



FAO: Grahame Gould
Lead Member of the Examining Authority
The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
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Application Reference: EN010115
ESC Reference: 20049282
Date: 16th October 2024
Please ask for: Grahame Stuteley
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By email: fiveestuaries@planninginspectorate.gov.uk

Dear Mr. Gould,

Re: Application by Five Estuaries Offshore Wind Farm Limited for an order granting development consent for the Five Estuaries Offshore Wind Farm project - East Suffolk Council's Local Impact Report - Deadline 2 (22nd October 2024).

Introduction

East Suffolk Council (ESC) acknowledges the Examining Authority's (ExA) Rule 8 letter dated 25th September 2024, requesting a Local Impact Report (LIR) from Local Authorities defined in section 56A of the Planning Act 2008, by Deadline 2 (22nd October 2024). This letter provides ESC's LIR for consideration at Deadline 2.

To avoid unnecessary repetition, ESC provided a detailed description and narrative surrounding the key matters which are important considerations within our district in our Relevant Representation [\[RR-024\]](#) (attached in Appendix A to this letter). This LIR therefore highlights pertinent points from the Relevant Representation, whilst focussing on matters which have either changed or updated since that time. A summary of relevant planning policy is also provided in Appendix B to this letter.

The Five Estuaries offshore wind farm is a proposed extension to the existing 353MW Galloper offshore wind farm located 27km off the Suffolk coast at its nearest point in the southern North Sea. The Five Estuaries extension would cover an area of 128km² and would be located approximately 37km offshore, with a grid connection point in Tendring, Essex. The project would comprise of up to 79 additional turbines across two separate seabed areas. It also includes offshore and onshore distribution infrastructure, various miscellaneous works associated with this and relevant planning applications that may be necessary for habitat compensation amongst other matters.

We note that no onshore infrastructure is proposed within East Suffolk, however we are a host authority in terms of the anticipated lesser black-backed gull habitat compensation measures proposed by the Applicant at Orford Ness. Initial discussions have been held with the Applicant regarding this possible requirement for compensation in proximity to the existing colony of birds associated with the Alde-Ore Estuary Special Protection Area (SPA). This is discussed in more detail later in this LIR.

LEGAL ADDRESS East Suffolk House, Station Road, Melton, Woodbridge IP12 1RT

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ESC has previously engaged with the Applicant by responding to the project's pre-application Scoping Report in October 2021, the Habitats and Regulation Assessment Screening Report in November 2021, the non-statutory consultation in August 2022, the statutory consultation in May 2023, and most recently – the Stage 3 Targeted Habitats consultation relating to lesser black-backed gull compensation at Orford Ness in January 2024. These responses are available to view on the Council's website¹.

ESC's Cabinet committee met on 7th May 2024 and approved the Council's overarching position on this project which is as follows:

1. To support the position to not object to the Five Estuaries project with a radial connection to Essex, providing the offshore turbines do not have a significant impact on the Essex and Suffolk Coast and Heaths National Landscape, but to also continue to support offshore coordination which reduces/minimises the extent of onshore infrastructure.
2. To continue to closely monitor and scrutinise the potential residual seascape visual impacts introduced on the National Landscape. Whilst the project has reduced the proposed maximum wind turbine height to less than 400m tall, the closest wind turbines remain at a distance of 37km offshore which will be visible from the designated landscape.

Need for offshore wind energy generation and project coordination

ESC acknowledges that renewable energy will play a central role in tackling climate change and in meeting Government targets in the lead up to net-zero by 2050. A significant amount of new offshore wind generation and associated infrastructure is required to meet the present Government's ambitious target to connect 50GW of offshore wind by 2030. However, the shift towards the delivery of low carbon and renewable sources of energy must consider the potential impacts it may have on the landscape, natural environment and local communities set to host or neighbour such development. Developers must also explore opportunities for greater levels of coordination between projects in relation to the objectives set out in the Offshore Transmission Network Review (OTNR).

We note that the Five Estuaries project engaged with the OTNR as did the developer of the North Falls project, and it is welcomed that the Five Estuaries project, alongside other developers, has committed to exploring options within the Early Opportunities workstream². ESC believes that every opportunity should be undertaken by the two offshore wind farm developers, given it is likely that they will have the same connection location, to seek maximum coordination between the projects in order to minimise impacts on local communities and the environment. We understand that coordination will seek to reduce the potential impact of building the onshore connection to the national electricity transmission network for the two projects. The Sheringham Shoal and Dudgeon extension offshore wind farm projects located off the North Norfolk Coast are demonstrating that greater coordination is possible, and this should be replicated.

¹ <https://www.eastsuffolk.gov.uk/planning/national-infrastructure-and-energy-projects/offshore-windfarms/five-estuaries/>

² [Joint statement from North Falls, Five Estuaries and National Grid: Commitment to exploring coordinated network designs in East Anglia](#)

ESC wishes to highlight Section 3.3.80 within the Government Department for Energy Security and Net Zero's 'Overarching National Policy Statement for Energy (EN-1)³' which states '*...considering the potential for unwarranted and avoidable disruption, inefficiency, and visual impacts along the onshore - offshore boundary, coordination of onshore transmission, offshore transmission, and offshore generation and interconnector developments should be considered at both the strategic and more detailed project design levels. This coordinated approach is likely to provide the highest degree of consumer, environmental, and community benefits.*'. Section 3.3.81 adds that '*The importance of accelerating coordination does not, however, militate against the need for standalone electricity networks projects, and these projects are supported by this NPS and should continue to be assessed on their own merits.*'

In addition to EN-1, National Policy Statement for Electricity Networks Infrastructure (EN-5) states within Section 2.13.14 '*Co-ordinated transmission proposals, including multi-purpose interconnectors and other types of offshore transmission (see Glossary), are expected to reduce the overall environmental and community impacts associated with bringing offshore transmission onshore compared to an uncoordinated, radial approach. These reduced impacts could, for example, relate to: fewer landing sites and reduced landfall impacts; reduced overall cable length and impacts; and fewer cable corridors and reduced impacts from these.*'. Section 2.13.16 adds '*For onshore infrastructure, reduced impacts could, for example, relate to fewer or co-located substations and converter stations and transmission lines as well as demonstrating how environmental and community impacts have been avoided as far as possible.*'

The National Policy Statements for Energy therefore seek to address the need for more coordination in the design and delivery of onshore and offshore electricity transmission infrastructure. This must therefore be fully explored, with robust justification being demonstrated should this not be viable across the proposed projects. ESC notes that the Applicant is exploring opportunities for coordination with the North Falls offshore wind farm project in order to align their landfall locations for their export cables to come ashore, to develop a shared export cable corridor, and by selecting a single site for both onshore substations. However, ESC defers further comment on the effectiveness of this coordination to the Essex host authorities in these areas.

ESC is being consulted on and is aware of a number of energy related projects that may have an impact on our district, and we welcome and support collaborative working between all Applicants and the National Grid to ensure that the optimal solution is delivered. We expect this to involve coordination and the sharing of infrastructure where feasible to reduce the amount required onshore. This LIR is provided on the basis that the Five Estuaries Offshore Wind Farm proposes an onshore grid connection located outside of Suffolk and beyond the East Suffolk Council District, however, should this change in future resulting in onshore infrastructure being proposed within our district, our position on this project may need to be revisited.

Offshore connection options

ESC's overarching position is to not object to the Five Estuaries project with a radial connection to Essex, providing the offshore turbines do not have a significant impact on the Essex and Suffolk Coast and Heaths

³ <https://www.gov.uk/government/publications/overarching-national-policy-statement-for-energy-en-1/overarching-national-policy-statement-for-energy-en-1#the-need-for-new-nationally-significant-energy-infrastructure-projects>

National Landscape, but to also continue to support offshore coordination which reduces/minimises the extent of onshore infrastructure.

ESC notes that North Falls offshore wind farm project promoters have been leading a consortium with the Five Estuaries offshore wind farm project promoters, and National Grid Electricity Transmission's (NGET) SeaLink network reinforcement project between Suffolk and Kent. The Consortium was awarded funding by DESNZ through the Offshore Coordination Support Scheme (OCSS) in December 2023. In our Relevant Representation [\[RR-024\]](#), we were critical of the Five Estuaries Applicant's early dismissal of a possible offshore connection option, noting this had been assessed and was considered at that time to be unviable by the Applicant.

However, since the Five Estuaries project was submitted for Examination, in September 2024, the Secretary of State has decided not to grant further funding to the consortium, with the OCSS no longer being funded by the Government. ESC understands that consortium supports this decision, which highlighted the significant extra costs and the negative impact on the delivery timeline of connecting more renewables to the UK energy system, especially considering the government's commitment to quadruple offshore wind and fully decarbonise the UK's electricity system by 2030. The consortium will not be pursuing a coordinated offshore connection as a result.

This effectively ceased any opportunity for an offshore connection between either the North Falls and Five Estuaries offshore wind farm projects, and a subsea cable project such as NGET's SeaLink network reinforcement project linking Suffolk with Kent. ESC's position regarding an offshore connection option prior to the recent news that the OCSS scheme had been closed, was however one of caution which is still worth mentioning to provide context for the Examining Authority.

Had an offshore connection scenario become viable for either the North Falls or Five Estuaries offshore wind farm projects, ESC would have needed to monitor such a scenario closely in case either directly or indirectly this introduced a need for additional onshore transmission infrastructure within East Suffolk. Currently, the SeaLink project is proposing an onshore connection at Friston within the East Suffolk district, such a scenario requiring additional onshore infrastructure in East Suffolk in order to accommodate an offshore connection, would not have been supported by ESC.

Additionally, had an offshore option been deemed viable, it would have been essential that stakeholders and the decision maker should be clear what the direct and indirect impacts are. If allowing this offshore connection necessitates greater quantities of onshore infrastructure, this should be fully considered within the DCO application to ensure a fair, robust and transparent process. Had an offshore connection been consented through the Marine Licence process (being offshore), it would also have been unlikely that the Marine Licence consenting process would consider any onshore impacts within East Suffolk, being outside of the Marine Management Organisation's (MMO's) jurisdiction. Such a piecemeal approach to planning does not provide a holistic view of potential impacts, being inconsistent with a strategic planning approach.

