 persons.
- 6.4.10 In total 363 PILs were identified and consulted with during the Stage 2 Consultation, this included:
- > 221 PILs with interests under category 1 or 2;
 - > 39 PILs with interest under category 3; and
 - > 103 PILs with interests under category 1 or 2, and category 3.

6.5 Consultation activity

- 6.5.1 All of the consultees identified under sections 42(1)(a), 42(1)(aa), 42(1)(b) and 42(1)(d) were invited to provide comments on the proposed application under section 42 and the published preliminary environmental information for the Project as required by the EIA Regulations. All consultees have been listed in Appendix 4.
- 6.5.2 All section 42 consultees were sent a pack containing the materials set out below on 13 March 2023. These packs were sent by the Royal Mail tracked service. Where email addresses were available, consultees were emailed with the same material on 14 March 2023.
- 6.5.3 Material sent to s42 consultees:
- > Section 42 notice (different variants were provided on the basis of the category of consultee) which included the deadline for responses (12 May 2023, 60 days after the start of the consultation);
 - > Guide to the PEIR; and
 - > Section 48 notice.
- 6.5.4 Example copies of the emails and section 42 letters can be found in Appendix 4.3.
- 6.5.5 The PEIR and all consultation documentation (as listed in chapter 5.3) was provided on the Project website, and links to their location were provided in the section 42 notice and email.

6.6 Response to the consultation

- 6.6.1 Responses were received from 56 PILs, eight local authorities and 47 prescribed organisations.
- 6.6.2 These responses are analysed and the consideration the Applicant has taken of those responses is set out in Appendix 8.1 and 8.2. These appendices also note where the issue has led to a change in the proposals.

7. STAGE 2 CONSULTATION – SECTION 46

7.1 Overview of activity

- 7.1.1 Section 46 requires an applicant to notify the relevant Secretary of State of its intention to submit an application for development consent. This notification was sent in a letter dated 13 March 2023 (Appendix 5.1). This notification is made via the Planning Inspectorate. This letter was sent via post and email.
- 7.1.2 In accordance with section 46(1), the notification to the Secretary of State was accompanied by the same information that was provided to section 42 consultees. This included physical copies of:
- > The cover letters sent to section 42 consultees;
 - > The section 48 notice for the Project; and
 - > The Guide to the Preliminary Environmental Information Report.
- 7.1.3 In addition, links were provided to the remaining consultation documents listed in chapter 5.3 including:
- > Consultation Booklet; and
 - > Preliminary Environmental Information Report (including a Non-Technical Summary).
- 7.1.4 The Planning Inspectorate acknowledge receipt of the section 46 notice on 16 March 2023. A copy of this acknowledgement can be found in Appendix 5.2.
- 7.1.5 The Planning Inspectorate placed both the section 46 notification letter and its acknowledgment thereof on its website for the Project.

8. STAGE 2 CONSULTATION – SECTION 47

8.1 Introduction

- 8.1.1 Section 47 of the Act sets out the ‘Duty to consult local community’. This chapter of the report sets out how the Applicant has complied with the requirements of this section of the Act. The individual clauses of the Act are included in chapter 2, but in summary the Applicant is required to prepare a statement that sets out how it intends to consult with the local community, consult relevant local authorities on a draft of that statement, publish the final statement and then deliver activities in line with it.
- 8.1.2 This statement is referred to as a Statement of Community Consultation (SoCC).

8.2 Preparation of the Statement of Community Consultation

FEEDBACK FROM STAGE 1 CONSULTATION

- 8.2.1 The non-statutory consultation that was carried out between 30 June and 12 August 2022 explicitly sought feedback from stakeholders on what to include at the next stage of consultation. More information about Stage 1 consultation is included in chapter 4.
- 8.2.2 Feedback on this topic was used in the preparation of the draft SoCC. A summary of the feedback received is included below, along with how it influenced the development of the SoCC. The approach used to collate and consider responses received was the same as the approach set out in chapter 5.5.

Table 8.1: Stage 1 feedback relating to consultation.

Summary of issue	No. of mentions	Consideration
Criticism of the level of detail on the maps provided as part of the consultation.	5	<p>This issue was identified by stakeholders during Stage 1 Consultation. In response to the immediate concern, the Applicant produced a series of more detailed maps at a larger scale and published them on 21 July 2022.</p> <p>The maps used the same redline boundary as was otherwise presented during Stage 1 Consultation but at a larger scale with greater detail on the base mapping. People who had requested the additional detail were contacted directly following the publication of these maps and an email update was sent to subscribers to the Project’s newsletter.</p> <p>-</p> <p>Due to the development of the Project for PEIR, maps and plans were available in more detail as part of Stage 2 Consultation by default.</p> <p>In addition, in response to these concerns, the Applicant published an online interactive map as</p>

		part of the Stage 2 Consultation to enable stakeholders to view the plans at the scale most suitable to them.
Positive comments regarding consultation, events and staff.	4	Positive feedback was noted. The SoCC was designed to build on the successes of Stage 1 Consultation.
Claim that the consultation was inadequate because no choice was presented other than connecting near Ardleigh or that it doesn't include option to connect offshore.	3	A full statement with regards to a potential offshore connection was included within the Statement of Community Consultation to set out the Project's position and to define the scope of the consultation. As per the statement in the published SoCC, the Applicant did not consult on an offshore transmission option as part of Stage 2 Consultation because it was not an option that could be meaningfully affected by stakeholder feedback – as such it would have been potentially misleading to include it our plans.
Desire to see comparison between onshore and offshore options; including impacts, costs, etc.	1	This is because the delivery an offshore connection option is dependent on commercial, regulatory and technical issues many of which are outside of the Applicant's ability to influence. More information about the Applicant's position on this issue can be found in the Offshore Connection Scenario report (document reference 9.29).
Desire to see costs for all options (implication of an offshore option).	1	
Request for more time at the next consultation.	3	The published SoCC committed to consulting for at least eight weeks.
Request that responses are listened to and taken on board; or concern that they wouldn't be.	2	The requirement to consider responses was set out in the SoCC, with specific reference to it as a statutory requirement under the Act.
Request that the consultation website is improved for the next stage of consultation.	1	Following a review of the online exhibition tool, the website was simplified for Stage 2 Consultation to focus on ensuring people had quick and easy access to the consultation material. This was not referred to directly in the SoCC, but rather an online exhibition space was not committed to.
Request for the substation location to be confirmed for the next consultation.	1	This was not addressed in the SoCC as it relates to the content not method of consultation. A preferred site was not presented at Stage 2 Consultation. However, in response to this comment a preferred location within each of the

		search areas was present during Stage 2 Consultation. This is included in the plan that was included in the published SoCC.
Claim that addresses (CO11 2QA) did not receive direct mail.	1	Addresses within the CO11 2QA postcode area were sent newsletters, however in order to improve visibility of the consultation – envelopes for the newsletters to promote the Stage 2 Consultation had clearer branding on them and stated that they related to a consultation.
Request for direct mail (CO16 0AB).	1	<p>The SoCC sets out the ways in which the consultation would be promoted, which included local and parish newspaper advertising to supplement the newsletter distribution.</p> <p>The boundary for newsletter distribution, which include CO16 0AB, which included in the SoCC.</p>
Request for illustrative photographs of pylons as part of the consultation. Note - this may be a misunderstanding as the Project is not proposing to use onshore pylons.	1	The SoCC committed to the publication of photomontages as part of Stage 2 Consultation and set out the relationship between the Project as National Grid's GREEN project (as the Norwich to Tilbury Reinforcement project was referred to at the time).
Question of why consultation Was not carried out before project approval. Note - this may be a misunderstanding of the DCO process.	1	A summary of the DCO process and Project timeline were included in the SoCC to help increase understanding of the consenting process.
Request to be kept informed.	1	The stakeholder's email address was added to the Project's update subscriber list in order to received direct updates from the Applicant. The SoCC includes further details of how people were informed of the consultation, including through the use of this subscriber list.

8.3 Consultation with local authorities

- 8.3.1 As per the requirement of section 47(2), the Applicant was required to consult on a draft of the SoCC with the local authorities defined by section 43(1) of the Act. These local authorities were:
- > Essex County Council; and
 - > Tendring District Council.

- 8.3.2 In addition, following guidance the Applicant also consulted with local authorities covering areas that had a potential visual impact from the Project. This included:
- > Babergh District Council
 - > East Suffolk Council
 - > Kent County Council
 - > Suffolk County Council; and
 - > Thanet District Council
- 8.3.3 Prior to the submission of the draft SoCC to the local authorities for comment, the Applicant met with officers from the authorities in order to discuss the SoCC and the upcoming statutory consultation in general.

Table 8.2: Dates of meetings with local authorities to discuss the SoCC.

Local authority	Date of meeting
Kent County Council	1 September 2022
Thanet District Council	13 September 2022
Essex County Council and Tendring District Council	14 September 2022
Suffolk County Council	20 September 2022
East Suffolk District Council	22 September 2022

- 8.3.4 Following these meetings, the draft SoCC was prepared and issued to local authorities* on 3 October 2022, with a deadline for responses of 1 November 2022 – this allowed for 28 days for comments after the day of the receipt of the draft. A copy of the Draft SoCC can be found in Appendix 6.1 and an example email sent to local authorities can be found in Appendix 6.2.
- 8.3.5 *Babergh District Council was identified as a local authority with a potential visual impact later in the Project’s development. Babergh District Council was sent a copy of the draft SoCC on 10 November 2022, with a deadline for responses of 9 December 2022 (28 days from the day after the receipt of the draft). A copy of the email sent to Babergh District Council can be found in Appendix 6.2.
- 8.3.6 Responses to the consultation on the draft SoCC were received from all local authorities consulted. The dates of receipt of comments are set out below. The responses can be found in Appendix 6.3.

