

FIVE ESTUARIES OFFSHORE WIND FARM

10.55 ADDITIONAL INFORMATION REGARDING CAH3 ACTION POINT 3

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In preparation of this document Five Estuaries Wind Farm Ltd has made reasonable efforts to ensure that the content is accurate, up to date and complete for purpose.

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CAH ACTION POINT 3

1.1.1 Further to the Applicants response provided at Deadline 6 in 10.42 Applicant's Responses to Action Points - ISH6, CAH3 and ISH7 [REP6-046] to Action point 3, the Applicant has prepared this more detailed response.

"Further to the ExA's request, consider whether or not alternative plans will be submitted in relation to sheets 17 and 18 of the Land Plans for a scenario under which the Proposed Development proceeded without any collaboration with North Falls. Any such alternative plan being submitted on a without prejudice basis".

1.2 OVERVIEW

- 1.2.1 The Applicant acknowledges the request from the ExA and understands this to be for it to produce Land Plans based on the hypothetical scenario wherein the North Falls Offshore Windfarm Project does not exist, is not undergoing its own consenting process, and consequently should not be considered by the Applicant. The Applicant would stress that this task is complex, as it requires re-imagining the scheme in an entirely hypothetical manner. In reality, even without taking into consideration the coordination between the projects, it would be unacceptable for Five Estuaries to disregard another NSIP proposal in proximity, as required by the planning process; there must always be a degree of coordination between them. For instance, if Five Estuaries were to design its substation site to infringe on the North Falls substation site, North Falls would rightly object to the resulting land use conflict, as this approach would undermine the cumulative assessment. Therefore, it is not meaningful to imagine a scenario where North Falls does not exist at all.
- 1.2.2 The design of the cable route and substation has been carefully planned, taking into consideration the factual circumstances and reality of North Falls sharing the same grid connection point. Every design iteration has accounted for this imagining a scenario without North Falls is not as simple as halving the amount of land allocated for the substation site. The design iteration would need to be carried out again in a manner which is not appropriate, given that the premise is entirely unrealistic, and that work would not be compliant with policy or the need to consider cumulative impacts.
- 1.2.3 The siting of the substations and the landscape strategy have been developed to provide visual screening of Five Estuaries and North Falls substations, in accordance with guidance from the relevant National Policy Statements (NPS) (EN-1, EN-3 and EN-5). The NPS documents establish a policy requirement for undertakers of individual projects to collaborate with other major infrastructure projects in close proximity or where there are direct overlaps.
- 1.2.4 The Coordination Document [APP-263] provides information on the coordinated approach between North Falls and Five Estuaries, including site selection and construction opportunities, and how these are secured with the overarching goal of minimising environmental and community impacts.
- 1.2.5 Although the projects can be delivered independently, fundamentally they have been developed to facilitate coordination, thus reducing overall impacts and land take. The Land Plans have been designed to support this coordinated approach. Consequently, it is not feasible to divide the Land Plans at this stage and allocate portions to each project separately.

- 1.2.6 The mention of 'without collaboration with North Falls' in the action point also suggests a scenario in which both projects receive consent and move forward with construction independently should be considered. This aligns with our Delivery Scenario 3 in the Coordination Document [APP-263]. As detailed in section 3.4.3 of the Coordination Document, in this scenario:
 - > The project would proceed under 'build option 2';
 - The dDCO would consent to all necessary works for building and operating the project and ensure the removal and restoration of all temporary elements at the end of construction; and
 - No land or rights would be taken, used, or acquired for the second project, and no transfers of any area or liability between projects would be required.
- 1.2.7 The Land Plans Onshore [REP6-004] outline the necessary land take to deliver the project in a policy-compliant manner, including required mitigation measures such as those for landscaping, drainage and ecological considerations. The Applicant cannot relocate any of these elements into the North Falls footprint when developing an alternative land take plan, as such a plan would be entirely unrealistic and undeliverable. As noted in the opinion of King's Counsel submitted by the Applicant at Deadline 6 [REP6-050] at paragraph 85 "the proposed shared works are properly to be regarded as associated development", and form a part of this Application, excising them from the land plans is not therefore excluding another development, but is seeking to compel the Applicant to redesign its scheme. While the land take could theoretically be adjusted in a North Falls free-world, the overall area required, aside from the footprint of the North Falls substation, would not materially decrease.
- 1.2.8 The footprint of the North Falls substation has been included in the Land Plans in order to:
 - > Facilitate levelling of the site and relocation of drainage in a sensible and comprehensive manner. Excluding this would leave an 'island' of land that would need to be tied into altered land levels and drainage. Attempting to do this without adjusting the levels at this site is likely to result in a sub-optimal solution, and as set out under 'engineering' below, is unlikely to be practical.
 - Allow permanent acquisition of land to avoid leaving an 'island' of land unfit for its current use, as it is deemed unacceptable to use compulsory powers in such a manner. Landowners should be compensated for the full value of such land to ensure fairness and compliance with policy.
- 1.2.9 The design of the onshore substation (OnSS) area as set out in the Outline Landscape and Ecological Management Plan (OLEMP) [REP6-026] follows a systematic approach to ensure effective solutions for addressing the ecological and landscape mitigations and enhancements identified in the Environmental Statement.
- 1.2.10 The Five Estuaries substation is strategically positioned and oriented to meet engineering requirements, accommodate all necessary equipment and cable connections, and maximise the potential for coordination with North Falls.