An offshore connection with SeaLink would have also reduced the transmission capacity of the SeaLink project, potentially resulting in a need for a second connection between Suffolk and Kent to facilitate the original purpose of the SeaLink project. This situation would also not be supported by ESC as it would introduce significant additional onshore infrastructure over and above any such additional infrastructure

required to facilitate an offshore connection option alone. However, in light of the recent news related to the OCSS, ESC anticipates that any plans for an offshore connection with SeaLink have effectively ceased and we will no longer be looking to raise this concern for the project on that basis.

Seascape and Landscape Visual Impact

The Five Estuaries wind turbines will be located approximately 37km off of the East Suffolk coast at the closest point, being located behind existing wind farms when viewed from most East Suffolk coastal viewpoints. ESC notes that impacts have been assessed during all phases of the project (construction, operation and maintenance and decommissioning) including the impact of the array areas upon the seascape character and the characteristics of the designated landscapes, such as the Suffolk and Essex Coast and Heaths National Landscape (formerly AONB). The Applicant's seascape assessment concludes that the majority of the wind turbines will be viewed behind and in the same section of the view as the existing Greater Gabbard and Galloper offshore wind farms, thereby minimising additional visual impact.

Our primary concern has been reflected in our responses to the pre-application consultations as well as our Relevant Representation [\[RR-024\]](#), and relates to potential seascape visual impacts introduced on the Suffolk and Essex Coast and Heaths National Landscape resulting from the further extension to the Galloper offshore wind farm. At the time of submission, the Applicant was proposing wind turbines up to 399m above sea level, much taller than the existing intervening Galloper offshore wind turbines having a maximum blade tip height of only 180.5m above sea level. The existing Galloper wind turbines are located approximately 27km offshore and the proposed Five Estuaries wind turbines will be positioned behind the existing windfarm when viewed from the coast, noting these will be almost twice the height of the Galloper turbines.

However, without repeating the full narrative set out within our Relevant Representation [\[RR-024\]](#), it was acknowledged at the time of submission that the Applicant had reduced the maximum height of the proposed wind turbines to 399m (from approximately 420m) following the Preliminary Environmental Information Report (PEIR) consultation, as part of the Five Estuaries' project development, including the turbine array area being reduced following pre-application consultation feedback, with a section of the northern array being removed to help avoid filling in the 'gap' between existing wind farms as seen from the Suffolk coast. Moving from the Scoping stage to PEIR, ESC notes that the northern array's developable area was reduced by 22% (a 16% reduction of the total developable area). The justification presented for this refers to the sensitivity of views from the coast, particularly from within the National Landscape (formerly AONB). Therefore, ESC's initial seascape visual impact concerns were reduced following review of the Applicant's detailed assessment materials for the DCO submission.

Whilst it is understood that there will be no effective visibility for the majority of the year, the most likely chance of visibility is likely to occur at the time of year of highest visitor numbers and therefore it could be argued that there is a possibility of added impact above and beyond that for local residents because visitors have a higher expectation of a clear view to the horizon. However, seascape views may be more sensitive to additional wind turbines being introduced if there are existing offshore wind turbines within the vista. There are concerns that, where visible from some viewpoints, there will be an almost continuous row of visible turbines across the horizon from the proposed ScottishPower Renewables (SPR) East Anglia 2 array, through

Five Estuaries, Galloper and Gabbard, to North Falls (if all fully built out), although it is accepted that this will still be dependent on weather conditions which determine visibility.

ESC considers that there will be adverse impacts on the designated National Landscape coastline within East Suffolk, however we accept that these impacts are likely to be Moderate/Minor at worst in LVIA terms, and they are not significantly adverse to justify objection for landscape and visual impact related reasons. We come to this conclusion principally because of the influence of meteorological/atmospheric conditions in determining the frequency of visibility, and because of the presence of existing and already consented wind farms which mean that the magnitude of change arising from this proposal is moderated in comparison to there being no existing windfarms (despite the presence of existing offshore wind turbines potentially increasing the sensitivity of the view to additional offshore wind turbines as stated earlier). In addition, we do not consider that the statutory purposes for designation of the National Landscape are compromised to an extent that justify grounds for objection. This conclusion is based on the currently submitted proposals, should these change at any stage, ESC would need to revisit our position in terms of seascape visual impacts.

ESC also notes from the Applicant's *'Five Estuaries Offshore Wind Farm Project – Deadline 1 Covering Letter' (3rd October 2024)*, that they will be *'...limiting some Project parameters within the 3.1 Draft Development Consent Order – Revision B, as indicated at Deadline D. This includes a reduction in the maximum height of wind turbine generators from 399m to 370m above lowest astronomical tide'*. ESC notes that this further reduces the level of any anticipated seascape and landscape visual impact, which at a closest distance of approximately 37km offshore, is not likely to result in significant adverse visual effects on the Suffolk coastline or its designated landscapes.

LBBG compensation within ESC

ESC notes from Section 5.1.26 within 'EN010115-000399-9.1 Planning Statement' that *'The RIAA [Report to Inform Appropriate Assessment] concludes that, VE [Five Estuaries], in-combination with other plans and projects, would have no AEoI [Adverse Effect on Integrity] on any designated European site, apart from the following two sites: Alde-Ore Estuary (AOE) SPA – lesser black-backed gull (Larus fuscus) feature (collision during the O&M phase); and. Alde-Ore Estuary Ramsar – lesser black-backed gull feature (collision risk during the O&M phase).'*

Section 5.1.29 within the Planning Statement states *'An area has been identified at Orford Ness where fencing to protect breeding from predators may be installed. This area, if implemented, would compensate for impacts to this species as a result of the operational wind farm. In addition to the installation of fencing, the habitat would be managed to make it more suitable for Lesser Black Backed Gulls and the success of this measure would be monitored throughout the lifetime of the Project. Further information can be found within Volume 6, Part 8, Chapter 1: Lesser Black Backed Gull Compensation Area EIA.'* Section 5.1.30 adds *'Whilst, the Applicant has endeavoured to avoid and reduce impacts, in relation to Lesser Black Backed Gulls this has not been possible and compensation is proposed in line with the mitigation hierarchy. The Applicant has submitted with the application, securable proposals for suitable compensatory measures to enable consent to be granted.'*

It is therefore understood that the project includes provision for the construction, operation, maintenance, and removal of habitat improvements measures for LBBG at a site on Orford Ness, East Suffolk. Therefore, as set out within the planning statement, the Applicant is conceding a significant effect upon LBBG in relation to the Alde Ore Estuary SPA with appropriate compensation measures having been developed and put forward within the application to compensate for any impacts.

ESC has considered the Applicant's proposed LBBG compensation measures submitted in the DCO materials and provided a very detailed summary setting out our position within the submitted Relevant Representation [\[RR-024\]](#), in the interests of avoiding repetition (and unnecessary reading for the ExA), this has not been repeated again in the LIR. However, for the purpose of this LIR, ESC wishes to highlight to the ExA that we have been engaging with the Five Estuaries team regarding possible LBBG provision at Orford Ness for a long time now, well into the pre-application stage. The Five Estuaries team have always been very transparent and cooperative to date and ESC wishes to reaffirm our commitment to working with the Applicant moving forward in order to ensure any necessary habitat compensation is delivered to the highest possible standards, whilst avoiding and mitigating any identified impacts.

ESC has reviewed the Applicant's procedural deadline D (9th September 2024) submissions, noting within their 'Response to Relevant Representations' (Doc Ref: 10.4 Revision A September 2024) it is stated within Section 3.4 'East Suffolk Council – ESCRR27' that *'The Applicant is aware of the existing compensation site and plans to remove it from the Order Limits as set out in the Notification of Intention to Submit a Change Request submitted at Pre-examination deadline D. The Applicant also seeks to refine the Order Limits to a single site following ongoing surveys and stakeholder engagement.'* This is noted by ESC.

It also states that *'The inalienable status of the National Trust land is acknowledged and discussions are ongoing with both landowners at Orford Ness to inform the refinement of the compensation area.'* Again, this is noted by ESC.

Additionally, ESC notes and concurs with the Applicant's comments at ESC-RR37 which state that *"The Applicant notes and appreciates the position taken by East Suffolk Council. The Applicant will continue to work with the Council throughout the Examination period and throughout the lifespan of the Project."*

We have also reviewed the 'Draft Development Consent Order (Clean)' (Doc Ref: 3.1 Revision B October 2024) and acknowledge that Schedule 13, Article 3 'Compensation' sets out the proposed membership of the 'Offshore Ornithology Engagement Group' (OOEG). We were pleased to see this lists 'the relevant planning authority' amongst other key stakeholders, who will help to shape and deliver the LBBG habitat compensation.

As host authority for the proposed LBBG predator-proof fencing at Orford Ness, ESC agree that we need a 'seat at the table' as described, noting for comparison, that ESC continues to play a key role in the Vattenfall (RWE) / SPR LBBG Steering Group meetings for the design, delivery, implementation and monitoring processes of the existing, consented and operational Orford Ness LBBG predator proof fencing compensation adjacent to Cobra Mist. As host authority, ESC also played a key role in

steering group discussions alongside other key ecological stakeholders, long before the final location, design and implementation of the compensation was secured by TCPA 1990 consent, and the LBBG Implementation and Monitoring Plan had been approved by the Secretary of State.

Finally, we wish to highlight to the ExA that as a host authority, with Orford Ness being located within East Suffolk, we have been engaging with the Five Estuaries Applicant throughout the pre-application stage to the present day on possible LBBG compensation requirements. The Applicant has been proactive and transparent in this engagement, discussing proposed compensation for the Five Estuaries project either alone, or in combination with other projects. ESC supports such a cooperative approach.