Table 8.3: Date of responses received from local authorities.

Local authority	Date of meeting
Thanet District Council	18 October 2022
East Suffolk Council	26 October 2022
Kent County Council	3 November 2022
Essex County Council	1 November 2022
Suffolk County Council	1 November 2022
Tendring District Council	1 November 2022
Mid Suffolk and Babergh District Councils	7 December 2022

CONSIDERATION OF RESPONSES TO CONSULTATION ON DRAFT SOCC

- 8.3.7 Following the receipt of comments on the draft SoCC from local authorities, the feedback was considered and incorporated into the published SoCC where possible. The responses from local authorities and how regard was had to those in preparing the published SoCC is set out in Appendix 6.3.
- 8.3.8 Key changes that were made to the SoCC following feedback from the local authorities included:
- > Explicitly seeking comments on the visual screening for the onshore substation;
 - > Commitment to send GP surgeries and healthcare centres posters promoting the consultation;
 - > An additional event in Tendring village;
 - > The provision of copies of the printed newsletter to parish councils outside of Essex/Tendring;
 - > Additional locations for deposit points;
 - > Additional organisations to send information to at the launch of consultation; and
 - > Additional newspapers to advertise in.

8.4 Publication of the Statement of Community Consultation

- 8.4.1 As required by section 47(6) of the Act, the SoCC was published on 15 February 2023 on the project's dedicated, free to access website. The published SoCC can be found in Appendix 6.4.1. Screenshots of the webpage can be found in Appendix 6.4.2.
- 8.4.2 Paper copies of the SoCC were placed in 20 information points in the areas that were being consulted with. The publication of the SoCC was publicised in a series of local newspapers. The SoCC was therefore made available for inspection by the public in a way that was reasonably convenient for people living in the vicinity of the proposed project, including both onshore infrastructure and with a potential view to the wind farm array.
- 8.4.3 The SoCC was placed in the following locations and available from the week commencing 13 February 2023 to the close of the public consultation on 12 May 2023. A copy of the emails sent to libraries to confirm the issue of the SoCC can be found in Appendix 6.6.

Table 8.4: Locations where paper copies of the SoCC could be viewed.

Area	Location	Area	Location
Essex	Brightlingsea Library	Suffolk	Aldeburgh Library
	Clacton Library		Endeavour House
	Colchester Library		Felixstowe Library
	Frinton Library		Leiston Library
	Greenstead Library		Lowestoft Library
	Harwich Library		Saxmundham Library
	Jaywick Library		Southwold Library
	Manningtree Library		Kent
	Prettygate Library		
	Tendring Townhall		
	West Clacton		

	Wivenhoe Library		
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8.4.4 Libraries also had free public internet access, creating another method of accessing the SoCC.

8.4.5 Notices were placed in the following newspapers containing information about the publication of the SoCC. Copies of the notices can be found in Appendix 6.5.

Table 8.5: Notices of SoCC publication.

Newspaper	Date
East Anglian Daily Times	16 February 2023
Frinton and Clacton Gazette	16 February 2023
Isle of Thanet News	Online only – live from 17 February 2023
Essex County Standard	17 February 2023
Harwich and Manningtree Standard	17 February 2023
Thanet Extra	22 February 2023
Felixstowe Flyer	1 March 2023
Southwold Gazette	3 March 2023
Aldeburgh Gazette	10 March 2023*
*Due to the publication cycle of the Aldeburgh Gazette, a contracted notice was published advertising both the publication of the SoCC and the consultation dates.	

8.4.6 Through these channels, the SoCC was made available for inspection by the public in a way that was ‘reasonably convenient for people living in the vicinity of the land’ as per the requirements of section 47(6)(za).

8.5 Delivery against the Statement of Community Consultation

8.5.1 The table below sets out the commitments made in the SoCC and how the Applicant fulfilled those requirements. Reference may be made to appendices, where the information or evidence is too large to include within the table.

Table 8.6: SoCC commitments and adherence.

SoCC commitment	Compliance with commitment
<p>Who we're consulting</p> <p>In accordance with Section 47 of the Planning Act 2008, we will consult people living in the vicinity of the proposed development area and who may be affected by the Project.</p> <p>For the Project, this includes:</p> <ul style="list-style-type: none"> > Areas potentially affected by proposed onshore infrastructure including underground cabling and the proposed onshore substation; and > Coastal areas in Essex, Suffolk and Kent with potential visual impacts from the proposed turbines and other offshore infrastructure. 	<p>These areas and groups were consulted through a range of methods set out throughout the SoCC.</p>
<p>In line with the proposals outlined in this document and the relevant sections of the Planning Act 2008, we will engage with:</p> <ul style="list-style-type: none"> > Local residents and businesses; > Local elected representatives, including Members of Parliament, county councillors and district councillors and parish and town councils; and > Resident, community, tourism and business organisations. 	
<p>Hard to reach groups</p> <p>We will engage with those people who have less chance than others to get involved in the planning process and who can therefore be underrepresented. These groups include young people, the elderly, the homeless, people with a disability, temporary residents and ethnic minorities, among others.</p> <p>In order to help enable these groups to engage with the consultation we will:</p> <ul style="list-style-type: none"> > Provide a range of engagement opportunities both in-person and online; 	<p>In line with the activity set out in the SoCC:</p> <ul style="list-style-type: none"> > 10 in-person events were held in Essex, Suffolk and Kent; and two online webinars were held during the consultation period; > Information was provided in multiple levels of complexity and to support the more complex information (the PEIR) a dedicated Guide and Non-technical summary were prepared;

<ul style="list-style-type: none"> > Provide summary information in clear, non-technical language; > Hold in-person events at a range of locations chosen for their proximity to stakeholders and checked for accessibility; > Make information available online in an accessible manner, in paper copy that can be posted on request, and at information points (see page 14 for information about requesting documents); > Consider requests for large print / braille / audio content / other language versions; > Operate an email and telephone contact point to enable individuals to ask questions in their own time (although feedback cannot be collected over the phone); and > Contact the organisations set out in Appendix 4 [of the SoCC] with information about the consultation and encourage them to share information with their members. 	<ul style="list-style-type: none"> > Events were chosen to be as close as possible to the proposed onshore impacts and communities. All venues were assessed ahead of the events for accessibility; > All information was available on the Project website from the launch of the consultation. More detail about the information points is included later in this table. Requests for documents were fulfilled (copies of certain documents were also available for collection at public events); > No requests for alternative formats were received; > 19 emails and nine phone call enquiries were received during the Stage 2 Consultation period from members of the community; and > An email was sent to all of the organisations listed in the SoCC at the start of the consultation. An example email can be found in Appendix 6.8.
<p>What we're consulting on</p>	
<p>We will be consulting on proposals for the Five Estuaries Offshore Wind Farm Project as set out in the documents published as part of the statutory consultation.</p>	<p>The scope for the consultation is reiterated in the Consultation Booklet and the Feedback Form published as part of the suite of documents.</p>
<p>The statutory consultation will not seek comments on the need for the Project, as that has already been identified by the UK Government, including through the National Policy Statements for Energy and the UK Government's targets for decarbonisation. The Project has already been informed by the results of the first public consultation, carried out from 30 June to 12 August 2022.</p>	
<p>While comments are welcome on any aspect of the Project, we will specifically be seeking feedback on the Project's:</p> <ul style="list-style-type: none"> > Proposed onshore underground cable route; 	

<ul style="list-style-type: none"> > Search areas and indicative locations for the onshore substation; > Proposed offshore cable route; > Potential benefits of the Project to the local economy and supply chain; > Mitigation proposals for potential impacts; and Environmental impact assessment information about the Project (as set out in our Preliminary Environmental Information Report). 	
<p>Consultation documents</p> <p>The documents that make up the statutory consultation will be available from the start of the consultation. You can find out how to access the information later in this document. The statutory consultation will be made up of:</p> <ul style="list-style-type: none"> > The Consultation Booklet, which will summarise the Project proposals, the potential benefits and impacts, the parts of the Project that feedback can and cannot alter or influence and the specific issues we are seeking feedback about; > A Non-Technical Summary of the Preliminary Environmental Information Report; > The Preliminary Environmental Information Report; > A short Guide to the Preliminary Environmental Information Report; and > Supporting maps and plans relating to the Project. 	<p>These documents were published to the Project’s website on 14 March 2023. They are still accessible via www.fiveestuaries.co.uk/stage-2-consultation.</p> <p>Screenshots of the document library showing the materials can be found in Appendix 3.7.</p>
<p>How we’re consulting</p>	
<p>Consultation period</p> <p>This consultation will take place in early spring 2023 and last for at least eight weeks.</p> <p>All responses to the consultation must be received by 11:59pm on the last day of the consultation. The consultation dates will be publicised as part of the promotion set out below.</p>	<p>The consultation ran from 14 March to 12 May 2023, which is 60 days (eight weeks and four days).</p>
<p>Promotion</p>	<p>As set out throughout the rest of this table, there was promotion of the consultation in all areas identified in the SoCC with the</p>

