



Committee	Cabinet
Date	07/05/2024
Subject	Five Estuaries Offshore Wind Farm – Nationally Significant Infrastructure Project – Application for development consent under the 2008 Planning Act – East Suffolk Council’s position and delegation to enable full participation in the process
Cabinet Member	Councillor Tom Daly - Cabinet Member with responsibility for Energy & Climate Change
Report Author(s)	Isaac Stringer Assistant Planner – Energy Projects Isaac.stringer@eastsoffolk.gov.uk Grahame Stuteley Senior Planner – Energy Projects Graham.stuteley@eastsoffolk.gov.uk
Head of Service	Phillip Ridley Head of Nationally Significant Infrastructure Planning Phillip.ridley@eastsoffolk.gov.uk
Director	Nick Khan Strategic Director Nick.khan@eastsoffolk.gov.uk

Key Decision?	No
Is the report Open or Exempt?	OPEN

Purpose/Summary

East Suffolk Council (ESC) will be directly involved as a statutory consultee on a number of energy related Nationally Significant Infrastructure Projects (NSIPs). The examination process for applications when submitted to the Planning Inspectorate is very tight in terms of timescales for the submission of representations and responses, requiring the Council to have the ability to act very swiftly to enable our full engagement in the process and represent the views of the council and our communities. In discussions between the Cabinet Member and the officer team, it has been agreed that a practical way forward for a number of these schemes is to present a report for Cabinet's consideration and agreement in advance of the formal submission to the Planning Inspectorate (PINS) (noted however that Five Estuaries recently submitted their application to PINS on 25th March 2024). This enables the approach and authority for engagement throughout the whole process through to delivery of the project to be set out to enable the council's position to be put forward in the strongest possible terms.

This report therefore provides context surrounding ESC's required engagement with the Five Estuaries offshore wind farm project which submitted an application for a Development Consent Order (DCO) to PINS on March 25th 2024. This report seeks approval from Cabinet engage in the examination for the project which will include responding to adequacy of consultation, the submission of a Local Impact Report (LIR) and Relevant Representation, proactive engagement throughout the examination period, making and responding to representations submitted by the Applicant or Interested Parties, responding to requests made by the Examining Authority, attending hearings, together with other requirements on ESC that arise during and after the examination period. This will potentially include the negotiation and signing of any side agreements and all post consent activities.

Recommendation(s)

That Cabinet:

1. 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. 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.
3. Delegate powers to the Head of Nationally Significant Infrastructure Planning Projects, in Consultation with the specific Cabinet Member(s), to act on behalf of the Council in all activities associated with the examination and post examination/consent phases of the project including the signing of any legal agreements/side agreements/memorandum of understandings.

Strategic plan

How does this proposal support Our Direction 2028?

Environmental Impact	<p>The Council has committed to net zero by 2030 and will support decarbonising, electrifying and greening technologies to create energy across the district. The proposed NSIP is an offshore windfarm which is primarily out of district having an onshore connection proposed in the Tendring District, Essex. However, there are some works that will be onshore in East Suffolk. There is proposed habitat compensation in Orford Ness for Lesser Black-backed Gulls which relates to the anticipated compensatory habitat associated with forecast impacts on existing gull populations associated with the Alde-Ore Estuary Special Protection Area (SPA). At a distance of 37km offshore, concerns remain that the wind turbines will introduce a residual seascape and landscape visual impact introduced on the National Landscape and surrounding areas. The Five Estuaries offshore wind farm project will contribute towards the Governments national carbon reduction targets, namely the connection of 50GW of offshore wind energy generation by 2030 and the achievement of net zero by 2050.</p>
Sustainable Housing	<p>No impact identified</p>
Tackling Inequalities	<p>Currently there is insufficient information to determine if the proposal impacts disproportionately on any groups in the district.</p>
Thriving Economy	<p>NSIPs can make a significant contribution to the local economy. This contribution comes mainly through job creation and spending associated with the influx of workers in the area during the construction period. The addendum to the Suffolk Seascape Study (White Consultants, June 2023) anticipates an 'above medium magnitude' impact on the seascape experienced by users and visitors of the Suffolk and Essex Coast and Heaths National Landscape. Even with turbines below 400m in height, at a distance of 37km offshore, visual impacts are anticipated. The Council will seek proportionate compensation to offset any residual impacts incurred if appropriate, which would benefit the National Landscape designation and its visitors.</p>
Our Foundations / governance of the organisation	<p>It is essential that the Council can respond in an agile way to the project, to enable the views and position of East Suffolk Council to be represented, therefore additional delegation is being sought. It is not considered feasible to provide timely responses and engage appropriately in the examination and post consent phase if decisions are required to go through Cabinet and comply with the current Cabinet timeframes.</p>