As the ExA will be aware, the North Falls offshore wind farm is also now entering the DCO examination stage (EN010119), with the Application being accepted for examination on 22nd August 2024. The North Falls project has also identified a search area within and around the AOE SPA within which compensation for LBBG could be delivered. This comprises the central area of the SPA around Orford Ness, together with areas to the west of the River Ore, located outside of the SPA. ESC understands that within this search area, the North Falls project considers there to be a number of locations that could provide appropriate breeding conditions for LBBGs, evidenced by previous use by nesting gulls. The ExA should also be alerted to the intentions of the North Falls Applicant regarding the delivery of their own project's LBBG habitat compensation. They have cited potential locations for development of LBBG compensation which are identified by Five Estuaries, advising that they are in discussion with these parties regarding potential collaboration.

The Five Estuaries' LBBG provision is therefore likely to cover both projects, with the North Falls project proposing breeding habitat enhancement (e.g. predator exclusion, predator control, and/or disturbance management) compensation measures. A lot of emphasis has been placed on the North Falls Applicant's discussions with Five Estuaries to collaborate on and deliver the compensation proposals as far as reasonably practicable. This is evidenced by the North Falls project excluding any LBBG habitat compensation land at Orford Ness from their onshore order limits submitted for the DCO application. Given the identified impacts on LBBG associated with the Alde-Ore designations (as with the Five Estuaries project), it is clear that significant emphasis has been placed on the Five Estuaries team to deliver their compensation alongside their own. ESC is flagging this to the ExA as we were surprised to see such confidence by North Falls in the delivery potential of such measures via a separate DCO Examination, which is currently still in the early stages. This must be fully explored by the ExA in order to provide confidence in the extent and deliverability of the necessary measures proposed, either via a project alone approach, or collaboratively.

However, it must be stressed that ESC is not objecting to the proposed LBBG habitat compensation for the North Falls and Five Estuaries projects, in light of our overarching ecological position set out in our submitted Relevant Representation [\[RR-024\]](#). We support both Applicants' ongoing engagement, working collaboratively and seeking to possibly provide a coordinated approach to LBBG compensation delivery. However, a cautious approach is warranted, with any possible cumulative impacts of a combined approach to LBBG habitat compensation (by Five Estuaries on behalf of the North Falls project) being fully considered.

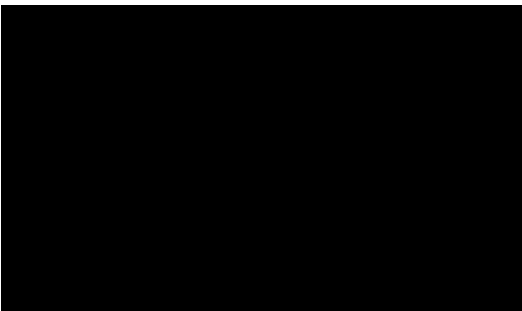
Conclusion

ESC welcomes the open and transparent approach adopted by the Applicant throughout the pre-application stage of the DCO process and through other ad-hoc engagement held to date. As set out in our Relevant Representation [\[RR-024\]](#), ESC's Cabinet committee met on 7th May 2024 and approved the Council's overarching position on this project, i.e. to not object to the Five Estuaries project with a radial connection to Essex, providing the offshore turbines do not have a significant impact on the Essex and Suffolk Coast and Heaths National Landscape but to also continue to support offshore coordination which reduces/minimises the extent of onshore infrastructure.

ESC also wishes to engage in the examination to continue to closely monitor and scrutinise the potential residual seascape visual impacts introduced on the National Landscape. Whilst the project has reduced the proposed maximum wind turbine height to less than 400m tall, the closest wind turbines remain at a distance of 37km offshore which will be visible from the designated landscape. However, that being said, and as stated earlier in this LIR, ESC considers that there will be adverse impacts on the designated National Landscape coastline within East Suffolk, however we accept that these impacts are likely to be Moderate/Minor at worst in LVIA terms, and they are not significantly adverse to justify objection for landscape and visual impact related reasons.

ESC will continue to monitor the topics discussed throughout the DCO examination period, however we do not expect that the matters discussed will become a sticking point for either ESC or the Applicant. We look forward to working collaboratively with both North Falls and Five Estuaries going forwards regarding the provisions of any required LBBG compensation. Our attendance at hearings is therefore not expected to be required, with any related matters being dealt with via written representations as deemed necessary over the course of the DCO examination period.

Yours sincerely



Philip Ridley BSc (Hons) MRTPI | Head of Nationally Significant Infrastructure Planning
East Suffolk Council

[Local Impact Report] - Appendix A – ESC’s submitted Relevant Representation [RR-024].



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National Infrastructure Planning
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Application Reference: EN010115
ESC Reference: ESC Relevant Representation –
Five Estuaries Offshore Wind
Farm Project
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By email: FiveEstuaries@planninginspectorate.gov.uk

Re: Application by Five Estuaries Offshore Wind Farm Limited for an Order Granting Development Consent for the Five Estuaries Offshore Wind Farm Project – East Suffolk Council’s Relevant Representation.

Introduction

It is understood that on 22nd April 2024, the Secretary of State for Energy Security and Net Zero (c/o the Planning Inspectorate) accepted the application for the Five Estuaries Offshore Wind Farm project for a Development Consent Order (DCO) under the Planning Act 2008. East Suffolk Council (ESC) have registered as an Interested Party by submitting this Relevant Representation to the Planning Inspectorate by the closing deadline of 21st June 2024.

Five Estuaries is a proposed extension to the existing 353MW Galloper Offshore Wind Farm located 27km off the Suffolk coast at its nearest point in the southern North Sea. The Five Estuaries extension would cover an area of 128km² and would be located approximately 37km offshore, with a grid connection point in Tendring, Essex. The project would comprise of up to 79 additional turbines (up to 395m above sea level) across two separate seabed areas. It also includes offshore and onshore distribution infrastructure, various miscellaneous works associated with this and relevant planning applications that may be necessary for habitat compensation amongst other matters.

We note that no onshore infrastructure is proposed within East Suffolk, however we are a host authority in terms of the anticipated lesser black-backed gull habitat compensation measures proposed by the Applicant at Orford Ness. Initial discussions have been held with the Applicant regarding this possible requirement for compensation in proximity to the existing colony of birds associated with the Alde-Ore Estuary Special Protection Area (SPA).

ESC has previously engaged with the Applicant by responding to the project's pre-application Scoping Report in October 2021, the Habitats and Regulation Assessment Screening Report in November 2021, the non-statutory consultation in August 2022, the statutory consultation in May 2023, and most recently – the Stage 3 Targeted Habitats consultation relating to lesser black-backed gull compensation at Orford Ness in January 2024. These responses are available to view on the Council's website⁴.

ESC's Cabinet committee met on 7th May 2024 and approved the Council's overarching position on this project which is as follows:

1. To support the position to not object to the Five Estuaries project with a radial connection to Essex, providing the offshore turbines do not have a significant impact on the Essex and Suffolk Coast and Heaths National Landscape, but to also continue to support offshore coordination which reduces/minimises the extent of onshore infrastructure.
2. To continue to closely monitor and scrutinise the potential residual seascape visual impacts introduced on the National Landscape. Whilst the project has reduced the proposed maximum wind turbine height to less than 400m tall, the closest wind turbines remain at a distance of 37km offshore which will be visible from the designated landscape.

This Relevant Representation provides the Examining Authority with context and further detail regarding areas of interest for ESC which we wish to monitor and engage on as part of the Examination process as deemed necessary. Having reviewed the Applicant's current DCO application submission materials, this Relevant Representation provides our initial feedback and clarifies our position on relevant topic matters potentially impacting upon our District.

Need for offshore wind energy generation and project coordination

ESC acknowledges that renewable energy will play a central role in tackling climate change and in meeting Government targets in the lead up to net-zero by 2050. A significant amount of new offshore wind generation and associated infrastructure is required to meet the present Government's ambitious target to connect 50GW of offshore wind by 2030. However, the shift towards the delivery of low carbon and renewable sources of energy must consider the potential impacts it may have on the landscape, natural environment and local communities set to host or neighbour such development. Developers must also explore opportunities for greater levels of coordination between projects in relation to the objectives set out in the Offshore Transmission Network Review (OTNR).

Section 1.3.5 within 'EN010115-000430-9.29 Offshore Connection Scenario' states that *'Throughout the development, the Project has remained committed to exploring the potential for an offshore connection to the national electricity transmission network as part of the government's Offshore Transmission Network Review (OTNR) process; a government initiative launched in 2020 to review the approach to the design and delivery of offshore transmission. The OTNR process concluded in May 2023 and the organisations involved,*

⁴ <https://www.eastsuffolk.gov.uk/planning/national-infrastructure-and-energy-projects/offshore-windfarms/five-estuaries/>

along with the Department for Energy Security and Net Zero (DESNZ), are now implementing the findings to deliver a coordinated offshore transmission regime for Great Britain. A summary of the outputs from the review was published by the government in July 2023.

We note that the Five Estuaries project engaged with the OTNR as did the developer of the North Falls project, and it is welcomed that the Five Estuaries project, alongside other developers, has committed to exploring options within the Early Opportunities workstream⁵. ESC believes that every opportunity should be undertaken by the two offshore wind farm developers, given it is likely that they will have the same connection location, to seek maximum coordination between the projects in order to minimise impacts on local communities and the environment. We understand that coordination will seek to reduce the potential impact of building the onshore connection to the national electricity transmission network for the two projects. The Sheringham Shoal and Dudgeon extension offshore wind farm projects located off the North Norfolk Coast are demonstrating that greater coordination is possible, and this should be replicated. However, ESC defers further comments on coordination to the host authorities, noting the currently proposed onshore infrastructure remains outside of our district's jurisdiction area.

ESC also notes Five Estuaries' submission into the Government's Offshore Coordination Support Scheme (OCSS), noting that this seeks to provide grants to offshore energy projects to develop coordinated options for offshore transmission infrastructure. We acknowledge that the OCSS is ongoing and we will provide further comments once conclusions have been reached.

It is apparent when reading 'EN010115-000430-9.29 Offshore Connection Scenario' that Five Estuaries is also allowing for flexibility to accommodate an offshore coordinated connection at a later date, provided there is greater certainty on the commercial, regulatory and technical environment. However, we understand that the viability of any coordinated connection is dependent on the progress made by the OTNR process, associated regulatory and commercial policy changes and the individual offshore connector projects involved.