<p>Publicity of the statutory consultation will be more prominent in the Tendring Peninsula geographical area, particularly around the location of the proposed onshore substation and underground cable route corridor, proportionate to the potential impact in that area. We will promote the consultation in other areas, away from the onshore infrastructure to increase awareness of the consultation to communities that, under certain weather conditions, may be able to see the new offshore infrastructure (such as Suffolk and Kent coastal communities within our seascape, landscape and visual impact assessment study area in Appendix 2 [of the SoCC]).</p>	<p>addition of newsletters sent by post in the Tendring area.</p>
<p>Newsletter</p> <p>One newsletter promoting the statutory consultation will be sent via the Royal Mail to residential and business addresses within the distribution zone shown in Appendix 1 [of the SoCC]. The boundary for this zone has been set at around 3km from the proposed substation search areas and around 1km from either side of the cable route corridor. The zone has been extended to include areas through which access to sites is required away from major roads. It has also been extended around the landfall location, and to ensure that sections of smaller settlements bisected by the boundary are not excluded.</p> <p>The newsletter will contain information about the Project, the consultation process and dates, public information event venues, dates and times, where more information is available and how to provide feedback.</p>	<p>A copy of the newsletter and the mailing boundary can be found in Appendix 6.7. This was sent to 15,187 addresses in the mailing boundary included in the SoCC on Monday 13 March 2023.</p> <p>An additional 100 properties were identified within the mailing boundary. These were originally missed due to being new build properties that were not on the database used to extract addresses. They were sent a copy of the newsletter on Friday 24 March 2023.</p>
<p>Newspaper advertisements and posters</p> <p>We will seek to publish advertisements in the newspapers listed below. Advertisements will appear before public events start in order to help promote both the consultation and the events. Additional advertisements will be published approximately a week before the close of consultation with a reminder of the deadline for consultation responses.</p> <p>Newspapers that we will seek to publish consultation adverts in:</p> <ul style="list-style-type: none"> > Harwich and Manningtree Standard > Lowestoft Journal 	<p>Copies of these newspaper advertisements can be found in Appendix 6.9.</p> <p>The following newspaper advertisements were placed:</p> <p>First set</p> <ul style="list-style-type: none"> > East Anglian Daily Time - 14 March 2023 > Thanet Extra - 15 March 2023

<ul style="list-style-type: none"> > Clacton and Frinton Gazette > Essex County Standard > East Anglian Daily Times Southwold Gazette 	<ul style="list-style-type: none"> > Aldeburgh Gazette > Felixstowe Flyer > Thanet Extra > Isle of Thanet News (online only as the print edition is on hold) 	<ul style="list-style-type: none"> > Frinton and Clacton Gazette - 16 March 2023 > Isle of Thanet News (online only) - 16 March 2023 > Essex County Standard - 17 March 2023 > Harwich and Manningtree Standard - 17 March 2023 > Southwold Gazette - 7 April 2023 > Aldeburgh Gazette - 14 April 2023 <p>Second set</p> <ul style="list-style-type: none"> > Felixstowe Flyer - 1 May 2023 > Thanet Extra - 3 May 2023 > Isle of Thanet News (online only) - 3 May 2023 > Frinton and Clacton Gazette - 4 May 2023 > East Anglian Daily Time - 5 May 2023 > Lowestoft Journal - 5 May 2023 > Essex County Standard - 5 May 2023 > Harwich and Manningtree Standard - 5 May 2023 > Aldeburgh Gazette - 12 May 2023.
<p>We will also seek to place advertisements in local parish publications, where timescales permit.</p>	<p>The Aldeburgh Gazette and Southwold Gazette are local community newspapers and were included in the advertising set out in the previous section.</p> <p>In addition, the Walton Parish News is a local parish run newsletter that an advertisement was place in.</p>	

	<p>Due to the timescales on which these are published, the adverts were adapted according to print dates.</p> <p>Copies of the Walton Parish News advertisement can be found in Appendix 6.9.</p> <p>A press release was also issued to local and regional media. A copy of the release and coverage can be found in Appendix 6.11.</p>
<p>A series of Statutory Notices will be placed in the appropriate publications as prescribed in line with Section 48 of the Planning Act.</p>	<p>Copies of the Section 48 notices can be found in Appendix 7.</p>
<p>Posters highlighting consultation information will be placed on community noticeboards near the location of planned events where available. We will send parish councils posters to use, should they wish to. Posters will also be sent to other community venues/premises such as GP Surgeries to be placed on community noticeboards if possible.</p>	<p>Posters were sent to 88 locations in Essex, Suffolk and Kent. These were sent with a cover letter setting out the background of the Project and asking them to place it on any community information boards. A copy of the poster and letter can be found in Appendix 6.10.</p>
<p>Email alerts</p> <p>An email with consultation information will be sent out on the first day of the consultation to those people who have subscribed to our mailing list. From the outset of development, the Project has enabled interested individuals and businesses to sign-up to a mailing list on the Project website to receive information electronically. A second email update will also be sent out approximately one week before the close of the consultation to remind people of the deadline for consultation responses.</p>	<p>An email was sent on 14 March 2023 to 537 subscribers. A copy of this email can be found in Appendix 6.8.</p> <p>A second email, with the reminder of the deadline for responses, was sent on 14 March 2023 to 549 subscribers. A copy of this email can be found in Appendix 6.8.</p>

<p>Elected representatives We will email regional, district and parish council elected representatives directly at the start of the consultation. In addition to information about the Project and the consultation, they will be provided with information about consultation events happening in or close to their constituency.</p> <p>We will email Members of Parliament, county councillors, district councillors and parish councils who represent the areas informed by our seascape, landscape and visual impact assessment study area as shown in Appendix 2. Parish councils will be provided with printed copies of the newsletter.</p>	<p>A copy of the emails sent at launch to elected representatives can be found in Appendix 6.8.</p> <p>Parish councils were also sent letters containing copies of the Newsletter. A copy of that letter can be found in Appendix 6.8.</p>
<p>Other groups</p> <p>In addition to statutory and prescribed organisations, we will also email other local business, interest and community groups to inform them of the consultation and how to take part. Organisations that also represent ‘hard to reach’ groups will also be contacted. This list is included in Appendix 4 and is not intended to be an exhaustive list of local organisations, but an additional method of spreading awareness.</p>	<p>As set out above, these organisations were emailed at the start of the consultation. A copy of this email can be found in Appendix 6.8.</p>
<p>Social media</p> <p>Targeted social media adverts will be placed ahead of public information events to help increase awareness of the events and consultation.</p>	<p>A summary of the social media advertising can be found in Appendix 6.9.</p>
<p>How to access the consultation documents</p>	
<p>Website The complete set of statutory consultation documents will be made available from the start of consultation in accessible, downloadable PDF documents on the Project website www.fiveestuaries.co.uk.</p>	<p>Documents were available from the launch of the consultation and can still be accessed via www.fiveestuaries.co.uk/stage-2-consultation.</p>
<p>Information points Copies of selected consultation documents will be available for reference at the locations listed in Appendix 3 [of the SoCC]. Each location will receive the Consultation Booklet, the Non-Technical Summary of the PEIR and copies of maps. These documents will be delivered to the locations at the start of the consultation</p>	<p>Packs containing the Consultation Booklet, Non-Technical Summary, Guide to the PEIR, and plans were sent to 22 locations via tracked delivery on Monday 13 March 2022. Examples of the emails arranging</p>

<p>and each location checked once throughout the consultation to ensure that all of the documents are still available.</p> <p>Due to opening hours, documents may not be available at all locations in the first few days of the consultation, however we will endeavour to ensure full coverage from the launch. In addition, information on how to access the PEIR online, contact the Project team and respond to the consultation will be provided, to be presented along with the documents. Each library will also be provided with contact details in case documents are removed, lost or damaged.</p>	<p>these information points can be found in Appendix 6.6.</p> <p>Example photographs from a selection of information points, showing how the documents and/or information has been displayed, can be found in Appendix 6.6.</p>
<p>Printed documents on request</p> <p>Copies of this document and the consultation documents can be requested from the Project using the contact details at the end of this document once the consultation has started. One paper copy of the Consultation Booklet and Non-Technical Summary will be sent free of charge to any UK address on request during the consultation. Due to the size of the PEIR and supporting maps and plans, a charge (maximum of £1,000) may be incurred for a paper copy. Requests will be considered on a case-by-case basis.</p>	<p>A small number of requests for materials were received and fulfilled. No requests for materials were received that were significant enough to merit charging a fee.</p>
<p>Public information events</p> <p>In order to provide an opportunity for all interested individuals to view the information in person and to ask questions to the Project team, a series of public events will be held during the consultation period. At each in-person event, all consultation documents will be available to view, and copies of the Consultation Booklet and feedback forms will be available for attendees to take away.</p> <p>The dates, times and locations of these events will be publicised as part of the promotion set out above.</p> <ul style="list-style-type: none"> > Five public events will be held in Tendring District, near to the proposed onshore infrastructure and works; > Four public events will be held along the Suffolk coast. These events will be smaller and focus on the potential visual impact from Suffolk; and > One public event will be held in Margate. This event will be smaller and focus on the potential visual impact from Kent. 	<p>Events were held at the dates and locations set out below. The details of which were included in the promotional materials listed throughout this table.</p> <ul style="list-style-type: none"> > Friday 31 March 2023, 4.30pm to 8.30pm, Ardleigh Village Hall, 17 Station Road, Ardleigh, CO7 7RS. Attendance: 66; > Saturday 1 April 2023, 12pm to 4pm, St Mary's Church Hall, Old Road, Frinton-on-Sea, CO13 9BX. Attendance; 90; > Tuesday 4 April 2023, 12pm to 4pm, Old Felixstowe Community Centre,