Justification for recommendations

1. Background

- 1.1. 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.
- 1.2. The impacts on designated landscapes have been scoped in for the Seascape Landscape Visual Impact Assessment (SLVIA) and will be assessed as part of the Environmental Impact Assessment (EIA).
- 1.3. The project gained an award for the right to develop the seabed in 2017, when the Crown Estate launched an opportunity for existing wind farms to apply for extensions, including the Galloper project. The extension has since been named the Five Estuaries Offshore Wind Farm.
- 1.4. The application for development consent was submitted on 25th March 2024, the Secretary of State (SoS) must make a decision whether or not to accept the application for Examination by 22nd April 2024. The Council is a statutory consultee in the process, giving us the opportunity to identify risks and issues that may arise from the project and impact upon the district and its communities. The Relevant Representation, Written Representation and Local Impact Report (LIR) provides an opportunity for the Council to set out an assessment of the relevant environmental, social, and economic impacts of the project.
- 1.5. Whilst ESC is not the host authority of the proposed NSIP's onshore infrastructure, we are a statutory consultee and have a responsibility to respond to the relevant submissions to represent our view as the Local Authority.
- 1.6. The Council has previously engaged with the project by responding to the: Scoping Report in October 2021, Habitats and Regulation Assessment Screening Report in November 2021, non-statutory consultation in August 2022, statutory consultation in May 2023 as well as other items on an ad hoc basis up to January 2024. The responses are available to view on the Council's website [\(Five Estuaries Offshore Windfarm >> East Suffolk Council\)](#).
- 1.7. Our primary concern has been reflected in our responses to the pre-application consultations and relates to the seascape and visual impacts introduced on the Suffolk and Essex Coast and Heaths National Landscape that would occur from the further extension to the offshore infrastructure.
- 1.8. 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. The Five Estuaries promoters claim that the new wind turbines are unlikely to be visible frequently due to the distance, weather conditions and curvature of the Earth. ESC disputes this claim based on the addendum to the Suffolk Seascape Study (White Consultants, June 2023) commissioned to assess the level of potential seascape visual impact introduced resulting from the Five Estuaries project. This concluded that the

project would result in an 'above medium magnitude' impact on the seascape as enjoyed from the National Landscape.

- 1.9. The Suffolk Seascape Sensitivity Study was updated using wind turbine heights of 400m+, and it was concluded that turbines over 400m should be located at a minimum of 40km from the coastline. This threshold was considered to limit the impact of turbines to below the medium magnitude.
- 1.10. This assessment found that the turbines would be visible less than 33% of the year due to the variables above. When they are visible however, the visual effects from within the National Landscape would be worse than the medium magnitude.
- 1.11. The Five Estuaries project is currently proposing wind turbines up to 395m in height at a distance of only 37km from the Suffolk Coast. Residual visual impacts are therefore likely, adding to the cumulative impacts from other existing and proposed wind farms on the seascape horizon.
- 1.12. The importance of the National Landscape, its special qualities and value have been stressed by ESC throughout our responses. The proposal has the potential to impact the statutory purpose of the designation from the project itself or cumulatively with the other existing or proposed energy infrastructure projects impacting ESC over the next decade.

2. Introduction

- 2.1. Members will be aware that there are a number of energy projects, either consented (Sizewell C, East Anglia One North, East Anglia Two, East Anglia Three), or proposed (Nautilus, Lion Link – both interconnector schemes; and SeaLink – a Suffolk to Kent electricity network reinforcement project) as well as the North Falls and Five Estuaries offshore windfarm extensions, being considered/delivered either within or neighbouring East Suffolk. The Council has previously stated following the Motion to Full Council in September 2023 that the government should seek:
 - To intervene to bring long-term stability and security for future plans for all off and on-shore energy generation
 - To carry out a full cost-benefit analysis of options for connecting all electricity generation to users in the UK rather than the current piecemeal approach
- 2.2. The Council, as explained above, has responded to several documents at key stages leading up to the submission of the development consent application. Throughout these consultations ESC has raised the concerns previously outlined and will continue to do so where relevant.
- 2.3. The NSIP process has six stages: Pre-Application, Acceptance, Pre-Examination, Examination, Recommendation and Decision- there is also a six-week period after the decision whereby the decision may be judicially reviewed.
- 2.4. Five Estuaries is currently in the pre-examination stage. The DCO was submitted 25th March 2024, the Secretary of State (SoS) must make a decision whether or not to accept the application for Examination by 22nd April 2024. The pre-examination stage usually lasts three months and should end late July. The examination stage is expected to last six months which would last until late January 2025. The decision should then be issued by July 2025.
- 2.5. Whilst the project is in the pre-examination stage, the workload is limited to preliminary meetings with the relevant parties to discuss procedural matters and timelines and the general progression of relevant documents (including the LIR).