ESC's view on an offshore connection option is discussed in greater detail within the following section of this representation, however, we acknowledge the emphasis set out within Section 3.3.75 of the Overarching National Policy Statement for Energy (EN-1) which states *'The final Phase 1 report for National Grid ESO's Offshore Coordination Project (published December 2020) found that a more integrated approach to offshore transmission, which included efficient planning of the onshore network, could deliver consumer benefits of up to £6 billion by 2050, depending on how quickly it could be implemented. It also found that the number of new electricity infrastructure assets, including cables and onshore landing points could be reduced by up to 50 per cent over the same period, significantly reducing environmental impacts and impacts on coastal communities.'* Section 3.3.80 adds *'...considering the potential for unwarranted and avoidable disruption, inefficiency, and visual impacts along the onshore - offshore boundary, coordination of onshore transmission, offshore transmission, and offshore generation and interconnector developments should be considered at*

⁵ [Joint statement from North Falls, Five Estuaries and National Grid: Commitment to exploring coordinated network designs in East Anglia](#)

both the strategic and more detailed project design levels. This coordinated approach is likely to provide the highest degree of consumer, environmental, and community benefits.'

It is therefore clear that the overarching National Policy Statement for Energy (EN-1) seeks to address the need for more coordination in the design and delivery of onshore and offshore electricity transmission infrastructure. This must therefore be fully explored, with robust justification being demonstrated should this not be viable across the proposed projects. However, we note (as discussed in the following section) that Five Estuaries has concluded that *'an offshore connection is not a viable or deliverable alternative at this time'* and that *'the base case position for Five Estuaries remains the progression of the radial onshore connection to the National Grid EACN substation as per our existing grid connection offer'*.

In addition to EN-1, National Policy Statement for Electricity Networks Infrastructure (EN-5) states within Section 2.13.14 *'Co-ordinated transmission proposals, including multi-purpose interconnectors and other types of offshore transmission (see Glossary), are expected to reduce the overall environmental and community impacts associated with bringing offshore transmission onshore compared to an uncoordinated, radial approach. These reduced impacts could, for example, relate to: fewer landing sites and reduced landfall impacts; reduced overall cable length and impacts; and fewer cable corridors and reduced impacts from these.'* Section 2.13.16 adds *'For onshore infrastructure, reduced impacts could, for example, relate to fewer or co-located substations and converter stations and transmission lines as well as demonstrating how environmental and community impacts have been avoided as far as possible.'*

ESC notes that the Applicant is exploring opportunities for coordination with the North Falls offshore wind farm project in order to align their landfall locations for their export cables to come ashore, to develop a shared export cable corridor, and by selecting a single site for both onshore substations. However, ESC defers further comment on the effectiveness of this coordination to the host authorities in these areas.

ESC is being consulted on and is aware of a number of energy related projects that may have an impact on our District, and we welcome and support collaborative working between all Applicants and the National Grid to ensure that the optimal solution is delivered. We expect this to involve coordination and the sharing of infrastructure where feasible to reduce the amount required onshore. However, we wish to highlight that this Relevant Representation is provided on the basis that the Five Estuaries Offshore Wind Farm proposes an onshore grid connection located outside of Suffolk and beyond the East Suffolk Council District, however, should this change in future resulting in onshore infrastructure being proposed within our district, our position on this project may need to be revisited.

Offshore connection options

ESC's overarching position is to not object to the Five Estuaries project with a radial connection to Essex, providing the offshore turbines do not have a significant impact on the Essex and Suffolk Coast and Heaths National Landscape, but to also continue to support offshore coordination which reduces/minimises the extent of onshore infrastructure.

ESC notes that Section 1.3.6 within 'EN010115-000430-9.29 Offshore Connection Scenario' states that *'Subsequently, Five Estuaries, along with North Falls and Sea Link (National Grid Electricity Transmission), applied as a consortium for grant funding as part of the OCSS. The projects are currently exploring the feasibility of two coordination options between the two offshore wind farms and Sea Link - an offshore reinforcement to the national grid. This process is being carried out in parallel to the base case development for Five Estuaries, an onshore connection into the proposed EACN substation, which is part of National Grid's Norwich to Tilbury Reinforcement Project. Notably, an offshore connection is not a viable or deliverable alternative at this time. VE will continue to develop coordinated plans for an onshore connection as a base case, aligned with existing regulations and commercial conditions to provide an onshore connection. Thus, ensuring no delay to our planned grid connection date and therefore continuing to support the UK Government's target to deploy 50 GW of offshore wind by 2030.'*

Therefore, in light of the above, ESC notes that despite the Five Estuaries and North Falls offshore wind farm projects currently exploring the feasibility of two coordination options between the two offshore wind farms and Sea Link, Five Estuaries has already concluded that *'an offshore connection is not a viable or deliverable alternative at this time'*. The Applicant's intention is therefore to proceed with a radial connection as the preference in the DCO, with Section 4.1.1 within 'EN010115-000430-9.29 Offshore Connection Scenario' stating *'the base case position for Five Estuaries remains the progression of the radial onshore connection to the National Grid EACN substation as per our existing grid connection offer.'*

However, should an offshore connection scenario become viable for the Five Estuaries project as the project progresses, potentially linking into the Sea Link network reinforcement project as indicated, ESC would need to monitor such a scenario closely in case either directly or indirectly this introduced a need for additional onshore transmission infrastructure within East Suffolk. Currently, the Sea Link project is proposing an onshore connection at Friston within the East Suffolk District, such a scenario requiring addition infrastructure would not be supported by ESC. In reference to the potential for an offshore connection as set out within 'EN010115-000430-9.29 Offshore Connection Scenario', Section 4.1.5 states that *'Under such circumstances there would be a need to obtain an additional consent to connect the VE array to the proposed offshore connection point/converter station for the Sea Link project. The likely position of a connection point for this would be in the proposed array area for the North Falls project. The project proposes that connection from its wind farm to this connection point is achieved under a separate Marine Licence.'*

We note that Section 4.1.6 adds that *'The cable route between the proposed VE array and the potential location for an offshore converter station would utilise the same offshore area as the current VE export/interconnector cable route corridor. This area has been surveyed and the Environmental Impact Assessment (EIA) work done for VE covers this area in full. The EIA has concluded no significant effects on the environment or sea users in this area. Therefore, it can be assumed that applying for a Marine Licence would be a relatively standard and straightforward procedure and the consenting would be uncontentious.'*

We also note that Section 4.1.7 concludes *'In effect this means that the VE array would be consented by the current DCO application and the export cables to a new offshore connection (should it become viable) would be consented via a separate marine licence. The project has also considered future amendments to the DCO (both post submission and post consent award) as potential consenting routes but consider that the Marine Licence approach would be the most appropriate consenting solution given the current regime for material and non-material amendments to DCOs.'* However, in reference to the potential for an offshore connection

as set out above, ESC feels that if such an approach becomes a viable option for this project, it should form part of the current DCO submission to allow for cumulative impacts to be fully assessed.

If this offshore option is deemed viable, it is essential that stakeholders and the decision maker should be clear what the direct and indirect impacts are. If allowing this offshore connection necessitates greater quantities of onshore infrastructure, this should be fully considered within the DCO application to ensure a fair, robust and transparent process. It is also unlikely that the Marine Licence consenting process would consider any onshore impacts within East Suffolk, being outside of the MMO's jurisdiction. Such a piecemeal approach to planning does not provide a holistic view of potential impacts, being inconsistent with a strategic planning approach.

Additionally, ESC notes within Section 2.2.4 that *'The currently proposed National Grid Sea Link project is a Suffolk to Kent offshore point to point high-voltage direct current (HVDC) link. The Sea Link project is intended for system reinforcement purposes and was not designed for a connection with the two offshore wind farms. Thus, if Sea Link were used for offshore connection purposes, National Grid would need to construct additional reinforcement infrastructure to address its intended purpose.'*

ESC remains concerned that such a scenario would result in the need for additional reinforcement infrastructure, potentially resulting in a second connection between Suffolk and Kent to facilitate the original purpose of the Sea Link project. This situation would not be supported by ESC as it would introduce significant additional onshore infrastructure over and above any such additional infrastructure required to facilitate an offshore connection option alone.

Seascape and Landscape Visual Impact

The Five Estuaries wind turbines will be approximately 37km off the Suffolk coast at the closest point, being located behind existing wind farms when viewed from most East Suffolk coastal viewpoints. The wind turbines will be taller than the existing intervening wind turbines, with the Applicant proposing turbines up to 395m above sea level, noting that the existing turbines have a maximum blade tip height of only 180.5m above sea level.

ESC notes that impacts have been assessed during all phases of the project (construction, operation and maintenance and decommissioning) including the impact of the array areas upon the seascape character and the characteristics of the designated landscapes, such as the National Landscape (formerly AONB). The assessment concludes that the majority of the wind turbines will be viewed behind and in the same section of the view as the existing Greater Gabbard and Galloper offshore wind farms, thereby minimising additional visual impact.

Our primary concern has been reflected in our responses to the pre-application consultations and relates to potential seascape visual impacts introduced on the Suffolk and Essex Coast and Heaths National Landscape resulting from the further extension to the Galloper offshore wind farm. The existing Galloper wind turbines have a maximum tip height of 180.5m and are located approximately 27km offshore. The Five Estuaries extension wind turbines will be positioned behind the existing windfarm, noting these will be twice the height of the Galloper turbines.

During the Statutory Consultation period within the pre-application phase for this project, the Five Estuaries project proposed offshore wind turbines having a maximum blade tip height of 424m above sea level at a distance of approximately 37km from the Suffolk coast at the closest point. The Applicant claimed that the new wind turbines would be unlikely to be visible frequently due to the distance, weather conditions and curvature of the Earth. At that time, ESC was concerned at the potential for seascape visual impacts being introduced as stated, noting that detailed assessment had not yet been undertaken. ESC commissioned an update to the Suffolk Seascape Sensitivity to Offshore Wind Farms Study (2020) produced by White Consultants which assessed the Five Estuaries parameters. The report update formed an addendum to the original assessment and together they act as a framework and background study for assessing the likely seascape and visual effects of wind farms off of the Suffolk coast.