	<p>Ferry Road, Felixstowe, IP11 9NB. Attendance: 3;</p> <ul style="list-style-type: none"> > Wednesday 5 April 2023, 3pm to 7pm, Tendring Village Hall, Tendring, CO16 0BL. Attendance: 41; > Thursday 13 April 2023, 3pm to 6pm, The Fairfield Centre, Fairfield Road, Aldeburgh, IP15 5JS. Attendance: 50; > Friday 14 April 2023, 3pm to 7pm, Venture Centre 2000, Bromley Road, Lawford, CO11 2JE. Attendance: 83; > Monday 17 April 2023, 12pm to 3pm; St John's Church Hall, Victoria Road, Margate, CT9 1LN. Attendance: 4; > Tuesday 18 April 2023, 4pm to 7pm, Stella Peskett Millennium Hall, Might's Road, Southwold, IP18 6BE. Attendance: 5; > Wednesday 19 April 2023, 1pm to 4pm, Sizewell Sports & Social Club, King Georges Avenue, Leiston, IP16 4JX. Attendance 24; and > Thursday 20 April 2023, 3pm to 7pm, WI Hall, High Street, Thorpe Le Soken, CO16 0EF. Attendance: 50. <p>A total of 416 people attended an in-person event.</p> <p>Copies of the exhibition boards can be found in Appendix 3.4. Photographs from the events can be found in Appendix 3.6.</p>
<p>Online events We will host two live webinars in which we will outline the Project proposals and the consultation process. One webinar will focus on onshore aspects of the proposals, while the other will focus on offshore elements. There will be an</p>	<p>Two online events were held at the following times and dates:</p> <ul style="list-style-type: none"> > Tuesday 25 April 2023, from 6pm; and

<p>opportunity for attendees to ask questions during the sessions. Online events will last for one and a half hours and attendees will have to register to attend via the Project website. A recorded version of each of the webinars will be published on the Project website.</p>	<ul style="list-style-type: none"> > Wednesday 26 April 2023, from 12.30pm. <p>Copies of the presentation slides can be found in Appendix 11.8. A recorded version of the presentation was added to the website on 2 May 2023. This recording included all the information that presented on both presentations. The recording is still available on the Project website.</p> <p>50 people attended the online webinars in total.</p>
<p>How to respond</p>	
<p>The deadline for submitting responses to the Project statutory consultation will be 11:59pm on the last day of the consultation.</p>	<p>Responses were accepted up to (and after) this deadline.</p>
<p>You will be able to respond to the consultation through the following channels:</p> <ul style="list-style-type: none"> > Feedback forms or written feedback can be sent to us at the following Freepost address: Freepost FIVE ESTUARIES > Feedback forms or written feedback can also be left with us at any of our public events. > You will be able to complete our feedback form online via: www.fveestuaries.co.uk. > You can email your feedback to us at fveestuaries@rwe.com. Please include 'FEEDBACK' in the subject line. 	<p>Responses were primarily received via email, below is a breakdown of the number of responses received by channel:</p> <ul style="list-style-type: none"> > Handed in at an event: five; > Email: 613; > Online feedback form: 59; and > Freepost: 21.
<p>What will we do with your feedback?</p> <p>All feedback received in response to the statutory consultation will be considered by the Project team and considered during the application process for the DCO. Setting out how we have considered all the issues received from feedback to the statutory consultation is a requirement of the Planning Act 2008 and will be included in the Consultation Report that accompanies our application.</p>	<p>This Report sets out how the responses have been considered in the development of the proposals. The consideration of responses is included in Appendix 8.</p>

8.6 Responses to the consultation

8.6.1 Of the 698 responses received to the consultation, 586 were received from members of the public (and not a category of consultee defined by section 42). The issues raised in feedback and how the Applicant has considered them is set out in Appendix 8.3. This appendix also notes where the issues have led to a change in the proposals.

CAMPAIGN RESPONSES

8.6.2 467 responses were received that were categorised as campaign responses. These are responses that use all or almost all of the same text as another responses. Five individual types of campaign responses were received.

- > Campaign response A: 35 responses
- > Campaign response B: 3 responses
- > Campaign response C: 217 responses
- > Campaign response D: 212 responses

8.6.3 These responses have been reproduced in full in Appendix 8.4, along with dedicated consideration and responses. The points have not separately been counted in the response tables set out in Appendix 8.3. This has been done to give consideration these campaign responses as a whole and to avoid creating disproportionate weighting in the thematic summaries.

SUMMARY OF KEY ISSUES

8.6.4 Over 240 issues were identified from feedback received to Stage 2 Consultation from members of the public. The process for analysing these responses is set out in chapter 5.5. The summaries of issues received from feedback and how the Project considered the are included in Appendix 8.3. The top ten issues are below.

Table 8.7: Top ten issues from public feedback based on frequency raised.

Summary of issue	Times raised
Requests for an offshore connection for the Project, commonly with the implication that this would remove the need for National Grid's Norwich to Tilbury project (or at least its proposed East Anglia Connection Node substation at its current proposed location).	85
Opposition to and concern regarding the onshore substation for the Project.	64
Concern regarding construction traffic.	58
Concern regarding the potential impact on the water system and utilities in the area.	45
Reference to the impact of the proposals on the respondent's mental health due to stress and concern regarding the impact on the area / individual properties.	35
Opposition to potential impact on wildlife, habitats or ecology more generally.	30
General opposition to the loss (temporary and permanent) of agricultural land.	28
Concern regarding potential noise pollution from the operational onshore substation.	27
Concern around the potential impact on property prices in the area.	27
Concern regarding the potential impact on the village of Little Bromley.	26

9. STAGE 2 CONSULTATION – SECTION 48

9.1 Summary

- 9.1.1 Section 48 of the Act requires the Applicant publicise the proposals in ‘the prescribed manner’. This is set out in the APFP Regulations, in which Schedule 1 details the publications that the notice is required to be published in.
- 9.1.2 The publication of a notice under section 48 was aligned with the consultation periods under section 42 and 47 of the Act. The section 48 notice was also sent to the consultees identified under section 42 as set out in chapter 6 as per Regulation 13 of the EIA Regulations.

9.2 Overview of activity

- 9.2.1 Copies of the notices are included in Appendix 7. A reference copy for ease of reading is included in Appendix 7.6. Section 4 of the APFP Regulations require that certain information is required. Below is a table setting out these requirements and their inclusion in the notice.

Table 9.1: Requirements for section 48 notices and wording included in notice.

Requirement	Contents of section 48 notice (verbatim text)
(a) the name and address of the applicant;	Name and address given in the notice as “Five Estuaries Offshore Wind Farm Limited (the “Applicant”) of Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, United Kingdom, SN5 6PB”.
(b) a statement that the applicant intends to make an application for development consent to the Commission;	Statement that the Applicant “intends to apply to the Secretary of State for Energy Security and Net Zero under Section 37 of the Planning Act 2008 for the above mentioned DCO.”
(c) a statement as to whether the application is EIA development;	Statement that “the Project is an Environmental Impact Assessment development for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.”
(d) a summary of the main proposals, specifying the location or route of the proposed development;	The proposals were summarised as: “Offshore 1. An offshore wind turbine generating station with a generating capacity of over 100 megawatts, comprising up to 79 wind turbine generators with associated foundations and a maximum tip height of 420m above sea level. 2. Up to two offshore substation platforms with associated foundations. 3. A network of subsea inter-array cables including cable protection, connecting the wind turbines to each other and to the

offshore substation platforms including cable crossings.

4. Up to four subsea export cable circuits including cable crossings, cable protection, sheet piled intertidal exit pits and trenchless installation works from the offshore substation platforms to shore, with an offshore cable route length of up to 84km.
5. Scour protection, as required, for foundations and cables.

Onshore

1. Transition joint bays between Frinton-on-Sea and Holland-on-Sea to connect the offshore cables and the onshore cables.
2. Up to four buried export cable circuits from the transition joint bays at landfall along an approximately 22km route to a new electrical substation near Lawford and Ardleigh, including cable ducts, jointing and trenchless installation works. This route passes under the A120.
3. The construction of a new electrical substation in the vicinity of Little Bromley together with associated equipment, accesses, landscaping and a temporary construction compound.
4. Two buried 400kV cable circuits connecting the new substation to National Grid's proposed East Anglia Connection Node substation, including cable ducts, jointing and trenchless installation works.
5. Temporary construction areas and haul roads together with works to secure vehicular and/ or pedestrian means of access for the Project.
6. Associated and/or ancillary works including archaeological and ground investigations, drainage works, highway improvements, works to alter the position of existing utilities, works to watercourses, landscaping and other mitigation and monitoring works.
7. Such other works as may be necessary or expedient for the purposes of work in connection with the construction, operation, maintenance or decommissioning of the Project.
8. If required, temporary stopping up, diversion or alteration of streets, roads and Public Rights of Way.

