



Committee	Cabinet
Date	07/05/2024
Subject	North Falls 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
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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. 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 North Falls offshore wind farm project which is anticipated to be submitted as an application for development consent to the Planning Inspectorate (PINS) this year. This report seeks approval from Cabinet to engage in the examination for the project which will include responding to adequacy of consultation, submission of a Relevant Representation, Written 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 North Falls 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. 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

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 out of district having an onshore connection proposed either in the Tendring District, Essex, or offshore. The North Falls 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.
Sustainable Housing	No impact identified
Tackling Inequalities	Currently there is insufficient information to determine if the proposal impacts disproportionately on any groups in the district.
Thriving Economy	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. There is no onshore infrastructure affecting East Suffolk proposed at present, however the Council will seek proportionate compensation to offset any residual seascape visual impacts incurred within the Suffolk and Essex Coast and Heaths National Landscape if appropriate, which would benefit the designation and its visitors.
Our Foundations / governance of the organisation	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.

Justification for recommendations

1. Background

- 1.1. North Falls is a proposed extension to the existing 504MW Greater Gabbard Wind Farm in the North Sea and will cover an area of approximately 90km². The project will consist of up to 71 additional turbines (with a height of 397m above sea level), offshore and onshore distribution infrastructure and various miscellaneous works associated with this. The project was initially planned to be 22km from the East Suffolk Coast, however, following consultation last year, the closest northern array of wind turbines has been removed from the project, resulting in this distance increasing to 42km to the remaining southern array. The overall seabed footprint for the project therefore reduced from 150km² to 90km².
- 1.2. The scoping report submitted by the Applicant states that the visibility of the offshore and onshore infrastructure may alter the special qualities or key attributes that underpin designated landscapes (National Landscapes). The impacts on designated landscapes have therefore 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 Greater Gabbard project. The extension has since been named the North Falls Offshore Wind Farm.

- 1.4. The application for development consent is expected to be submitted in July 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 and Written Representation 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, we are a statutory consultee and so 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 August 2021, the Non-Statutory consultation in December 2021 and 2022, and the Statutory Consultation in July 2023. The responses are available to view on the Council's website ([North Falls Offshore Windfarm » East Suffolk Council](#)).
- 1.7. The primary concern was initially focussed on the project's anticipated seascape visual impact on the National Landscape, however following the removal of the northern array at a distance of only 22km from the East Suffolk coast, the seascape visual impact, as identified within the statutory consultation material, now falls outside of the 'medium magnitude' zone of impact assessed within the addendum to the Suffolk Seascape Study (White Consultants, June 2023). The Suffolk Seascape Sensitivity Study was updated using the proposed heights of the turbines at 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.
- 1.8. ESC's seascape visual impact concerns have therefore significantly reduced, potentially resulting in no or very limited seascape visual impacts at all. However, we will continue to monitor this throughout the examination period and engage where necessary to support our position in relation to possible impacts on the seascape/tourism. Should a significant impact be identified, we will seek appropriate mitigation and if necessary, compensation.
- 1.9. ESC understands that the North Falls project may include alternative options for connection as part of their development consent application, an onshore radial connection in Tendring, Essex as well as potentially an offshore connection option linking into a Sea Link, a sub-sea transmission cable. The Council continues to be supportive of offshore connections and inter-project coordination options where this reduces and minimises the need for onshore infrastructure. Should an offshore connection option be proposed as part of the North Falls application, this will need to be carefully scrutinised to understand any consequential implications for transmission infrastructure and ensure that it is genuinely delivering a reduction in the extent of onshore works.

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, LionLink – both interconnector schemes; and Sea Link – 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 onshore 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 anticipated 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. North Falls is currently in the pre-application stage, with its planned submission in July 2024. PINS then has 28 days to decide whether all the relevant documents have been submitted. The pre-examination stage follows which usually lasts three months. The examination then begins and lasts six months (unless otherwise agreed) which would be expected to end approximately May 2025 with an expected decision date of approximately December 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.
- 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 North Falls 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 the council to reflect the views of members 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. ESC will negotiate with the developer of the North Falls project to request the ability for officer time to be appropriately reclaimed.

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 North Falls

- 8.1. ESC understands that the North Falls project may include options for connection as part of their DCO application comprising an onshore radial connection in Tendring, Essex, as well as an offshore connection option linking into the sub-sea transmission cable of the Sea Link project.
- 8.2. Based on the material included within the statutory consultation, the removal of the northern turbine array which has resulted in the closest turbines moving from a distance of 22km from the coast to over 40km. The update to the Suffolk Seascape Sensitivity Study concluded that turbines over 400m located 40km and further from the coastline are likely to have an impact of below medium magnitude. It is therefore anticipated, based on the current proposals, that the impact on seascape from the turbines will be limited. ESC will however continue to monitor and engage as appropriate to support our position in relation to possible impacts on the seascape/tourism. Should a significant impact be identified, we will seek appropriate mitigation and if necessary, compensation. It is therefore proposed that the Council should not object to the project on the basis of the identified connection in Essex and an anticipated less than significant impact on seascape.
- 8.3. 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 North Falls, should a coordinated offshore connection be viable would 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.

- 8.4. 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 is included within the North Falls 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.
- 8.5. 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 North Falls 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. 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 North Falls 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. 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:

Date	Type	Available From
None		