The addendum to the Suffolk Seascape Study (White Consultants, June 2023) commissioned to assess the level of potential seascape visual impact introduced concluded that wind turbines of 424m above sea level at a distance of 37km would result in an 'above medium magnitude' impact on the seascape vista from the National Landscape, concluding that turbines over 400m in height should be located a minimum of 40km from the coastline. The study together with our Statutory Consultation response are available on our website⁶.

However, since that time, the Applicant has reduced the maximum height of the proposed wind turbines to 395m, just below the 400m threshold. It is acknowledged as part of the Five Estuaries' project development that the turbine array area has been reduced following pre-application consultation feedback, with a section of the northern array being removed to help avoid filling in the 'gap' between existing wind farms as seen from the Suffolk coast. Moving from the Scoping stage to Preliminary Environmental Information Report (PEIR), ESC notes that the northern array's developable area was reduced by 22% (a 16% reduction of the total developable area). The justification presented for this refers to the sensitivity of views from the coast, particularly from within the National Landscape (formerly AONB). Therefore, ESC's initial seascape visual impact concerns have been reduced following review of the Applicant's detailed assessment materials for the DCO submission.

ESC has reviewed the submitted DCO materials in reference to the Landscape, Seascape and Visual Impact Assessment methodology (EN010115-000358-6.7.10.1). It is agreed that the methodology used is appropriate, robust and in accordance with professional guidelines. We have also reviewed the viewpoints selected as part of the assessment which are located along our District's coastline. ESC has reached a collective conclusion for all the viewpoints assessed within our District. The proposed windfarm development comprises the addition of two separate groups of large turbines to the 'rear' or east of the existing Galloper/Gabbard windfarm groups. The range of distances from the various viewpoints to the nearest point of the proposed windfarm is from 38.2km (Orford Ness Bomb Ballistics Building VP9) to 49km (Felixstowe Old Town VP11). These distances are a key component in understanding the likely visibility frequency of the turbines throughout the year. Taking account of known Meteorological Office data, in the case of VP11 at

⁶ <https://www.eastsuffolk.gov.uk/planning/national-infrastructure-and-energy-projects/offshore-windfarms/five-estuaries/>

49km, the visibility frequency likelihood is 8.9%. For VP9 at 38.2km, the frequency is 20.9%. This is the full extent of the range of visibility frequency i.e. 8.9%-20.9%.

ESC therefore concludes that whilst it is understood that the wind turbines will have theoretical visibility throughout the year, (the Zone of Theoretical Visibility plans illustrate this), the reality is that weather conditions will limit actual visibility and it is predicted that this will be at the frequency range outlined above.

ESC accepts that there will only be 20.9% chance of visibility throughout the course of a year under the worst-case scenario, meaning the remaining 79.1% of the time there would be no visibility, or only very poor visibility of the wind turbines resulting in the turbines being observed from the East Suffolk coast under the worst-case scenario.

For many of the East Suffolk viewpoints, the new turbines will be aligned behind the existing Galloper / Gabbard windfarms from the perspective of the observer, also being more distant from the shore. Despite the new wind turbines being significantly taller structures than the existing wind farms, they will only be seen as having slightly greater stature. The ESC Principal landscape officer has experienced views of the Galloper / Gabbard cluster from several of the East Suffolk viewpoints on numerous occasions, and notes that due to weather conditions and distance, it is often more likely that they will not be highly visible on the horizon. ESC therefore accepts that the conclusions set out within the Applicant's submitted assessment are realistic and acceptably reliable.

However, that being said, the 20.9% visibility frequency cannot be ignored because the periods of best visibility are likely to coincide with peak visitor times i.e. summer holiday period during the best weather, and especially in the latter part of a summer's day when the sun is sinking in the sky in the west (behind the seaward observer on the east coast) and when in a south westerly airstream, the turbines will be orientated 'full face' towards the coast. In such circumstances, it is likely that the turbines will be illuminated by the sun's glow with an enhanced appearance along the horizon. This could also happen in the winter with a northerly airstream moving down the North Sea which can often bring very clear atmospheric conditions that can bring the sharpest view to the horizon. Under such circumstances, any turbines on the horizon can be experienced throughout the year. It is also noted at such times that summer visitor numbers tend to be high, similar to the Christmas/New Year period, especially due to the abundance of second home ownership at coastal viewpoint locations.

Whilst it is understood that there will be no effective visibility for the majority of the year, the most likely chance of visibility is likely to occur at the time of year of highest visitor numbers and therefore it could be argued that there is a possibility of added impact above and beyond that for local residents because visitors have a higher expectation of a clear view to the horizon. However, seascape views may be more sensitive to additional wind turbines being introduced if there are existing offshore wind turbines within the vista. There are concerns that, where visible from some viewpoints, there will be an almost continuous row of visible turbines across the horizon from the proposed ScottishPower Renewables (SPR) East Anglia 2 array, through Five Estuaries, Galloper and Gabbard, to North Falls (if all fully built out), although it is accepted that this will still be dependent on weather conditions which determine visibility.

Aviation lights at night are also a concern in terms of visual impact because there is every likelihood (because of their very purpose) that they will be more visible at night than the turbines will be during the day in equivalent weather conditions. But it is equally accepted that there will be fewer viewers looking out to see at night than there will be during the day.

The National Planning Policy Framework (NPPF) states in paragraph 182 that *'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'*

The second part of the last sentence is a relevant material consideration for the DCO examination, should it be argued that this development is in the setting of the National Landscape (it could be claimed that the view out to sea is part of the experience of visiting the coast of the designated landscape). However, ESC accepts that the height of the turbines has been reduced since the early pre-application discussions, and for many coastal viewpoint receptors, the new array will be seen behind the existing Galloper/Gabbard grouping. ESC therefore accepts that reasonable efforts have been made to avoid or minimise any adverse impacts as far as the scope of the project allows.

In terms of other relevant material considerations for the DCO examination, ESC has reviewed the proposal against Local Plan Policy SCLP10.4 Landscape Character and can advise that the proposal is Policy compliant for the following reasons:

- The project reasonably protects (although not necessarily enhances) the special qualities and features of the area including the seascape, although this conclusion is still dependent of the visibility frequency percentages described above.
- ESC does not consider that the project will have a significantly adverse impact on the natural beauty and special qualities of the National Landscape.
- If the Five Estuaries wind turbines are regarded as being in the setting of the National Landscape due to the seascape experience of its users, ESC accepts that reasonable efforts have been made by the Applicant to avoid or mitigate adverse effects where they arise.

ESC considers that there will be adverse impacts on the designated National Landscape coastline within East Suffolk, however we accept that these impacts are likely to be Moderate/Minor at worst in LVIA terms, and they are not significantly adverse to justify objection for landscape and visual impact related reasons. We come to this conclusion principally because of the influence of meteorological/atmospheric conditions in determining the frequency of visibility, and because of the presence of existing and already consented wind

farms which mean that the magnitude of change arising from this proposal is moderated in comparison to there being no existing windfarms (despite the presence of existing offshore wind turbines potentially increasing the sensitivity of the view to additional offshore wind turbines as stated earlier). In addition, we do not consider that the statutory purposes for designation of the National Landscape are compromised to an extent that justify grounds for objection. This conclusion is based on the currently submitted proposals, should these change at any stage, ESC would need to revisit our position in terms of seascape visual impacts.

LBBG compensation within ESC

It is understood that the project includes provision for the construction, operation, maintenance, and removal of habitat improvements measures for lesser black-backed gulls (LBBG) at a site on Orford Ness, East Suffolk. Therefore, as set out within the planning statement, the Applicant is conceding a significant effect upon LBBG in relation to the Alde Ore Estuary SPA with appropriate compensation measures having been developed and put forward within the Application to compensate for any impacts.

ESC notes from Section 5.1.26 within 'EN010115-000399-9.1 Planning Statement' that *'The RIAA [Report to Inform Appropriate Assessment] concludes that, VE [Five Estuaries], in-combination with other plans and projects, would have no AEol [Adverse Effect on Integrity] on any designated European site, apart from the following two sites: Alde-Ore Estuary (AOE) SPA – lesser black-backed gull (Larus fuscus) feature (collision during the O&M phase); and. Alde-Ore Estuary Ramsar – lesser black-backed gull feature (collision risk during the O&M phase).'*

Section 5.1.29 within the Planning Statement states *'An area has been identified at Orford Ness where fencing to protect breeding from predators may be installed. This area, if implemented, would compensate for impacts to this species as a result of the operational wind farm. In addition to the installation of fencing, the habitat would be managed to make it more suitable for Lesser Black Backed Gulls and the success of this measure would be monitored throughout the lifetime of the Project. Further information can be found within Volume 6, Part 8, Chapter 1: Lesser Black Backed Gull Compensation Area EIA.'* Section 5.1.30 adds *'Whilst, the Applicant has endeavoured to avoid and reduce impacts, in relation to Lesser Black Backed Gulls this has not been possible and compensation is proposed in line with the mitigation hierarchy. The Applicant has submitted with the application, securable proposals for suitable compensatory measures to enable consent to be granted.'*

ESC has considered the Applicant's proposed compensation measures submitted in the DCO materials and provides the following ecological assessment setting out our position:

1) Principle of proposed LBBG compensation measures

ESC defers comment on the principle of the proposed LBBG compensation measures in Suffolk (primarily anti-predator fencing and habitat management on Orford Ness) to Natural England and other ornithological expert stakeholders. The council also defers detailed comment on the calculations used to estimate the quantum of compensation required to the same organisations. Our comments on LBBG compensation are

confined to matters of detail on the proposals submitted in relation to Orford Ness in Suffolk, including in relation to securing, implementing and monitoring the necessary measures.