	<p>9. If required, the permanent and compulsory acquisition of land and rights for the Project.</p> <p>10. If required, overriding of easements and other rights over or affecting land for the Project.</p> <p>11. If required, the application and/or disapplication of legislation relevant to the Project including inter alia legislation relating to compulsory acquisition.</p> <p>Such ancillary, incidental and consequential provisions, permits and consents as are necessary and/or convenient.”</p>
<p>(e) a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice;</p>	<p>The notice states:</p> <p>“A copy of the Preliminary Environmental Information Report (PEIR) and non-technical summary (NTS), which includes details of the proposals, may be inspected free of charge in the exhibition section of the Applicant’s website (www.fiveestuaries.co.uk) that also contains other information on the Project.</p> <p>The NTS, as well as other consultation materials, will also be available in hard copy at the deposit locations listed in the table. Opening hours are subject to change, please check before making a special trip.”</p> <p>The details of 20 deposit locations were then included in a table along with their full addresses and opening times.</p>
<p>(f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i));</p>	<p>The notice states: “The documents (which include plans showing the location of the proposed development) will be available for inspection during the consultation period.”</p>
<p>(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;</p>	<p>The notice states: “We are able to provide guidance on using the project website or can, upon request, provide a USB stick free-of-charge containing the PEIR. Hard copies of the NTS, the Statement of Community Consultation, the Consultation Booklet, and a Feedback Form can also be provided free-of-charge upon request during the consultation period. Hard copies of the PEIR will be subject to a maximum charge of £1,000 to cover printing costs.”</p>
<p>(h) details of how to respond to the publicity; and</p>	<p>The notice states: “Any responses in respect of the Project should be sent:</p> <p>(1) by email to fiveestuaries@rwe.com; or</p>

	(2) by post to 'Freepost FIVE ESTUARIES'. No further postal address or stamp is required."
(i) a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published.	The notice states: "The deadline for responses is 11:59pm on Friday 12 May 2023, postal responses must be sent on or before this deadline." This was 52 days after the publication of the last notice on 21 March 2023.

9.2.2 In line with the requirements of the APFP regulations, the notice was published in a number of publications. The table below sets out the dates of these publications. Copies of these notices, in situ, are included in Appendix 7.

Table 9.2: Requirements under Schedule 1 of the APFP regulations and publications.

Requirement under Schedule 1 of the APFP regulations	Newspapers / publications	Dates
a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	East Anglian Daily Times	14 March 2023 and 21 March 2023
b) once in a national newspaper;	The Daily Telegraph	14 March 2023
c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	London Gazette	14 March 2023
d) where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal.	Lloyds List Fishing News	14 March 2023 16 March 2023

9.3 Response to the publicity

9.3.1 No responses were received that explicitly stated they were in response to publicity under section 48. As such, all responses from stakeholders outside of section 42 have been treated as responses under section 47.

10. STAGE 3 CONSULTATION – OVERVIEW

TARGETED STATUTORY CONSULTATION – 5 DECEMBER 2023 TO 31 JANUARY 2024

10.1 Overview

- 10.1.1 Following Stage 2 Consultation, the Applicant developed its proposals further taking into account responses to the consultation alongside technical work and environmental studies.
- 10.1.2 In addition, since Stage 2 Consultation the need to provide habitat improvements for lesser black-backed gulls was confirmed, in line with the requirements of the Habitats Regulations.
- 10.1.3 In line with paragraphs 75 to 77 of the ‘Guidance on the pre-application process’ it was not considered proportionate to carry out a full re-consultation under the statutory requirements of the Planning Act however it was appropriate to consult under section 42 for some elements of Stage 3 Consultation. The table below sets this out.
- 10.1.4 Stage 3 consultation (for both elements) ran from 5 December 2023 to 31 January 2024.

Table 10.1: Breakdown of sections of the Act as they relate to the two Stage 3 consultations.

Section of the Act	Targeted land consultation in Essex	Habitat compensatory sites consultation in Suffolk
Section 42(1)(a) – Prescribed	No	Yes
Section 42(1)(b) – Marine Management Organisation	No	Yes
Section 42(1)(b) – Local authorities defined in section 43.	No	Yes
Section 42(1)(c) – Greater London Authority	No	No (not relevant)
Section 42(1)(d) – PILs as set out in section 44	Yes (targeted)	Yes
Section 46 – Notification	Yes	Yes
Section 47 – Local community	No	No, but non-statutory consultation carried out
Section 48 – Publicity	No	No

- 10.1.5 This approach was carried out to ensure that all people with an interest in the land (as defined by section 44) were consulted on the proposals and preliminary environmental information, and that all stakeholders under section 42 of the Act were consulted on the full red line boundary for the proposals.
- 10.1.6 The two consultations are covered in more detail in the following two chapters of this report.

TIMESCALES

- 10.1.7 It is preferable not to consult during holiday period. However, to ensure that this consultation was carried out on the basis of as near as final a red line boundary and allow enough time to consider responses received to the consultation it was necessary to overlap the holiday period.
- 10.1.8 The statutory minimum period for consultation under section 42 is 28 days after the day documents are received by the consultees. The Applicant intended to give consultees at least six weeks to respond to the consultation. To take into account the holiday period, this was further extended to eight weeks. A small number of replies were received after the deadline for the consultation passed, these were considered alongside the replied normally.
- 10.1.9 No complaints regarding the consultation period were received.

10.2 Section 46 notification

- 10.2.1 As the Habitat compensatory sites consultation in Suffolk introduced new section 42 consultees, a section 46 notification was issued to the Planning Inspectorate.
- 10.2.2 In accordance with section 46(1), the notification to the Secretary of State was accompanied by the same information that was provided to section 42 consultees. On 5 December 2024. A copy of the letter can be found in Appendix 10.3. This included:
- > Section 42(1)(d) notice for the targeted land interest consultation in Essex;
 - > Section 42(1)(d) notice for the habitat compensatory measures consultation in Suffolk;
 - > Section 42 notice for the habitat compensatory measures consultation in Suffolk; and
 - > A link to the consultation documents.
- 10.2.3 The Planning Inspectorate acknowledge receipt of the section 46 notice on 7 December 2024. A copy of this acknowledgement can be found in Appendix 10.4.
- 10.2.4 The Planning Inspectorate placed both the section 46 notification letter and its acknowledgment thereof on its website for the Project.

11. STAGE 3 CONSULTATION – TARGETED LAND INTERESTS

- 11.1.1 Following Stage 2 Consultation, the Applicant developed its proposals further taking into account responses to the consultation alongside technical work and environmental studies.
- 11.1.2 These changes along with on-going land referencing work necessitated a targeted consultation to be carried out to ensure that all PILs included in the Book of Reference were consulted.
- 11.1.3 In addition, some of the changes to the proposals have meant that the potential impact to PILs already consulted during Stage 2 would be significantly different. For example, where a temporary construction compound had been moved within the red line to be in a different location – that compound could still have been within the red line boundary presented at Stage 2 Consultation, but people consulted who had interest in that land could not be reasonably expected to have anticipated that change or responded to the consultation accordingly. As such, the Applicant considered it proportional to re-consult those PILs where major changes to the proposals could have introduced a significantly different impact to their interests.
- 11.1.4 It was not considered proportionate to re-consult PILs across the entire route as in the majority of locations, the only change has been for the redline boundary area to reduce significantly.
- 11.1.5 A targeted consultation under section 42(1)(d) was carried out from 5 December 2023 to 31 January 2024 to give those newly identified, newly affected and differently affected PILs an opportunity to comment on the proposed changes and the PEIR.
- 11.1.6 Other stakeholders were not invited to comment on the changes.

11.2 Changes

- 11.2.1 The primary changes to the Project between Stage 2 and Stage 3 consultation are summarised below. A more detailed breakdown of the changes is included in the December 2023 PEIR Update, which can be found in Appendix 9.3.
- 11.2.2 Landfall location options shown during Stage 2 Consultation were refined to the north-easterly landfall option and the southwestern option dropped.
- 11.2.3 The onshore Export Cable Corridor route was refined, and an Onshore Substation location selected within the western substation search area shown at Stage 2.
- 11.2.4 A requirement for road widening of Bentley Road from the A120 to the export cable corridor route crossing, along with improvements to the A120 junction, was identified and were included in the revised Project boundary for the consultation.
- 11.2.5 Revisions were made to the onshore export cable corridor route, resulting from co-ordination with North Falls and an agreed reduction in the maximum number of circuits for each project from four to two. This decision also enabled a reduction in the width of the proposed combined onshore cable corridor during construction to 90m for most of the route, rather than 200-250m which would have been required for eight circuits (four for each offshore wind farm). This allowed for soil storage, internal haul roads and increased flexibility for micro-siting and use of trenchless crossing techniques, such as horizontal directional drilling under constraints such as roads.

- 11.2.6 The narrower route corridor also allowed the Project to avoid more ecological constraints and move the Project further away from residential properties at a number of locations.
- 11.2.7 As part of the development of the proposals to reflect these changes, temporary construction compounds were relocated at certain points along the route. In addition, operational and maintenance access route were identified and included in the red line boundary – some of which were not included in the boundary shown at Stage 2 Consultation.

