

## Meeting note

<b>Project name</b>	Five Estuaries Offshore Wind Farm
<b>File reference</b>	EN010115
<b>Status</b>	<b>Final</b>
<b>Author</b>	The Planning Inspectorate
<b>Date</b>	8 September 2022
<b>Meeting with</b>	Five Estuaries Ltd (the Applicant)
<b>Venue</b>	Microsoft Teams meeting
<b>Meeting objectives</b>	Project update meeting
<b>Circulation</b>	All attendees

### ***Summary of key points discussed and advice given***

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

### ***Project update***

The Applicant shared the Preliminary Environment Information Report (PEIR) red line boundary and scoping red line boundary. The variations to the scoping red line boundary occurred after consultation with shipping and navigation stakeholders. A wide export cable corridor has been chosen to take to PEIR to ensure sufficient space to manage any crossings with other cables that may be required, and to ensure that flexibility to co-ordinate with other offshore wind projects is maintained.

The Applicant confirmed that a navigational risk assessment workshop was planned with stakeholders pre- PEIR to discuss remaining issues.

The Applicant shared a map of the onshore area, showing it has been significantly refined since the original scoping boundary. The Applicant has undertaken detailed site selection studies to identify its refined cable route search area. The Applicant presented multiple substation search areas within the non-statutory consultation in July 2022. Subsequently, considering further engagement with stakeholders, the Applicant aims to identify a single cable route corridor, which will be progressed further for the Preliminary Environmental Information Report (PEIR) and statutory consultation early in 2023. The project will likely need to retain 'multiple substation options for the consultation. The Applicant highlighted the intent for a single substation option to be identified by the time of the submission of the DCO application. Currently the route is wide enough to accommodate two four circuit projects side by side, to ensure that flexibility to co-ordinate with North Falls is maintained.

### ***Survey work***

The Applicant summarised the offshore survey work:

- Digital Aerial Survey work completed March 2021, with a full (24 month) of baseline data collected.. Following consultation with Natural England, the Applicant has agreed to increase coverage from the surveys to 15% for each of the 24 months.
- Geophysical and benthic data collection completed November 2021. The reports have been circulated to Natural England and will feed into the EIA.
- Shipping and navigation, winter survey in January 2022 and summer July 2022, consisting of four-week data sets each.

The Inspectorate asked if the Applicant had considered whether there were any implications for the bird surveys and subsequent collision/displacement modelling from the recent outbreaks of bird flu. The Applicant stated that the outbreak had not affected their surveys and had not been raised by Natural England as yet.

The Applicant summarised the onshore survey work:

- Noise baseline, commencing September 2022. This survey intends to record base line and background noise at receptors around proposed substation locations.
- Traffic and transport, using automatic traffic counters, junction counts and walk overs of public rights of ways. Surveys completed, peak in August 2022 and repeated in September 2022, off-peak.
- Land quality, hydrology and geology walkover surveys programmed for September 2022.
- Ecology s species specific surveys are currently on going. Habitats and sensitive areas have been identified through walk over surveys. Preliminary Ecological Appraisal (PEA) circulated to consultees alongside detailed methods. Feedback has been received and consulted on by an Expert Topic Group (ETG) in May 2022.

The Applicant provided an overview of the important ecological features for targeted surveys, based on the PEA. The Applicant acknowledges though that some results may not be available for PEIR due to the close timing, but results are expected to be available prior to DCO submission.

The Applicant confirmed that the majority of land has been accessible to them to be able to undertake surveys.

### ***Post consultation***

The Applicant explained that the EIA and PEIR boundary for the offshore export cable route is circa 2km wide, and a 1km wide area/route corridor illustrates the preferred VE export cable route, and this is the area for which VE has collected geophysical and benthic survey data. The boundary also encompasses the North Falls offshore export cable corridor. The Applicant confirmed that they expect to produce the PEIR document with the VE data only. At full submission it will use data and information which is in the public domain for the full 2km corridor width to ensure that flexibility to manage any crossings with other cables and to

co-ordinate with other offshore wind projects is maintained. The Applicant has discussed and agreed this approach with Natural England and Historic England.

The Applicant explained that EIA technical assessments have commenced with key areas being shipping and navigation, ornithology, and seascape, landscape and visual impact assessments.

In relation to effects on sites protected under the Habitats Regulations, the Applicant expects that a derogation may be required based on recent precedents. Based on high risk species and sites that were set out in the Extensions Projects Plan Level HRA, a shortlist of potential compensatory measures has been compiled and shared with Natural England. The feedback from Natural England is due to be discussed at an upcoming meeting. The Applicant will also discuss with Defra the need for strategic compensatory measures to be accelerated. Sites most likely to be affected are the Alde-Ore Estuary Special Protection Area (SPA), the Filey and Flamborough Coast SPA and possibly the Margate and Long Sands Special Area of Conservation. It has still to be determined whether the application will include a full derogation case or a 'without prejudice' case alongside a statement of no adverse effects on integrity.

The Inspectorate advised the Applicant should provide a clear position on derogations under the Habitats Regulations and compensatory measures, along with an explanation as to how they relate to the predicted adverse effects on integrity. In addition, the Inspectorate advised that having a without prejudice case was not the preferred option for examination. The Applicant noted that where there is any disagreement with Natural England over adverse effects on integrity, a without prejudice case cannot be avoided.

## ***Consultation***

The Applicant summarised the first stage of public consultation (non-statutory) held between 30 June to 12 August 2022. Two in person events were held with around 100 attendees at each. The Applicant explained the engagement process: direct mailing, newspaper advertising, direct emails, elected representatives and subscribers.

The Applicant summarised the evidence plan consultations:

- Shipping and Navigation Hazard workshop, due to be held in October 2022. The Applicant explained how Anatec will be leading those workshops. Attendees have been contacted and dates organised.
- Pre-PEIR, ETGs, will aim to cover all technical disciplines.
- In Q4 2022 the Applicant intends to hold a Commercial Fisheries Working Group meeting.
- The Applicant explained the Evidence Plan Steering Group meeting is due to be held in November 2022 and enquired whether it would be helpful for the Inspectorate to attend the Ornithology ETG's.

The Applicant confirmed the stage two (statutory) consultation intention is to align s42, s47 and s48 consultation. Consultation is due to commence Q1/ Q2 2023 and is expected to last eight weeks. The Applicant also confirmed that it had held preliminary discussions with local

authorities ahead of submitting a draft Statement of Community Consultation to them as part of consultation under s47(2) of the Act.

The Applicant explained it intended to publish its preliminary environmental information report as part of the statutory consultations.

### ***Local authority liaison***

The Applicant confirmed good working relationships with the Local Authorities and that they were having regular meetings, and with Essex County Council monthly.

### ***Compulsory Acquisition***

The Applicant confirmed the project was in the early stages but has been engaging with local landowners with landowners contacted in June 2022, prior to the public consultation. The Applicant explained land referencing on the PEIR redline boundary would be undertaken and that land interest questionnaires would be issued in Q4 2022, prior to s42 consultation, due to be held early next year with all the landowners. The Applicant stated they have around 65 landowners along the cable route.

### ***AOB***

The following actions were agreed:

- The Inspectorate will organize an update meeting.
- The Inspectorate will try to be present at the Ornithology ETG's.