2) Proposed Suffolk LBBG compensation site

Volume 6, Part 8, Chapter 1: Lesser Black Backed Gull Compensatory Areas Environmental Assessment (APP-225) identifies a proposed compensation site for LBBG on Orford Ness in Suffolk (report Figure 1). Whilst the council defers the principle of the suitability of this site to Natural England and others (as per Section 1 above), it is noted that the area within the red line boundary shown on Figure 1 includes an existing site where similar compensation measures are being implemented for consented offshore windfarm projects (the 'Norfolk Boreas and Vanguard offshore wind farms' and 'East Anglia ONE North and TWO offshore wind farms'). The construction of the anti-predator fence in this area was granted planning consent by East Suffolk Council under our reference DC/22/3447/FUL.

The management and monitoring of the existing compensation site for LBBG is set out in an Implementation and Monitoring Plan (IMP) which has been approved by the Secretary of State in relation to those projects. It is noted from the Lesser Black Backed Gull Compensatory Areas Environmental Assessment that the Applicant proposes to collaborate with the developers of the existing projects on LBBG monitoring. Whilst this is welcomed, it is also essential that this new compensation area does not in any way impact on the compensation that the existing area is seeking to deliver. On that basis we recommend that it is clarified why the proposed red line boundary for the compensation area includes the existing parcel of compensation land? It is also queried why the identified compensation area is significantly larger than any of the four areas previously identified and consulted on at the time of the Stage 3 Targeted Consultation held in January 2024? ESC considers that it is important that the exact extent of the area to be fenced is understood and justified prior to determination of the Development Consent Order (DCO).

We also note the comments from the National Trust (as site landowner) set out in Table 1.2 of the report, in relation to lack of previous consultation and the 'inalienable' status of the land. Whilst it is understood that the Applicant is initially seeking voluntary agreement with the landowner to install the necessary compensation measures, it is also understood that if this cannot be achieved then compulsory acquisition powers over the land will be sought (para. 1.10.6). We therefore query what impact 'inalienable' status would have on the use of compulsory acquisition powers? Given that delivery of the compensation measures is necessary to meet the requirements for an acceptable derogation under the Conservation of Habitats and Species Regulations (2017) (as amended), it is essential that this matter is resolved prior to a decision on the DCO being made.

3) Proposed LBBG compensation measures and assessment of potential impacts

The proposed compensation measures include installation of a predator-proof perimeter fence, with long term habitat management measures carried out within the enclosed area to provide suitable nesting conditions for LBBG.

Whilst it is understood that breeding LBBG are part of the reason for the designation of the Alde-Ore Estuary Special Protection Area (SPA) and the Alde-Ore Estuary Ramsar Site, it must also be noted that Orford Ness is designated for a range of other species and habitats (including both as part of the SPA and Ramsar designations and also as part of the Alde-Ore Estuary Site of Special Scientific Interest (SSSI) and Orfordness-Shingle Street Special Area of Conservation (SAC) designations). Therefore, although suitable habitat for nesting LBBG is appropriate on the Ness, this must not be at detriment to the other rare and sensitive habitats and species present.

It is noted that the field survey to support the assessment of the proposed compensation measures was undertaken in January 2024, outside of the optimum time for surveying for a number of qualifying features of the designated sites (particularly flora). Whilst this is acknowledged as a survey limitation in the Applicant's assessment, it is unclear how this has then informed the assessment of potential impacts. It is important that construction of the proposed fence does not result in the destruction, damage or disturbance of any designated site qualifying feature or other protected or UK Priority species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)). A further survey for flora at a more appropriate time of year should be undertaken to inform the final alignment of the fence and any necessary 'micro-siting' or other mitigation measures.

In addition to the above, it is also noted that the submitted assessment of the construction and operation of the fence does not include consideration of potential impacts on otter, water vole or badger. These protected species are known to be present on Orford Ness, and therefore any potential impacts on them must be considered as part of this process. If any of these species are confirmed to be present in the area and are likely to be impacted by the work, then appropriate avoidance and/or mitigation measures must be identified and implemented.

4) Consideration and control of implementation, monitoring, and management measures

It is understood that it is proposed that a final LBBG IMP is to be submitted for approval following consenting of the DCO, and that the final IMP must be in accordance with the Outline IMP submitted as part of this examination. Whilst we agree that this approach is acceptable, we also note that no Requirement securing this is included in the submitted draft DCO. In the absence of a Requirement covering this matter it is unclear how the submission of the final IMP for approval will be secured? We strongly recommend that an appropriately worded Requirement is included in the DCO to deal with this.

With regard to the proposed implementation timetable for the compensation measures, it is noted that paragraph 1.10.26 of the assessment states that "*It is planned that these compensatory measures will be completed three years before the completion of the construction phase of VE. Therefore, this site will potentially receive a net benefit of the proposed compensation measure before VE becomes operational.*". Given that the compensation is required to address operational impacts of the windfarm we suggest that a more appropriate implementation timetable would be to have the measures in place three years before the operation of the first turbine, rather than the completion of construction. Dependent on how long the construction phase takes it is possible that a number of turbines could be operating well ahead of the

completion of the entire construction phase, and therefore an impact on LBBG could be occurring ahead of the necessary compensation measures being implemented.

Finally, with regard to long term monitoring, whilst the intention for the Applicant to co-ordinate with existing projects on monitoring is welcomed and encouraged, if the entire compensation area within the red line boundary is to be monitored as a whole it is important that combined targets are agreed. This would help ensure that all relevant projects are appropriately reporting on whether their compensation objectives are being achieved or not, and if not what adaptive measures are appropriate. This detail should be included in the final LBBG IMP.

Regarding other matters, as a point of clarification for the Examining Authority, following the completion of the Stage 3 Targeted Habitats Consultation in January 2024, and prior to the Adequacy of Consultation, in reference to 'EN010115-000172-5.1 Consultation Report' and 'EN010115-000174-5.1.2 Consultation Report - Appendix 8 to 11', it was identified that details of ESC's response to the Stage 3 consultation was not included in the Consultation Report – specifically not mentioned in the table under Section 10.8 (which starts on page 353 of 554) within Appendices 8-11. ESC's response to the Stage 3 consultation has therefore been attached under Appendix A to this Relevant Representation '*East Suffolk Council's Response - Five Estuaries Offshore Wind Farm - Stage 3 Targeted Habitats Consultation*'.

ESC liaised with the Applicant on this matter who subsequently confirmed that they did receive ESC's response to the consultation on 08 February 2024 and that this had been fully considered by the project team, alongside the other consultation responses, before they finalised their proposals. The East Suffolk Council Stage 3 response was included in the count of total responses; however, it had unfortunately been left out of the table in Appendix 10.8 in error. The Applicant also provided reassurance that the LBBG EIA document (Application Document 6.8.1), includes information confirming the ESC response received and how it was taken account in the preparation of the LBBG EIA assessment and project proposals (on table 1.2 of page 19).

ESC was satisfied with this response by the Applicant and raised no further concerns.

Coastal Processes

ESC acknowledges that the baseline scenario for the Five Estuaries landfall is a radial link to connect to the onshore network within Tendring, Essex, meaning there will be no subsea transmission cables making landfall within the East Suffolk district. Our comments during the pre-application stages of the DCO process therefore focussed on the assessment of how wave energy will be affected as this appears to have the greatest potential to cause an impact on the East Suffolk coastline.

It was previously noted that the Applicant's pre-submission assessment focussed on the impact of wave energy interruption by turbine foundations arising from both this development in isolation and the entire licensed turbine field, for several wave directions. ESC noted that the results show an impact zone on the lee side of each turbine group that is limited in plan extent to relatively close to each turbine field. In no modelled case did the zone of interruption extend to the ESC shoreline.

At the time of the non-statutory consultation in 2022, ESC's Coastal Management Team requested consideration of any impacts on the local wind and wave climate due to the proposed enlarging of the existing offshore wind turbine array. It was requested that this was investigated in the Environmental Statement (ES). However, having reviewed the Applicant's submitted 'Stage 1 Feedback Report' there is no clear acknowledgement of this request (reference EN010115-000173-5.1.1 Consultation Report - Appendix 1 to 7, Section 2.3 Stage 1 Feedback Report - 17 October 2022, Page 148 of 470).

In the 2023 statutory consultation, ESC's Coastal Management Team commented on the *potential impacts on coastal processes*, as raised in the PEIR documents. Our concerns were:

- i) The project had based its research on limited references and antiquated data sources i.e. several references were 20+ years old (most notably those regarding sediment (SNSSTS 2002) and structure scour assessment).
- ii) The impact assessment did not consider how wind energy reduction on the lee sides of turbines, would affect the 'zone of wave energy disruption'. ESC's concern was if a measurable reduction to wave energy, caused by wind shadowing of turbines, was found on approach to the ESC shoreline from east/southeast directions, then it may alter the net sediment transport balance along our coastline. There are coastal locations where a reduction in the southerly component of net drift may be significant e.g., East Lane Bawdsey and Thorpeness.
- iii) The impact assessments used a standard threshold for Impact Significance of 5%. ESC questioned this threshold value, on the grounds that a small but chronic reduction in wave energy from certain directions, albeit potentially <5%, may over several years, have a cumulative significant impact, potentially impacting sediment transport over time along ESC shorelines within the study area.

However, ESC confirms that following a review of the Applicant's submitted DCO application documents, the Coastal Management Team's concerns have been satisfactorily addressed.

In reference to i) above, the need for more coastal research and the use of recent data to inform the impact on coastal processes was addressed within Environmental Statement, Volume 6, Part 2, Chapter 2: Marine Geology, Oceanography and Physical Processes (EN010115-000233-6.2.2 Marine Geology, Oceanography and Physical Processes). ESC notes that Section 2.4.6 (Page 38/162) states that '*Baseline understanding of physical processes within the study area has been developed through consideration of a range of project-specific and existing data sources. These are summarised in Table 2.2, Table 2.3, and Figure 2 of Volume 6, Part 5, Annex 2.1: Physical Processes Technical Baseline*'.

In reference to ii) above, the need for an impact assessment of wind shadowing on wave energy disruption and sediment transport on the ESC coast, ESC notes that this was addressed within 'EN010115-000263-6.5.2.3 Physical Processes Technical Assessment' (ABPmer, January 2024, R.3628, page 22) which states '*The maximum corresponding changes to wave period and wave direction (not shown) are less than 0.1 s, and 3 deg respectively, at all locations, in all cases. Wave height begins to recover immediately downwind of the*

array area. Recovery occurs mainly due to a wave energy spreading from areas to the side less or unaffected by interaction with the wind farm’.