11.3 Identification of PILS

- 11.3.1 The following groups of PILs were identified for inclusion in this targeted consultation.
- > Newly identified from referencing PILs affected by the onshore works (excluding highways and junction works) and weren't consulted during the main statutory consultation;
 - > Existing PILs with additional land affected due to the highways and junction works (unlikely to be many if any of these);
 - > New PILs due to highways and junction works;
 - > Existing PILs whose land is differently affected – extended RLB;
 - > Existing PILs who have construction compounds relocated into their land parcels;
 - > PILs with off-route haul road through land interest;
 - > New Category 3s (as per section 44(4) of the Act) as a result of changes (excluding highways and junction); and
 - > New Category 3s as a result of changes (highways and junction).
- 11.3.2 In addition, in line with the approach of coordinating with North Falls, a number of PILs were identified as potential Category 3 interests who were consulted by North Falls during their statutory phase of consultation (16 May to 14 July 2023). Five Estuaries had not chosen to consult with them during its own Stage 2 Consultation due to a difference in subjective approach. In the interest of consistency across the two projects, where there had been ambiguity, the Applicant choose to consult with them as part of this targeted consultation. In this way, the two projects followed a positive consistency of deferring to the presumption of consulting with PILs.
- 11.3.3 The process used by Dalcour Maclaren to identify interests was the same as set out in chapter 6.4. The Project team worked with Dalcour Maclaren to review and confirm PILs in the categories set out above.
- 11.3.4 196 PILs were initially identified as part of this consultation and sent letters at the start of the consultation. The PILs identified and contacted as part of this consultation are included in Appendix 9.1.

ADDITIONAL LAND INTEREST IDENTIFICATION

- 11.3.5 Eight PILs were identified post consultation. Pursuant to paragraph 52 of the guidance Planning Act 2008: Guidance on the Pre-Application Process (Department for Communities and Local Government, March 2015), these interests were contacted with information about the Project, an explanation the upcoming opportunities to be involved in the process, and an offer to meet. An example letter is included in Appendix 11.5.

- 11.3.6 In addition to sending letters, each of the additional interests have been contacted by telephone whereby Dalcour Maclaren introduced themselves, the Project, and how they could stay engaged with the process.
- 11.3.7 Dalcour Maclaren and the Applicant will engage these PILs in all future relevant engagement and consultation on the detailed design as it relates to their interest.

11.4 Scope

- 11.4.1 The Stage 3 Consultation was on both the changes to the proposals since Stage 2 Consultation introduced impacts to new areas (such as the proposed highways and junction improvements) and the re-location of temporary construction compounds. In addition, because new PILs were identified through the process, the PEIR was re-opened for consultation.
- 11.4.2 The Project proposals had changed since the publication of the PEIR; however the assessment was wide enough that the document still remained the most relevant document setting out the potential benefits and impact of the Project. However, to bridge the gap between the redline boundary assessed for the PEIR and the Project as presented during Stage 3 consultation, a 'December 2023 PEIR Update Note' was produced.
- 11.4.3 This document explains how the assessments and conclusions of the PEIR would likely be affected by the changes.
- 11.4.4 It was considered to be disproportionate to produce a fully updated PEIR as work was well progressed on the Environmental Statement that would be submitted and the combination of the published PEIR and the Update Note made it possible for the Project's potential benefits and impacts to be understood.

11.5 Activity

- 11.5.1 On 4 December 2023, notices in line with section 42(1)(d) were sent to 196 PILs with information about the consultation, where information could be found, the deadline to respond to the consultation and an offer to meet to discuss the proposals in detail. 52 of these PILs were newly identified (as in they had not been included at all in the Stage 2 consultation).
- 11.5.2 The consultation material published to support this consultation are included in Appendix 9.3.
- 11.5.3 A standard version of the notice and three variations were sent based on the following criteria. 57 PILs were sent the standard version of the letter.
- > Newly identified PILs – Some of the identified PILs had not been contacted at all during Stage 2 consultation. In these cases, additional text was added to provide this context so that the consultee was aware that they had not missed an opportunity to comment at that stage. 52 were in this category.
 - > Operation & Maintenance Access – Some of the identified PILs were only included because of the addition of these access routes to the red line boundary of the proposals. Additional text was included to provide this context. 51 were in this category.
 - > Temporary Construction Compound (TCCs) – Some of the identified PILs had TCCs newly located to, or moved within, their land interest. The scale of this change was more significant than a small additional land take for the cable route corridor, as such additional text was added to the letter to provide this context. 36 were in this category.

- 11.5.4 Examples of these letters be found in Appendix 9.2. These packs were sent via the Royal Mail Tracked service. Where emails for the PILs were available, digital copies of the materials were also sent on 5 December 2023.
- 11.5.5 In addition, on 5 December 2020 the Project website was updated with the following a dedicated Stage 3 – Targeted Land Consultation section that contained the following:
- > December 2023 PEIR Update Note;
 - > An updated redline boundary plan of the Project;
 - > Links to the PEIR (as was published at Stage 2); and
 - > An updated interactive map with the revised redline boundary.
- 11.5.6 These materials are reproduced in Appendix 9.3.
- 11.5.7 Following the launch of the consultation, additional land interests were identified. These interests were sent letters with adjusted deadlines for response to allow the consultees enough time to make an informed response and to fulfil the statutory requirements on timelines. The number of PILs and consultation dates for all s42(1)(d) consultees is set out below. The addresses of these PILs are also included in Appendix 9.1.

Table 11.1: Consultation dates for PILs for the targeted land consultation.

Number of interests	Date issued	Deadline for response	Length of consultation
196	4 December 2023	31 January 2024	58 days
5	15 December 2023	31 January 2024	47 days
8	5 January 2024	7 February 2024	34 days
1	8 January 2024	7 February 2024	31 days
1	17 January 2024	21 February 2024	35 days
4	26 January 2024	1 March 2024	35 days
Total: 215			

- 11.5.8 Examples of these letters/ notices can be found in Appendix 9.2.

RESPONSE CHANNELS

- 11.5.9 Consultees were encouraged to respond to the consultation via email, however a Freepost address was made available. Emails could be sent to Dalcour Maclaren at the dedicated email address for the two wind farm projects (fiveestuaries@dalcourmaclaren.com) or to the dedicated Five Estuaries email fiveestuaries@rwe.com.
- 11.5.10 The Freepost address was the same one that was used for the previous consultations: Freepost FIVE ESTUARIES.

11.6 Responses

- 11.6.1 20 responses to the targeted land interest consultation were received. One of these responses was received after the consultation period had closed but was included and considered. A summary of the issues raised from feedback and how they were considered is set out in Appendix 9.4. This appendices also notes where the issues led to a change in the proposals.

12. STAGE 3 CONSULTATION - HABITAT COMPENSATORY MEASURES

12.1 Background

- 12.1.1 Since Stage 2 Consultation the need to provide habitat improvements for lesser black-backed gulls (LBBG) was confirmed, in line with the requirements of the Habitats Regulations.
- 12.1.2 The Habitats Regulations require that where a protected site may be adversely affected, and effects cannot be avoided, the impacts are compensated for or offset by measures such as improving habitat and breeding success for those bird species affected. Therefore, compensatory measures were required to compensate for the predicted LBBG loss (of around ten birds annually).
- 12.1.3 The potential impact would affect birds associated with the Alde-Ore Estuary Special Protection Area (SPA) in Suffolk, therefore sites in and near the SPA were identified for compensatory measures.
- 12.1.4 The areas required for these proposals had not been included in the red line boundary consulted on during Stage 2 Consultation. Although many of the stakeholders covered by section 42 of the consultation had been contacted at Stage 2, there was no way to presume that these compensatory measures would be required in this location.
- 12.1.5 In addition, persons with an interest in the land around the proposed sites had also not been consulted during Stage 2 Consultation. Therefore, consultation was carried out under section 42.
- 12.1.6 Given the limited potential impact of the proposals it was considered disproportionate to carry out either publicity under section 48 or statutory consultation under section 47 of the Act. However, in order to give the local community an opportunity to comment on the proposals, a non-statutory consultation with the community was carried out alongside the statutory consultation under section 42.
- 12.1.7 The consultation period ran from 5 December 2023 until 11:59pm on Wednesday 31 January 2024.

SCOPE OF THE CONSULTATION

- 12.1.8 The consultation was on the proposals for the compensatory measures and the potential sites chosen for them, and access routes to the sites for construction, operation and maintenance.
- 12.1.9 The potential impacts of the proposals are likely to be limited. These were set out in the consultation document.

CONSULTATION MATERIALS

- 12.1.10 To support the consultation the following materials were published on the Project's website for the duration of the consultation:
- > Habitat improvement proposals – consultation document;
 - > Site plans (with and without access routes);
 - > Frequently asked questions; and

- > Presentation slides from a presentation to local councillors (published on 12 January 2024).

12.1.11 The consultation materials have been included in Appendix 10.6. The presentation slides have been included in Appendix 10.7.

12.1.12 In addition, two documents that were published as part of the draft Report to Inform Appropriate Assessment consultation on 3 May 2023:

- > Lesser Black-Backed Gull Compensation – Ecological Evidence, Approach to Site Selection and Roadmap
- > Lesser Black-Backed Gull Compensation – Site Selection Note.

