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To the Applicant
(By email only)

Your Ref:

Our Ref: EN010115

Date: 22 April 2024

Dear Mr Eaton

Planning Act 2008 (as amended) – Section 51

Application by Five Estuaries Offshore Wind Farm Ltd for an Order Granting Development Consent for the Five Estuaries Offshore Windfarm

Advice following issue of decision to accept the application for examination

On 22 April 2024 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's acceptance checklist and the application documents have been published and made available on the project page of our website.

In undertaking checks at the acceptance stage, the Inspectorate has made some initial observations in relation to the application. This letter comprises advice to the Applicant provided under section 51 of the PA2008 in respect of these initial observations. The Applicant should pay attention to its content and consider how appropriate action might be taken in response.

Consultees identified on a precautionary basis

Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to consultation under s42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in, the application are given the opportunity to participate fully in the Examination of the application. On this basis, the Applicant may wish to serve notice on the bodies listed in Box 6 of the section 55 checklist when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.

It is noted that Great Yarmouth District Council was not identified by the Applicant as a consultee despite being an 'A' authority. Great Yarmouth District Council is a 'neighbouring' authority for the purposes of ecological compensation measures. The

Applicant is therefore advised to notify Great Yarmouth District Council of the accepted application under s56(2)(a) of PA2008.

Book of Reference (Doc 4.1)

It is noted that the Book of Reference (Doc 4.1) (BoR) contains several parties who appears not to have been consulted under s42(1)(d) at the stage 2 and 3 consultations. The Applicant is advised to review the BoR and amend it before it serves notice under s56(2)(a) of PA2008.

Plans

The Planning Inspectorate has noted the following labelling errors and inconsistencies in their checks of the plans. The Inspectorate advises the Applicant to carry out a comprehensive review of plans, and updated sets be provided, with corrections made as shown below:

Special Category Land Plans (Doc 2.4)

The features on these plans are difficult to decipher, for example the open space reference numbers, road names and nearby properties.

Works Plan – Offshore (Doc 2.6)

There seem to be inconsistencies in the labelling of works on Sheet 2 of the Works Plan. The cable connection corridor between the northern and southern array areas is colour coded as being both Works No. 1 and Works No. 2 but is labelled as “Works No 1” only. Sheets 1 to 7’s are difficult to read due to the resolution being low.

Historic Environment Plan – Onshore (Doc 2.11)

Historic environment plans show a woodland layer on the key, but this is not visible on the plans.

These plans also show ancient woodland which may not be required in the historic environment context and could be included in the **Statutory or Non-Statutory Sites and Features of Nature Conservation - Onshore plans (Doc 2.13)**.

Crown Land Plan – Onshore (Doc 2.17)

The colour used for Crown Land in the Legend of Sheet 2 of 2 does not seem to match the colour used on the plan.

Draft Development Consent Order (dDCO) (Doc 3.1)

Requirement 8(1) (Code of Construction Practice) refers to approval under sub-paragraph (3), but this sub-paragraph is missing.

Environmental Statement (ES)

ES Part 3 Chapter 1: Onshore Project Description (Doc 6.3.1)

There are formatting errors on pages 76 to 79, where the Figure is not correctly addressed within the text, a hyperlink with no text is present instead. This should be rectified and reissued with the correct formatting to refer to the figure appropriately. This has been noted within several other ES chapters, where the text stating ‘Figure XX’ is not

present, but there is a hyperlink to the figure embedded within the pdf. The ES should be checked throughout and reissued with the correct text showing.

The chapter refers to the different onshore development areas as 'section X' throughout, this is then translated to the rest of the ES onshore chapters, rather than using the dDCO work nos. to describe the onshore development. A clarification plan overlaying the work nos. to the sections referred to in the ES would aid the reader.

Figure 1.8 (Sheet 2 of 2) has some items on the legend that do not match the symbols on the drawing.

Archaeology and Cultural Heritage (Doc 6.3.7) and Offshore Archaeology and Cultural Heritage (Doc 6.2.11)

The figures have been exported at a low quality, with some symbols hard to read. The figures should be re-exported to a higher quality standard to be legible.

ES Part 4 Chapter 2: Human Health and Major Disasters (Doc 6.4.2)

Figures 2.1 to 2.5 are not shown within the text.

Onshore Export Cable Corridor (ECC) Flood Risk Assessment (Doc 5.3.1)

The Flood Risk Assessment (FRA) describes that the Proposed Development is primarily located in Flood Zone 1, with areas in Flood Zone 2 and Flood Zone 3. The FRA does not specify whether the components located within Flood Zone 3 are Flood Zone 3a or Flood Zone 3b or a combination. Flood Zone 3a and Flood Zone 3b are not differentiated on the figures in the FRA. An updated FRA with plans differentiating Flood Zone 3a and 3b should be reissued.

Outline Landscape and Ecological Management Plan (Doc 9.22)

Figure 1 page 17. The Legend for this image/plan is not legible.

Outline Skills and Employment Strategy (Doc 9.27)

The ledgers for figures 4 and 5 are not legible due to the resolution being too low.

Minor errors and omissions

There are minor errors and omissions, as reflected in Box 30 of the acceptance checklist. In addition to the issues listed above, there are various minor typographical errors in the application documents you may want to address.

Please pay close attention to the advice set out in this letter and act on it accordingly. This will contribute towards a more efficient examination and give any future Examining Authority comfort that the documentation is complete and accurate.

We trust you find this advice helpful, however, if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

Karl-Jonas Johansson

Case Manager

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