Additionally, ESC notes that Environmental Statement, Volume 6, Part 5, Annex 2.3: Physical Processes Technical Assessment (EN010115-000263-6.5.2.3 Physical Processes Technical Assessment) states within Section 5.3.2 ‘Changes to any wave driven component of the sediment transport rate’ that *‘Further discussion of these results is provided in the PEIR impact assessment (Volume 2, Chapter 2.2: Marine Geology, Oceanography and Physical Processes)’*. A review of EN010115-000233-6.2.2 Marine Geology, Oceanography and Physical Processes sets out a conceptual understanding of change (page 122 of 162) which states in reference to the wind turbine foundations *‘... there are not expected to be any detectable changes to the wave regime at the coast. Accordingly, the rate (and direction) of net longshore sediment transport at the coast will remain unaltered from baseline conditions and therefore there will be no associated morphological change to the coast’*.

Modelling results are illustrated in Figure A9 ‘EN010115-000263-6.5.2.3 Physical Processes Technical Assessment’ (ABPmer, January 2024, R.3628, page 46) show the impact of more turbines on wave height (from S/SE directions) is very localised and creates 5% decrease in height. The influence of the array does not extend far enough landward to transmit a quantifiable threat to wave-driven sediment transport along the ESC frontage.

In reference to iii) above, the need for consideration of the 5% significance threshold in relation to chronic reduction in wave-driven sediment transport along the ESC coast, ESC notes this was addressed within ‘EN010115-000263-6.5.2.3 Physical Processes Technical Assessment’ (ABPmer, January 2024, R.3628, page 22) which states *‘Changes less than 5 % of the baseline wave height would be indistinguishable from natural variability both within the sea state (difference between individual waves) and compared to normal rates of change (over timescales of one hour or less); such small differences would not be measurable in practice. Changes less than 2.5 % are also less than the reasonably expected accuracy of the model...’*.

Additionally, ESC notes from Section 5.3.2 within ‘EN010115-000263-6.5.2.3 Physical Processes Technical Assessment’ (ABPmer, January 2024, R.3628, page 26) that ‘Changes to any wave driven component of the sediment transport rate’ states *‘The differences in wave height, period and direction described in Section 3.3.5. are small in absolute and relative terms and (as a small additional contribution to the tidally dominated transport) could only cause an even smaller change to overall instantaneous sediment transport rates or directions. The differences would not be measurable in practice and are easily within the range of natural variability in wave height from wave to wave, from hour to hour during the passage of a storm, and in the context of seasonal and interannual variation of wave climate’*. ESC understand that wave modelling results show a small and localised impact on the tidal regime in the lee of the turbine array which would have a non-measurable impact on sediment transport, and the wave driven component of sediment transport is expected to be smaller still. ESC is therefore satisfied that the potential impacts have been sufficiently assessed and that it would be unreasonable to pursue this matter any further.

As set out earlier, following a review of the Applicant's submitted DCO application documents, the Coastal Management Team's concerns have been satisfactorily addressed.

Heritage

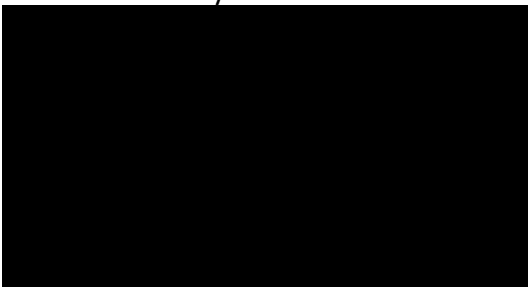
ESC notes that Historic England previously led on the identification of heritage assets that needed to be considered for scoping in or out of significance impact assessment. Whilst ESC did not contribute to that process, having reviewed those that were put forward, we have confidence in the prior process and have no concerns.

With respect to the built heritage assets that have been scoped in for assessment by the Applicant, these are the North and South Lookouts in Aldeburgh, the Martello Tower CC at Slaughden and Orford Castle. Following a review of Volume 6, Part 2, Chapter 7 (Archaeology and Cultural Heritage) within the Environmental Statement, ESC notes that this provides an assessment of the indirect effect upon these assets' heritage significance during the operational phase of the offshore array. For all aforementioned assets, ESC accepts the conclusion that effects will be negligible. ESC therefore has no heritage concerns.

Conclusion

ESC welcomes the open and transparent approach adopted by the Applicant throughout the pre-application stage of the DCO process and through other ad-hoc engagement held to date. As set out earlier in this Relevant Representation, ESC's Cabinet committee met on 7th May 2024 and approved the Council's overarching position on this project, i.e. to not object to the Five Estuaries project with a radial connection to Essex, providing the offshore turbines do not have a significant impact on the Essex and Suffolk Coast and Heaths National Landscape but to also continue to support offshore coordination which reduces/minimises the extent of onshore infrastructure. ESC also wishes to engage in the examination to continue to closely monitor and scrutinise the potential residual seascape visual impacts introduced on the National Landscape. Whilst the project has reduced the proposed maximum wind turbine height to less than 400m tall, the closest wind turbines remain at a distance of 37km offshore which will be visible from the designated landscape.

Yours faithfully



Philip Ridley BSc (Hons) MRTPI | Head of Nationally Significant Infrastructure Planning

East Suffolk Council

[Relevant Representation] - Annex A - East Suffolk Council's Response - Five Estuaries Offshore Wind Farm - Stage 3 Targeted Habitats Consultation.



FAO: James Eaton – Onshore Consent Manager

Re: East Suffolk Council's Response - Five Estuaries Offshore Wind Farm - Stage 3 Targeted Habitats Consultation.

Thank you for your email (5 December 2023) and letter (dated 4 December 2023) inviting East Suffolk Council (ESC) to comment on the Five Estuaries Offshore Wind Farm project habitat improvement proposals (Stage 3 Consultation) in accordance with Section 42 of the Planning Act 2008 ('the Act').

This letter provides ESC's response to the project's proposed habitat improvement measures for Lesser Black-Backed Gulls (LBBG) around Orford Ness in East Suffolk. We understand that in order to compensate for the anticipated potential impacts on LBBG, you are proposing habitat improvements within or close to the Alde-Ore Estuary Special Protection Area (SPA), and that the scope of the LBBG compensatory site proposals is limited to predator-proof fencing (approximately 2m high) with habitat management and maintenance.

It is understood that this proposal for LBBG compensation is associated with the Alde-Ore Estuary SPA, noting that LBBGs are a qualifying feature of this European designated site. We understand that where a protected site may be adversely affected, and that effect cannot be avoided, the Habitats Regulations require that the impacts are compensated for or offset by measures such as improving habitat and breeding success for those bird species affected.

You advise that habitat improvement measures would include fencing around the perimeter of the chosen site, managing vegetation to support nesting (i.e. the strimming of ground vegetation), and assessing and controlling predator effects (from species including rats or foxes). You are proposing these measures to make the area more attractive to breeding pairs of LBBG and to reduce the amount of predation. We note the initial works would take approximately three weeks to complete and would be carried out outside of nesting season.

In addition to these measures being implemented, it is understood that routine maintenance would also be carried out a few times each year to check the quality of the habitat and fencing, together with annual monitoring of the LBBG nesting to determine if the measures are working as intended throughout the operational lifetime of the Five Estuaries project (i.e. up to 40 years).

The Stage 3 consultation presents four potential site options for the improvements, with three located on the northern half of Orford Ness and one approximately 800m southwest of Orford on the mainland on the edge of the estuary.

ESC has reviewed the published consultation materials and plans and provide the following comments:

Coastal Processes

Flood risk should be fully assessed at the selected habitat improvement site(s) as this has the potential to directly impact the success of the compensation measures put in place. In terms of climate change, the possible risks introduced through rising sea levels and increased storminess should also be factored into site selection. However, ESC acknowledges that Orford Ness falls under the coastal management authority of the Environment Agency (EA) and so they should take the lead in commenting on any impacts arising from these proposed works.

The effects of habitat improvements (strimming back vegetation and mowing) should also be given due consideration regarding potential impacts on coastal erosion. However, it is considered unlikely that the trimming of surface vegetation on this shingle feature will have a significant negative impact on coastal erosion risk. With that being said, should the EA take a different view, then ESC would defer to them on this matter.

Onshore Archaeology & Cultural Heritage

The consultation materials state that there are a number of cultural heritage receptors within relatively close proximity of proposed sites VE1, VE2 and VE3, mainly taking the form of old military buildings (given the historic use of Orford Ness). However, the consultation materials conclude that the proposed fencing is unlikely to be visible from these receptors and would be unobtrusive in nature and as such, no likely significant effects related to cultural heritage are anticipated.

ESC's Principal Design and Heritage Officer consulted Historic England's mapping service in reference to designated heritage assets at Orford Ness (listed buildings and Scheduled Monuments) of which there are many. He advised that the proposed compensatory site locations are at some distance from these designated heritage assets and therefore does not envisage there being any adverse setting impacts arising from the predator exclusion fencing, despite its potential visual impact on that open landscape.

Landscape

In terms of landscape and visual impact assessment, the consultation materials state that there is no potential for likely significant effects to arise in respect of any of the landscape or visual receptors, either at the local or wider level of the proposed sites. The materials conclude that this is due chiefly to the relatively small-scale of the proposed fence, the localised nature of the potential effects and the extent of limited existing human influences in both the wider and local landscapes.

ESC's Principal Landscape Officer raised initial concerns over the prospect of additional fencing being introduced at Orford Ness noting the recent predator-proof fencing installed in that area for other offshore wind farm compensation measures (ESC application reference DC/22/3447/FUL). However, having reviewed the consultation materials, it was acknowledged that the described fencing is expected to have a relatively

low visual impact if seen over a long distance. To assist the Applicant with site selection, the Officer ranked the proposed siting options in order of preference from best to least preferred as follows:

1. VE2 - representing the least visible from footpaths on west bank of River Ore;
2. VE3 – visually small in scale if seen from accessible areas of the Ness to the south, noting it would be seen against the existing fencing around the transmitter block;
3. VE1 - long lengths of fencing likely to be visible from River Ore footpath where none are currently seen;
4. VE4 – representing an unacceptable location, being too visually prominent where no similar fencing currently exists from a very well used riverbank footpath.