12.2 Section 42

12.2.1 As set out above, the areas required for these proposals had not been included in the red line boundary consulted on during Stage 2 Consultation. Therefore, consultation under section 42 was carried out for the habitat compensatory measures.

12.2.2 Chapter 6 sets out the requirements of section 42 consultation in more detail. The same requirements and principles applied to this consultation.

12.2.3 The consultees identified for this consultation are listed in section 10.1. Some of the prescribe consultees are different to those consulted in Stage 2, due to the different location of the proposals. The local authorities identified under section 42(1)(b) and section (43) are listed below.

Table 12.1: Local authorities tables identified for consultation under section 42(1)(b) and 43.

Section 43	Local authority (ABCD categorisation)
(1) A local authority is within this section if the land is in the authority's area.	<ul style="list-style-type: none"> > East Suffolk Council (B) > Suffolk County Council (C)
(2) A local authority ("A") is within this section if— (a) the land is in the area of another local authority ("B"), (aa) B is a unitary council or a lower-tier district council,] and (b) any part of the boundary of A's area is also a part of the boundary of B's area.	<ul style="list-style-type: none"> > Ipswich Borough Council (A) > Mid Suffolk District Council (A) > Babergh District Council (A) > South Norfolk Council (A) > North Norfolk District Council (A) > Broadlands District Council (A) > The Broads Authority (A)*
(2A) If the land is in the area of an upper-tier county council ("C"), a local authority ("D") is within this section if— (a) D is not a lower-tier district council, and (b) any part of the boundary of D's area is also part of the boundary of C's area.]	<ul style="list-style-type: none"> > Essex County Council (D) > Cambridgeshire County Council (D) > Norfolk County Council (D)
Non-prescribed local authorities that were informed of the consultation due to ongoing involvement with the project.	<ul style="list-style-type: none"> > Tendring District Council

*** Please see section below on the Broads Authority.**

12.2.4 35 PILs were identified under section 44 of the Act using the methodology set out in chapter 6.4. These were all category 1 or 2 interests. No category 3 interests were identified.

LATE IDENTIFICATION OF CONSULTEE

12.2.5 After the launch of the Stage 3 consultation, the Applicant identified that the Broads Authority should have been included as a local authority under the section 42(1)(b) for the consultation the habitat compensatory measures in East Suffolk as a neighbouring authority. This error was identified on 20 February 2024. On 21 February 2024, the Applicant provided the Broads Authority with a version of the section 42 letter by email and invitation to comment on the proposals for habitat compensatory measures, with a deadline to respond of 22 March 2024 (28 days after the day of receipt of materials). A letter was also sent the same day by post.

12.2.6 A copy of this letter can be found in Appendix 10.2.

12.2.7 The Applicant followed the initial issue of the section 42 consultation information with contact offering of a meeting to discuss the proposals.

12.2.8 On 11 March 2024, the Broads Authority responded to the consultation to confirm that they had no comment to make on the consultation. This email contained an error in the email address and was not received. The response was resent on 18 March 2024 and received by the Application. Both emails are included in Appendix 10.2.

12.3 Activity

12.3.1 Letters and emails (if email addresses were available) were sent to all consultees identified under section 42 of the Act. Letters were sent on 4 December 2023 via Royal Mail tracked. Emails were sent on 5 December 2023. Examples of the letters can be found in Appendix 10.2.

12.3.2 Letters were sent on 4 December 2023 to 556 residential and business addresses within 2km of the sites identified in the proposals. An example of the letter can be and a map showing the 2km distribution area can be found in Appendix 10.5.

12.3.3 Parish/town councils were included under the section 42 consultees sent a letter on 4 December 2023. In addition, the councils listed below were emailed with a copy of the letter and an invitation to an online presentation on 11 January 2024.

12.3.4 The following parish/town councils represented the areas covers by the proposals:

- > Orford and Gedgrave Parish Councils
- > Sudbourne Parish Council
- > Aldeburgh Town Council
- > In addition, the Orford Town Trust was contacted with the same information as the parish councils and invited to the presentation.

12.3.5 Councillors covering these areas were emailed on 5 December with information about the proposals and a copy of the letter sent to residents and businesses, and an invitation to the presentation on 11 January 2024. An example of these emails can be found in Appendix 10.5.

12.3.6 Councillors contacted represented:

- > Rendlesham and Orford ward – East Suffolk District Council
- > Aldeburgh and Leiston ward – East Suffolk District Council
- > Wilford ward (which covers Orford and Gedgrave) – Suffolk County Council
- > Aldeburgh and Leiston ward – Suffolk County Council.

12.3.7 Given the limited potential impact of the proposals, it was not considered proportionate to hold wider events or presentations for the members of the public. As set out in the letter, the Applicant maintained a freephone helpline and email address for anyone with questions.

RESPONSE CHANNELS

12.3.8 Consultees were encouraged to respond to the consultation via the Project's email address (fiveestuaries@rwe.com), however a Freepost address was made available and included on consultation materials and the website..

12.3.9 The Freepost address was the same one that was used for the previous consultations: Freepost FIVE ESTUARIES.

PRESENTATION TO COUNCILLORS – 11 JANUARY 2024

12.3.10 An online presentation was held for parish, district and county councillors at 6pm on Thursday 11 January 2024. A short presentation covering the background of the Project, the need for the compensatory measures and the habitat improvement proposals themselves was followed by a Q&A session.

12.3.11 Two councillors attended; one from Suffolk County Council and one from Aldeburgh Town Council. In addition, a planning officer from Suffolk County Council attended.

12.3.12 Following the presentation, the discussion concentrated on the potential access route from the north / Aldeburgh to the proposed sites on Orford Ness along the coast. The attendees informed the Applicant's team that that route was not suitable for access due to coastal erosion.

12.3.13 The Applicant confirmed that it was unlikely that this access route would be included in the final proposals based on the evolving understanding of the area.

12.3.14 The Applicant updated the Project website to confirm this on 23 January 2024.

12.3.15 The slides used during the presentation were added to the Project's website on 12 January 2024 and are reproduced in Appendix 10.7.

12.4 Responses

12.4.1 A total of 26 responses were received to the consultation. This includes the responses from the Broads Authority. The breakdown of these responses was:

- > 5 from members of the public;
- > 1 from persons with an interest in the land; and
- > 21 from prescribed consultees or technical groups (including National Trust, who is also a person with an interest in the land).

12.4.2 Following the consultation, as result of ongoing surveys, design development and responses received the following refinements were made to the consultation:

- > The site on the mainland, VE4, was dropped;

- > The potential access route from the north via Aldeburgh was removed; and
- > Site VE2 was selected for the proposals.

12.4.3 A summary of the issues raised from feedback and how they were considered is set out in Appendix 10.8, along with a record of whether they influenced the proposals.

13. CONSULTATION UNDER OTHER REGULATIONS

13.1 EIA Scoping consultation

- 13.1.1 The Five Estuaries Offshore Wind Farm project is an Environmental Impact Assessment development for the purposes of the EIA Regulations 2017. Environmental Impact Assessment (EIA) is a widely used tool for identifying the potential impacts of new developments and it is intended to provide decision-makers with an understanding of the probable environmental consequences of a proposed project and thereby facilitate the making of more environmentally sound decisions. Further detail on the need for EIA is set out in ES (6.1.2).
- 13.1.2 The Applicant requested a formal Scoping Opinion (in line with Regulation 10 of the EIA Regulations) from the Planning Inspectorate on 30 September 2021, which was accompanied by a Scoping Report containing the relevant information required under 10(3) of the EIA Regulations including:
- > Plans identifying the land;
 - > A description of the proposed development, its location and technical capacity; and
 - > An explanation of the likely significant effects on the environment.
- 13.1.3 A Scoping Opinion was received from the Planning Inspectorate on 12 November 2021.
- 13.1.4 The Applicant has had regard of the scoping responses received during the development of the PEIR and the final ES submitted with the DCO. Responses to scoping have been listed in each relevant chapter of the ES along with how the Applicant has considered the comments. In addition, comments relating to the EIA methodology are included in the EIA Methodology (6.1.3) and summarised in Appendix 11.1.
- 13.1.5 The Scoping Report and Scoping Opinion have been submitted as part of the application (document reference 6.1.6).
- 13.1.6 Regulation 8 requires that applicants, before carrying out consultation under section 42, must notify the Secretary of State that they propose to provide an Environment Statement for the proposed development. The Applicant notified the Planning Inspectorate as part of the formal request for a Scoping Opinion on 30 September 2021.
- 13.1.7 More information about the development of the Environmental Statement following the provision of the Scoping Opinion can be found in the EIA Methodology (document reference 6.1.3). Adherence with requirements of the EIA Regulations as relate to consultation are set out in chapter 2.3 of this report.

13.2 Transboundary consultation

- 13.2.1 Regulation 32 of the EIA Regulations establishes the procedural duties necessary where the Planning Inspectorate is of the view that an NSIP is likely to have significant effects on the environment in an EEA State; or where an EEA State is of the view that its environment is likely to be significantly affected by an NSIP.

