



The Planning Act 2008

*Application by Five Estuaries Offshore Wind Farm Limited for the Five Estuaries Wind Farm*

East Suffolk Council's response to The Examining Authority's second written questions and requests for information  
(ExQ2)

Issued on 8<sup>th</sup> November 2024

Deadline 4: 3<sup>rd</sup> December 2024

Application: EN010115

East Suffolk Council: 20049282

Draft Development Consent Order (dDCO)

*'Note All references to the numbering of Articles and Schedules (including Requirements) refer to those used in the version of the dDCO submitted at Deadline 1 [REP1-008]'*

Questions for East Suffolk Council

East Suffolk Council Response

**DCO.2.05**

**Tendring District Council and East Suffolk Council**

*'Drafting of the proposed Articles and Schedules 1 and 2*

*Do you have any concerns about the drafting of any aspects of the Articles and/or Schedules 1 and 2 in the dDCO? If you have any such concerns submit wording that you consider would address those concerns.'*

ESC has reviewed Schedules 1 and 2 within the draft DCO submitted at Deadline 1 [REP1-008].

Schedule 1 – Part 1 Authorised Development

Following 'Work No.3', there is a heading 'In the District of Tendring, Essex:' which is followed by remaining Work Numbers including 'Work No. 18 – Compensatory works for Lesser Black Backed Gull comprising:' and 'Work No 18A – Improvement of existing access, and construction of temporary construction access', and 'Work No 18B – The installation of predator exclusion fencing and associated monitoring and management equipment for the purposes of Lesser Black Backed Gull compensation, improvement of access, construction of temporary construction access, working areas and laydown areas'.

Whilst it is understood that the details of proposed LBBG compensation measures are still emerging throughout the examination, Schedule 1 as currently worded is misleading as it includes the proposed LBBG habitat compensation measures under the subheading 'In the District of Tendring, Essex:' stated earlier on page 39. It should be made clearer to the reader that Work No. 18 is currently proposed within the East Suffolk District.

Schedule 1 – Part 1 Authorised Development – Work No 18 states:

*'...and in connection with Work Nos. 4 to 18 and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised development and which fall within the scope of the work assessed by the environmental statement, including— (a – n).'*

As the proposed works under Work No 18 relates to 'Compensatory works for Lesser Black Backed Gull' which will be located within a sensitive ecologically designated landscape within ESC, it will be important to fully understand the extent of any such 'further associated development' which does not otherwise form part of Work No 18. This should be explored further by the ExA and clarified by the Applicant.

Schedule 2 – Part 1 Requirements

Requirement 18. Compensatory Works

18(c) states '*have been submitted to and approved by the relevant planning authority.*' This should also include '*in consultation with...*' at the end of the sentence to allow for County and District councils to consult with each other regarding their own discharges (as deemed appropriate).

Schedule 2 – Part 2 Approval of matters specified in requirements

2. Applications made under requirements

ESC notes the 8-week timeframe for requirements. It is however understood that the LBBG compensation (i.e. predator-proof fencing at Orford Ness) may be delivered via a planning application submitted to ESC under the Town and Country Planning Act 1990 (as amended), separate to the DCO Requirements.