It is subsequently understood that site VE4 has potentially been dropped by the Applicant for similar reasons, with VE2 initially representing the preferred site for the proposed compensation measures. This fits with the Officer's above order of preference on landscape grounds.

Ecology and Biodiversity

ESC notes that the consultation materials conclude that due to the small nature of the works, it is predicted that there will be no significant effects upon the current fauna and flora assemblages within the sites.

ESC's Principal Ecologist reviewed the consultation materials and raised a number of questions for the Applicant's consideration and clarification. The materials are unclear on the precise area of land required to be fenced, noting the four site options vary in size resulting in potentially more than one being needed. Also, clarification is sought regarding which factors will define the final site selection.

It was also highlighted that from an ecological perspective, ESC has no specific preference on the site options presented, other than to recognise that site option VE4 is outside of the relevant designated site. ESC would defer to Natural England (NE) on the acceptability of an option outside of the designated site.

A Construction Environment Management Plan (CEMP) will be needed, particularly for any of the sites on Orford Ness, to control any potential impacts on designated sites/protected species during construction. This will either need to form part of the DCO documents or there be a requirement controlling the approval of such a document (by ESC as the LPA) prior to works commencing. A predator/undesirable species removal plan will also be required, both for the construction phase (to make sure no animals are trapped in the enclosure) and as part of the long-term management in case animals gain access to the site in the future.

As discussed later in this letter, ESC notes that the Applicant is proposing to set up an Offshore Ornithology Engagement Group (OOEG). However, clarification on whether there will be an Implementation and Monitoring Plan secured as part of the DCO should also be provided. If there is, it is requested that ESC is on the relevant Steering Group as part of this process.

Finally, given the existing, similar, compensation scheme already in place for Norfolk Projects (DC/22/3447/FUL), it is strongly recommended that monitoring efforts are co-ordinated, both with other development projects and the relevant local landowners (particularly National Trust and the RSPB). This will not only result in a better understanding of the LBBG population of the whole SPA but would also allow sharing of best management practices for the various compensation sites.

Air Quality, Noise and Vibration

ESC notes that the consultation materials conclude that given the isolated location of the proposed fencing combined with its restricted public access, as well as the limited scale of any earthworks, plant and machinery use, no likely significant effects related to air quality are anticipated. In terms of noise and vibration, it concludes that there are no noise sensitive human receptors in proximity to the proposed sites (residential or other properties). The locations of the proposed fencing at sites VE1, VE2 and VE3 are close to a National

Trust walking route, however, the works would be relatively brief (approximately three weeks) and would not be dissimilar to ongoing habitat management activities that take place throughout the National Trust owned land. It also concludes that site VE4 is surrounded by farmland, on this basis, no likely significant effects related to noise and human receptors are anticipated.

ESC has considered potential effects associated with air quality, noise, and vibration. The ESC Environmental Protection Team were consulted, however at this early stage of the proposals, no specific comments or advice has been provided. It is therefore recommended that the Applicant reviews the recent planning permission (DC/22/3447/FUL) noting relevant matters which may equally be applicable for any additional proposed compensation scheme introduced for the Five Estuaries project. Notably, the previous planning application highlighted that fence posts would be pushed into the ground avoiding the need for piling or hammering and construction noise would therefore be limited. This approach should also be applied should the proposals progress. Additionally, any plant and construction vehicles could pose a risk of introducing potential contaminants through airborne pollution, accidental fuel spills and/or leaks. It is recommended that best practice measures should therefore be adopted by the Applicant to ensure no likely significant effects related to potential pollution and/or contamination are introduced.

Traffic and Transport

ESC notes the consultation materials state that given the small-scale of the fence installation works and future monitoring and maintenance, using standard construction vehicles, there is not anticipated to be any potential for traffic disruption to arise as a result of the installation of the proposed fencing at any of the sites. The materials conclude that no likely significant effects related to traffic and transport are anticipated.

It is understood that the proposed predator-proof fence installation would take approximately three weeks with up to six personnel on site. Construction vehicles would access Orford Ness by boat from Orford Quay, then using existing tracks to access the sites. Access to site VE4 would be via Gedgrave Road. Materials and machinery would be delivered to the site using standard low-loaders. Machinery is expected to be a small excavator and dump truck and any work would be carried out outside of the nesting season.

It is noted from the Five Estuaries Stage 3 consultation website that as of 22 January 2024, Five Estuaries has confirmed that it will not be including access to site(s) on Orford Ness from the north via Aldeburgh in its final design, following discussions with stakeholders. ESC supports this update and were due to advise the Applicant that it is understood that vehicular access from the northern (Slaughden) end of the Ness is no longer possible resulting in all construction materials/personnel needing to gain access via boat at Orford Quay.

Future Engagement

ESC notes the Applicant's proposed 'roadmap' for the development of habitat creation as a compensation measure at Orford Ness which states that site selection, stakeholder engagement and implementation planning will be continued to further ensure and evidence that the proposed measures are viable and can be appropriately secured within the project DCO. ESC looks forward to ongoing engagement in this regard.

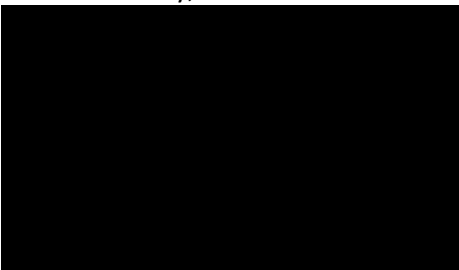
It is understood that should consent of the project be granted, a steering group, to be termed the OOEG, will be convened by the Applicant to help steer the delivery of any compensation measure implementation and maintenance, monitoring, reporting, and any other relevant matters as determined by the Applicant in discussion with the OOEG participants. You anticipate core members of the OOEG comprising the relevant Statutory Nature Conservation Bodies as well as the local planning authority, and owners and/or managers of the site(s) at which habitat creation is planned to be implemented. The Royal Society for the Protection of Birds (RSPB) and other relevant parties will also be invited to form part of the OOEG in an advisory capacity. ESC considers such engagement necessary and would welcome this approach.

We also understand that you are proposing to 'twin-track' a planning application under the Town and Country Planning Act 1990 alongside the DCO application for the LBBG compensation measures. Whilst an initial discussion was held between ESC and the Applicant on 8 November 2023, followed by this consultation, and more recently a project update on 31 January 2024, ESC awaits further details from the Applicant regarding the proposed planning application to ensure the LBBG compensation proposals will not introduce any negative planning impacts.

Finally, ESC acknowledges that officer time/cost recovery discussions relating to the DCO examination process are separate to any costs linked to a planning application covering the proposed LBBG compensation requirements at Orford Ness. Therefore, any planning related costs would be managed via the planning/Section 106 process as required. Full cost recovery would therefore be secured through this process covering all officer time spent securing matters related to any forthcoming planning application for LBBG compensation requirements at Orford Ness.

I trust the contents of this letter are helpful.

Yours sincerely,



Philip Ridley BSc (Hons) MRTPI | Head of Planning and Coastal Management

East Suffolk Council

[Local Impact Report] – Appendix B - Summary of relevant planning policy.

Seascape and Landscape Visual Impacts

- The National Planning Policy Framework (NPPF) (December 2023)
 - Section 15 'Conserving and enhancing the natural environment'
 - Paragraph 182: *'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'*

- Suffolk Coastal Local Plan (September 2020)
 - Policy SCLP10.4: 'Landscape Character'
 - *'Development proposals will be expected to demonstrate their location, scale, form, design and materials will protect and enhance: d) Visually sensitive skylines, seascapes, river valleys and significant views towards key landscapes and cultural features;'*

 - *'Development will not be permitted where it would have a significant adverse impact on the natural beauty and special qualities of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty, that cannot be adequately mitigated. Development within the Area of Outstanding Natural Beauty, or within its setting, will be informed by landscape and visual impact assessment to assess and identify potential impacts and to identify suitable measures to avoid or mitigate these impacts.'*

LBBG compensation within ESC

- Natural Environment and Rural Communities (NERC) Act (2006)
 - Section 41 'Biodiversity lists and action (England)'
 - It is important that construction of the proposed LBBG habitat compensation does not result in the destruction, damage or

disturbance of any designated site qualifying feature or other protected or UK Priority habitats or species.

- Suffolk Coastal Local Plan (September 2020)
 - Policy SCLP10.1: 'Biodiversity and Geodiversity'
 - *'All development should follow a hierarchy of seeking firstly to avoid impacts, mitigate for impacts so as to make them insignificant for biodiversity, or as a last resort compensate for losses that cannot be avoided or mitigated for. Adherence to the hierarchy should be demonstrated.*
 - *Proposals that will have a direct or indirect adverse impact (alone or in-combination with other plans or projects) on locally designated sites of biodiversity or geodiversity importance, including County Wildlife Sites, priority habitats and species, will not be supported unless it can be demonstrated with comprehensive evidence that the benefits of the proposal, in its particular location, outweighs the biodiversity loss.*
 - *Where compensatory habitat is created, it should be of equal or greater size and ecological value than the area lost as a result of the development, be well located to positively contribute towards the green infrastructure network, and biodiversity and/or geodiversity and be supported with a management plan.*
 - *Where there is reason to suspect the presence of protected UK or Suffolk Priority species or habitat, applications should be supported by an ecological survey and assessment of appropriate scope undertaken by a suitably qualified person. If present, the proposal must follow the mitigation hierarchy in order to be considered favourably. Any proposal that adversely affects a European site, or causes significant harm to a Site of Special Scientific Interest, will not normally be granted permission.*
 - *Any development with the potential to impact on a Special Protection Area, Special Area for Conservation or Ramsar site within or outside of the plan area will need to be supported by information to inform a Habitat Regulations Assessment, in accordance with the Conservation of Habitats and Species Regulations 2017, as amended (or subsequent revisions).'*