- 13.2.2 The Planning Inspectorate determined that it was likely the Project could have a significant impact on the following non-UK states: The Netherlands, Belgium, Germany, Denmark and France.
- 13.2.3 Under Regulation 32 of the EIA Regulations 2017, the Planning Inspectorate therefore issued a notification to those states, consulting them on the scope of the EIA. This notice was issued on 31 May 2022 and is included in Appendix 11.2.
- 13.2.4 Responses were received from Belgium, France and Denmark. These are included in Appendix 11.3. The Applicant's consideration of these responses in the development of the ES (Volume 6 of the application) and the Report to Inform Appropriate Assessment (document reference 5.4). The responses from France and Belgium requested to be kept involved in the process. The response from Denmark requested not to be notified or consulted further.

13.3 Habitats Regulations Assessment

- 13.3.1 As per the Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations), the Applicant consulted the relevant statutory and non-statutory bodies in order to gain evidence to inform its RIAA which accompanies the DCO application (document reference 5.4). The RIAA will inform the Habitats Regulations Assessment, which will be carried out by Natural England.
- 13.3.2 Consultation on the draft RIAA was launched on 3 May 2023. It was not part of the statutory consultation under section 42 of the Planning Act. The deadline for responses was 15 June 2023.

WHAT WAS CONSULTED ON

- 13.3.3 The following documents were published on the Project's website on 3 May 2023:
- > Updated Screening Report
 - > Habitats Regulation Assessment Updated Screening Report
 - > RIAA and Appendices
 - > Draft Report to Inform Appropriate Assessment (RIAA)
 - > Draft RIAA Appendix 1 Summary of Designated Sites
 - > Draft RIAA Appendix 2 Apportioning methodology
 - > Derogation Documents
 - > Compensation longlist report
 - > Compensation measures ranking approach note
 - > Compensation options shortlist note
 - > Compensation shortlisted options next steps
 - > LBBG compensation ecological evidence and roadmap
 - > LBBG site selection note public.

CONSULTATION ACTIVITY

- 13.3.4 On 3 May 2023, emails were sent to 55 stakeholders with information about the Draft RIAA, supporting documents and how to respond to the consultation. A list of the organisations contacted is below and an example email can be found in Appendix 11.4.

- > A2B-online
- > Brightlingsea Harbour
- > Bristow Group
- > BritNed
- > Cemex
- > CHC Helicopters
- > Civil Aviation Authority
- > CLdN
- > CMEOP
- > Commercial Fisheries Working Group
- > CRPMEM Nord
- > Cvo Visserij
- > DEFRA
- > DFDS
- > East Anglia Two
- > Eastern Inshore Fisheries & Conservation Authority
- > EXA Infrastructure
- > Forestry Commission
- > FROM Nord
- > Harwich Haven Authority
- > Heidelberg Materials
- > Hutchinson Ports
- > Intrada Ships Management
- > Kent & Essex Inshore Fisheries and Conservation Authority
- > London Gateway
- > Maritime and Coastguard Agency
- > Mineral Products Association
- > Ministry of Defence
- > MMO
- > MSC
- > National Federation of Fishermen's Organisations
- > NATS UK
- > Natural England
- > NeuConnect
- > Noordzee Helikopters Vlaanderen
- > Norwich Airport
- > P&O Ferries
- > Port of Felixstowe
- > Port of London Authority
- > Primo Marine
- > Rederscentrale
- > Royal National Lifeboat Institution
- > Royal Yachting Association
- > RSPB
- > Sealand
- > Southend Airport
- > Stena Line
- > Tarmac
- > The Suffolk Wildlife Trust
- > The Wildlife Trust
- > Trinity House
- > UECC
- > UK Chamber of Shipping
- > VisNed
- > Whale and Dolphin Conservation

RESPONSES TO THE CONSULTATION

- 13.3.5 Five consultees (Natural England, the Marine Management Organisation, the Ministry of Defence, the Royal Society for the Protection of Birds, and Tarmac Marine) responded to the consultation on the Draft RIAA. A detailed breakdown of their responses and how they were considered in the development of the RIAA submitted alongside the DCO can be found in the RIAA (document reference 5.4).

14. CONCLUSIONS

14.1 Summary

- 14.1.1 The Applicant has undertaken an extensive multi-stage consultation process in accordance with all of the relevant legislation, regulation and guidance. An initial non-statutory consultation introduced early proposals to the community and other stakeholders. This was followed by a full statutory consultation, which included preliminary environmental information for the Project, and involved ten in-person events across three counties and two webinars. Finally, a focused stage of consultation was carried out to ensure all relevant stakeholders had an opportunity to comment on proposals before the submission of the application.
- 14.1.2 Almost 900 individual pieces of feedback were received during the pre-application consultation process for the Five Estuaries project.
- 14.1.3 Multiple changes to the proposals have been made as a direct result of feedback, along with contributing to the evolution of the proposals in conjunction with ongoing design development in many other ways.
- 14.1.4 The Applicant has sought to accurately reflect the various stages of consultation carried out and fairly summarise the issues raised from feedback received during those stages in this Consultation Report and its supporting annexes (document references 5.1.1 and 5.1.2).
- 14.1.5 Compliance with the Planning Act 2008, EIA Regulations, APFP Regulations, and supporting guidance is set out in chapter 2 of this Report. These checklists demonstrate that all relevant requirements and guidance have been adhered to.

14.2 Changes as a result of consultation

- 14.2.1 Changes have been made following the Applicant’s consideration of feedback received during each stage of consultation. Where feedback has led to changes in the proposals or application, these have been captured in full in the response tables in Appendices 8, 9.4 and 10.8.
- 14.2.2 Below is a non-exhaustive sample of some of the major changes made to the Project as a results of consultation.

Table 14.1: Summary of the major changes as a result of consultation.

Summary of issue	Resulting change
<p>At all stages of consultation</p> <p>Requests for an offshore transmission connection solution, to avoid the need for an onshore connection to the national electricity transmission network at the Project’s proposed onshore substation, and therefore reducing onshore impacts.</p>	<p>This issue was raised in response to all three stages of consultation, and was the predominant issue in feedback from members of the public.</p> <p>While the Applicant has retained the onshore connection as the default connection solution within the proposals submitted with the DCO, the Applicant has engaged as fully as possible with the Government’s Offshore Transmission Network Review process and (successfully) applied for the Offshore Coordination Support Scheme.</p>

	More information about the potential offshore connection option is set out in the Offshore Connection Scenario document (document reference 9.29).
Stage 1 Consultation	
Concerns regarding the proximity of one of the cable route corridor options to the village of Tendring.	Following the Stage 1 Consultation, this route corridor option was removed. More information about this is detailed in chapter 4.4.
Concerns were raised regarding the impact of the northern offshore wind farm array in relation to shipping and navigation issues.	The northern wind farm array area was reduced in response to this feedback.
Stage 2 Consultation	
Request for greater coordination with North Falls Offshore Windfarm.	<p>Following the completion of Stage 2 Consultation, the two projects began working together more closely, culminating in the signing of a 'good neighbour agreement' in the autumn of 2023.</p> <p>Since then, the two projects have been able to align their respective onshore cable route corridors almost completely and commit to co-locating their onshore substations.</p> <p>This has created opportunities for coordination to reduce impacts during construction and operation. The potential coordination of delivery is set out in more detail in the Coordination Document (document reference 9.30).</p>
Marine focus stakeholders questioned the need for four circuits per project for the offshore export cables.	Following this challenge, further work was carried out to confirm that it would be possible for both projects to be delivered with two circuits each. This was confirmed and the Applicant has updated its proposals accordingly.
Preference for colocation of developer substations.	North Falls and Five Estuaries were able to confirm that they will collocate their proposed onshore substations following the end of Stage 2 Consultation. This will enable greater coordination on mitigation, have a lower overall land take and also limit the number of areas impacted by new electrical infrastructure.
Concern about the loss of farmland (temporary and permanent)	In response to this and other general concerns about the impact of the project, the Applicant has worked to reduce the onshore cable route corridor with from up to 240m (as shown in the PEIR) to approximately 90m in the submitted proposals. This has been supported by the

	<p>confirmation the Project would only need up to two cable circuits rather than the potential four included at PEIR.</p> <p>This retains enough width to enable micro-routing around obstacles while given greater certainty to farmers and other interests about the area potentially impacted.</p>
Comments around the suitability of the road network for construction	<p>After Stage 2 Consultation, the following changes were made to the proposals:</p> <ul style="list-style-type: none"> > More locations were confirmed for the use of trenchless construction, reducing the number of roads that would be temporarily closed; and > Improvement proposals for Bentley Road were developed to increase the suitability of the highway between the junction with the A120 and the cable route corridor.
Preference to utilise the northern landfall route	The northern landfall option was chosen.
Stage 3 Consultation – compensatory habitat proposals in Suffolk	
Concerns were raised regarding the proposed access to sites on Orford Ness from the north, via Aldeburgh.	This route was explored further and discounted. All construction access would be carried out via boat.
Comments were received opposing the selection of the site on the mainland (VE4), citing a lack of suitability and potential impact on people’s recreational use of the area.	Following the close of Stage 3 Consultation, VE2 (one of the sites on Orford Ness) was selected to be developed further and has been included in the proposals. VE4 was not taken forward.
Stage 3 Consultation – targeted land interest consultation in Essex	
Specific land interest or commercial concerns.	These are being progressed on an individual basis to inform the detailed design and minor alterations included to avoid impacts.
Requests for pre and post construction surveys, and soil contamination concerns.	Soil surveys are now included in the Code of Construction Practice (document reference 9.21).



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