- 2.6. Following pre-examination, which is expected to last around three months, the examination starts, and the workload significantly increases. The workload expands to preparing and attending meetings and hearings with developers and other parties when necessary, attending site visits, responding to new submissions made by the applicant, and writing representations on behalf of ESC.
- 2.7. The deadlines for responding to new submissions are extremely short and require a fast turnaround to meet the set timescales. It is considered impractical and not possible to bring forth each response to Cabinet for approval and meet the required deadlines therefore the proposed recommendation in this report includes the seeking of appropriate delegation.

3. Proposal

- 3.1. To seek Cabinet's approval of the overall position on the Five Estuaries project and to secure delegation to the Head of Nationally Significant Infrastructure Planning in consultation with the specific Cabinet Member (which is currently the Cabinet Member for Energy & Climate Change) to facilitate timely and effective engagement in the DCO consenting process. This will allow a streamlined service that allows ESC officers to reflect the views of Members and its constituents whilst meeting the required deadlines.

4. Financial Implications

- 4.1. The delegation would allow officers to collate and respond to requests from various parties in a timely manner without the need for additional approval from Cabinet. A Planning Performance Agreement (PPA) is currently being finalised to offset officer time charge for engagement in the examination.

5. Legal Implications

- 5.1. There are limited legal implications as East Suffolk Council is not the decision maker in relation to the DCO. However, should the Council be responsible for any post consent discharges, these decisions can be subject to judicial review challenges.

6. Risk Implications

- 6.1. The risk associated with approving a delegated process is minimal. The documents produced and responses sent will be subject to review by the Head of Nationally Significant Infrastructure Planning in consultation with the specific Cabinet Member which is essentially repeating the agile approach undertaken on all the previously consented schemes.
- 6.2. How the Council responds and represents the constituents is always subject to scrutiny by members of the public and Action Groups, however, subject to effective screening from the aforementioned officers, the risk of errors occurring is minimal, and legal challenge is unlikely.

7. Options

- 7.1. The alternative options available are for Cabinet to either amend or refuse the overall position on the project or the delegation sought.

8. ESC's Position on Five Estuaries

- 8.1. ESC will continue 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.
- 8.2. 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. We will be seeking appropriate compensation to offset any residual seascape visual impacts introduced on the National Landscape.
- 8.3. ESC will continue to work with the Applicant on Lesser Black-backed Gull compensation measures at Orford Ness in order to avoid, minimise and mitigate any associated impacts.
- 8.4. ESC understands that the Five Estuaries project is not currently seeking an offshore connection option (in the same way that the North Falls project is) as part of their DCO application. However, to clarify ESC's position we are very supportive of offshore connections and inter-project coordination options where this reduces the need for onshore infrastructure. However, we are not supportive of such options where the net result would be a greater proportion of onshore infrastructure than the status quo of an uncoordinated approach. Such an approach is counterintuitive and not supported.
- 8.5. The Sea Link project is part of the network reinforcements proposed by National Grid Electricity Transmission (NGET) as part of the Great Grid Upgrade. The Offshore Coordination Support Scheme (OCSS) has awarded funding to the Sea Link, North Falls and Five Estuaries projects to explore the feasibility of coordination through an offshore connection. Following the outputs of the OCSS, National Grid Electricity System Operator (NGESO) commissioned a report to consider the additional network transmission needs should the coordination be feasible. This work has highlighted that in all scenarios, a greater amount of onshore transmission infrastructure would be required in East Anglia. The electricity generation capacity required by Five Estuaries, should a coordinated offshore connection be viable, would also remove a large proportion of Sea Link's transmission capacity, effectively reducing the amount of electricity which can be exported from East Suffolk. This would be contrary to the need case for the cable connection, noting this is required to increase the transmission of energy out of the East Suffolk district from offshore generation to where it is needed.
- 8.6. As set out previously, the Council continues to be supportive of offshore connections and inter-project coordination options where this reduces and minimises the need for onshore infrastructure. If an offshore connection option were to become included within the Five Estuaries development consent application the implications of this option will need to be fully and robustly considered to ensure that the proposed coordination genuinely delivers environmental and social benefits.
- 8.7. If coordination with another NSIP is proposed as part of the application, ESC would press with the promoters and the Planning Inspectorate to ensure the coordination of projects is examined through a single examining authority to enable the matters to be considered together.

