



Meeting note

Project name	Five Estuaries Offshore Wind Farm
File reference	EN010115
Status	FINAL
Author	The Planning Inspectorate
Date	6 February 2024
Meeting with	Five Estuaries Offshore Wind Farm Ltd
Venue	Microsoft Teams
Meeting objectives	Project Update Meeting
Circulation	All attendees/ additional contacts to share meeting note

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 advised of their intention to submit the project for acceptance week commencing 11 March 2024.

Consultation

The Applicant has held two local engagement events at the end of January 2024. This was to provide an update on project ahead of the submission of the Development Consent Order (DCO) application and to explain how the Five Estuaries project is aligning with the North Falls Offshore Wind Farm project. Further, the Applicant has held briefing meetings with Essex and Suffolk Local Planning Authorities and parish councils and will be hosting 'Onshore' and 'Offshore' focus webinars week commencing 5 February 2024.

The Applicant explained that their Stage 3 consultation opened 5 December 2023 and closed 31 January 2024. The Applicant carried out targeted consultation in Essex in response to project changes to ensure all Persons with Interests in Land (PILs) are included within the Book of Reference and have been consulted as is required in s42 of the Planning Act 2008 (PA2008). Statutory consultation has taken place regarding lesser black backed gull (LBBG) compensatory sites in East Suffolk.

The Applicant advised that 18 responses had been received in response to their Targeted Land Consultation. The deadline for this consultation was extended following the identification of land interests late in the consultation process. The issues raised within this consultation reflect those raised in the Stage 2 consultation.

The Applicant received 23 responses to their LBBG Habitat Compensatory (HRA) Sites Consultation. Responses received have been from individuals and statutory organisations. Initial feedback indicates a preference not to use the proposed site on the mainland (VE4).

The Applicant is now analysing and considering responses to these consultations.

Land and Property

The Applicant confirmed that there are approximately 35 freehold interests on the cable route. The Applicant confirmed that they seek to acquire rights over land, not outright acquisition with respect to all required land except the proposed substation land.

The Applicant has not identified any Crown Land onshore, however, has identified special category land, four parcels of which are affected by compulsory acquisition powers. The Applicant will outline within the Statement of Reasons why they believe legal tests under the PA2008 are satisfied with regards to these four parcels.

The majority of landowners are represented by Land Agent Group. The Applicant confirmed that Heads of Terms are still under discussion with an aim to issue full terms with financials in the coming weeks to cable route landowners.

Shipping and navigation update

The Applicant held meetings with Harwich Haven, Sunk VTS and the Port of London Authority on 23 January 2024 and is reaching a resolved position over deep water route crossings and installation between the Sunk Pilot boarding area and the Harwich Channel. This meeting focused on the Navigation Installation Plan (NIP). In addition, the Applicant held a Navigation Risk Assessment (NRA) workshop with all identified shipping and navigation stakeholders. The NRA has been issued to all stakeholders for their final feedback.

Detailed engagement has taken place with the Chamber of Shipping, Maritime Coastguard Agency and Trinity House with regards to the eastern and northern extents of the northern array.

Habitat Regulation Assessment (HRA) Compensatory Measures

The Applicant has two further meetings arranged with Natural England (NE) to discuss proposed compensatory measures for ornithology and benthic ecology as part of its 'without prejudice' derogations case under the HRA.

The Applicant presented a table of species or habitat features and proposed compensatory measures. The Applicant advised that a good level of agreement had been reached with NE on aspects of ornithology including data, methods, assessment, and apportioning. For ornithology, the main unresolved matter is that the Applicant's position is that adverse effects on integrity (AEoI) can be excluded, and compensation is not required whereas NE consider compensation might be required. The Applicant confirmed that for lesser black backed gull (LBBG), two potential compensation sites will be identified in the DCO application, with either of the sites capable of delivering the compensation required

as set out in NE advice. It stated that there was broad agreement on the measures for kittiwake, which would comprise use of the Dogger Bank South tower. Discussion continues with regards to the necessity of compensatory measures for guillemot, and razorbill but the Applicant stated that it has almost reached agreement with NE that there would be no adverse effects on integrity of the gannet qualifying feature.

The Applicant explained that the Department for Environment, Food and Rural Affairs (DEFRA) has announced strategic compensation measures through the Marine Recovery Fund (MRF). The Applicant confirmed that this would be included as an alternative option for its proposed (without-prejudice) compensation for kittiwake in the DCO application.

With respect to the impact from the offshore export cable on benthic ecology in Margate and Long Sands Special Area of Conservation (M&LS SAC), the Applicant explained it had been further developing the mitigation measures for the DCO application, including reducing the footprint of the cable protection, refining the forms of cable protection proposed, and demonstrating adherence to the cable burial hierarchy. Mitigation measures will be captured in plan to be submitted with the DCO application and the Applicant will discuss the further work completed with NE at the forthcoming meeting.

Following advice from NE, the Applicant explored the potential for benthic compensation through reducing other anthropogenic pressures in the form of influencing aggregates dredging companies to reduce activities in the M&LS SAC. However, on investigation the Applicant identified that this was already a requirement of the marine licence(s) for the operators and would be for control that process. The Inspectorate advised providing as much clarity as possible on this point in the DCO application would be helpful.

The Applicant confirmed that for benthic ecology, the primary option for compensation measures in its 'without prejudice' derogations' case would be contribution towards the MRF. The Applicant has received advice from DEFRA that it can opt in to the MRF at any point.

The Applicant is creating a Marine Mammal Mitigation Protocol (MMMP) and has acted upon advice from NE, developing further mitigation measures with project engineers that could be used if needed.

The Applicant confirmed that an update to The Crown Estate (TCE) plan level HRA is underway considering generation capacity increase and has provided detailed information to the TCE consultants and have a meeting scheduled for February / March 2024.

Discussion on Planning Inspectorate draft documents' advice given January 2024

The Applicant sought clarification of the advice given by the Inspectorate regarding how the two build options were defined in the DCO application documents and controlled through the dDCO. In particular, the Applicant was unclear as to what was envisaged by Ref No. 2 in the draft document advice. There was some discussion on this point and the Inspectorate advised that the Applicant should focus on the advice given in Ref No. 1 in the draft document advice.

The Inspectorate confirmed for the Applicant that it is important for the Inspectorate to have sight of the names and contact information for persons and organisation consulted within the Book of Reference (BoR). This is necessary to ensure that the correct people have been consulted.

Advice

The Inspectorate drew the Applicant's attention to a new provision within the Levelling Up and Regeneration Act 2023 which amends the duties on relevant authorities, requiring them to seek to further the purposes of protected landscapes, including areas of outstanding natural beauty (AONB) (now National Landscapes) and improve delivery of management plans. The Applicant confirmed that it has considered this change in respect of its assessment of potential landscape and visual impacts to the Suffolk Heaths National landscape and would explain its approach in the DCO application.

The Applicant has been advised that the Inspectorate requires the Order Limits shape file to be submitted a minimum of two-weeks in advance of the DCO application submission. The Inspectorate advised that pre-examination fee, should the application be accepted for examination depends on the size of the panel.

The Inspectorate advised the Applicant that owing to the location of the project, they may wish to work with the North Falls project team to identify a suitable venue for Examination and hearings.

The Inspectorate requested the contact information for any Affected Persons or Category 3 persons the Applicant has identified and has permission to share and permission to use.

The Inspectorate asked if the Applicant would request for documents to be published on the project webpage during acceptance. The Applicant confirmed that they will take away to confirm.