9. Recommendations

- 9.1. 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.
- 9.2. 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.
- 9.3. Delegate powers to the Head of Nationally Significant Infrastructure Planning, in Consultation with the specific Cabinet Member(s), to act on behalf of the Council in all activities associated with the examination and post examination/consent phases of the project including the signing of any legal agreements/side agreements/memorandum of understandings.

10. **Reasons for Recommendations**

- 10.1. ESC does 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 National Landscape of the Suffolk Coast, although we are disappointed that a coordinated offshore connection with a multi-purpose interconnector has not been proposed which minimises the provision of onshore infrastructure. The Council continues to support coordinated offshore connections rather than radial connections should it be demonstrated that the option minimises and reduces the extent of onshore infrastructure and provides genuine environmental and social benefits.
- 10.2. The Five Estuaries project would comprise of up to 79 additional turbines (up to 395m above sea level) across two separate seabed areas, being only 37km off the Suffolk Coast at its closest point. ESC commissioned an addendum to the Suffolk Seascape Study (White Consultants, June 2023) originally produced for the SPR EA1N and EA2 projects, this addendum assessed the level of potential seascape visual impact introduced resulting from the Five Estuaries project. This concluded that the project would result in an 'above medium magnitude' impact on the seascape when viewed from the National Landscape.
- 10.3. The Suffolk Seascape Sensitivity Study was updated using turbine heights of 400m+, and it was concluded that turbines over 400m should be located at a minimum of 40km from the coastline. This threshold would limit the seascape visual impact to below the medium magnitude. This assessment found that the turbines would be visible less than 33% of the year due to the variables above. When they are visible however, the visual effects from within the National Landscape would be worse than the medium magnitude if turbines over 400m were used.
- 10.4. The Five Estuaries project is currently proposing wind turbines up to 395m in height at a distance of only 37km from the Suffolk Coast. As the nearest wind turbines remain within 40km of the Suffolk Coast having a maximum height potentially only 5m below 400m as assessed in the addendum study, residual visual impacts are therefore likely. This is especially concerning given the cumulative impacts from other existing and proposed wind farms on the seascape horizon when viewed from the National Landscape.
- 10.5. The importance of the National Landscape, its special qualities and value have been stressed by ESC throughout our responses. The proposal has the potential to impact the

statutory purpose of the designation from the project itself or cumulatively with the other existing or proposed energy infrastructure projects impacting ESC over the next decade.

- 10.6. Additionally, should the Five Estuaries project seek an offshore connection (rather than a radial connection to Essex), this would potentially link up to a subsea cable which is due to connect within East Suffolk. In such a scenario, coordination of this kind is likely to result in a need for additional transmission infrastructure within East Suffolk which would not be supported.
- 10.7. Appropriate delegation is sought to allow for a streamlined process that allows ESC officers to respond to the set deadlines in a timely manner whilst also representing the views of members and residents in the NSIP determination process.

11. Conclusions/Next Steps

- 11.1. Officers will engage fully during the examination and post decision phases of the NSIP process.
- 11.2. A scheme of delegation be created and signed in order to delegate powers to the Head of Nationally Significant Infrastructure Planning and specific Cabinet Member for Energy & Climate Change.

Areas of consideration comments

Section 151 Officer comments:

No additional comments

Monitoring Officer comments:

The Monitoring Officer has been consulted and has no additional comments.

Equality, Diversity and Inclusion/EQIA:

No additional comments

Safeguarding:

No additional comments

Crime and Disorder:

No additional comments

Corporate Services implications:

(i.e., Legal, Finance, Procurement, Human Resources, Digital, Customer Services, Asset Management)

No additional comments

Residents and Businesses consultation/consideration:

No additional comments

Appendices:

None

Background reference papers:

None