- 1.2.11 The landscape proposals aim to place screening as close to visual receptors as possible to minimise the visibility of the substation in the shortest possible time frame. The remaining areas within and including the screening have been optimised for maximum ecological benefit, in compliance with legislative requirements and guidance. This ensures the best use of the overall land take and avoids leaving small islands of land to return to the landowner which would be adversely affected by the severance from the larger landholding, making them difficult or impractical to farm¹.
- 1.2.12 Additionally, the Applicant is keenly aware that the substation is situated on Grade 1 agricultural land. Significant efforts have therefore been made to preserve the maximum usable area of accessible farmland, by adhering to existing field margins wherever feasible and ensuring suitable access is maintained.
- 1.2.13 The following sections outline technical considerations from the perspectives of engineering, LVIA screening design, ecological mitigation, and land ownership. Figure 1 presents an annotated visual summary of the key points discussed throughout this document.

1.3 ENGINEERING

- 1.3.1 If Five Estuaries were to proceed without North Falls, the Five Estuaries OnSS would still be situated in the same location. This location has been chosen for several reasons, as detailed in the Site Selection and Alternatives Chapter [APP-066], including adherence to National Grid's Guidelines on Substation Siting and Design, known as 'The Horlock Rules'.
- 1.3.2 The Five Estuaries OnSS would be oriented in approximately the same position, allowing cables exiting the substation to cross Grange Road and connect to National Grid's East Anglia Connection Node for national transmission.
- 1.3.3 It is important to note that the Five Estuaries OnSS footprint is the maximum design scenario at this stage and may be subject to reduction based on information from equipment suppliers and the final detailed engineering design.
- 1.3.4 The overall cut and fill of the site has been designed jointly with North Falls. Undertaking this task for just the Five Estuaries substation would require a significant amount of time to define the area needed for grading across the entire land parcel. Given the necessity to tie the regrading into the wider landscape, realign existing ditches and potentially relocate drains, this process would encompass a much larger area than just the OnSS compound.

¹ Compulsory purchase and compensation: guide 3 - compensation to agricultural owners and occupiers Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities, Published 17 December 2021

1.4 LVIA SCREENING DESIGN

- 1.4.1 In broad terms, the proposed landscape planting on the perimeter of the land parcels would still be necessary to screen the Five Estuaries substation in the event the North Falls substation did not exist. The assessment of LVIA impacts, design and implementation of suitable mitigation, and residual impacts largely rely on the current screening design (Landscape and Visual Impact Assessment [APP-084]) and is aligned to the objective of "Locating planting adjacent to roads, PRoWs and properties to ensure that an outer perimeter of effective visual screening is formed in the shortest time possible"
- 1.4.2 Planting proposed along the boundary of Grange Road (traditional orchard) on the far northwestern edge, and Barn Lane (woodland shelter belt) on the northeastern edge and south following field boundaries, would still be required. The rationale for this is that screening should be placed as close to the visual receptor(s) as possible to maximise the influence of perspective and provide effective screening as soon as possible.
- 1.4.3 In situations where advanced planting is feasible and where there would be no interference with access or construction works, planting could be implemented during the early phases of construction. Advanced planting could provide an additional 1 to 3 years of growth before operation, reducing the period of significant effects, particularly where planted adjacent to roadsides and settlements.
- 1.4.4 Additionally, as the substation is located on Grade 1 agricultural land, the planting proposals seek to avoid, where possible, introducing woodland blocks or belts that would occupy the centre of fields, fragment them, and/or prevent access, making them unusable for farming. Containing the planting along the field boundaries minimises disruption and allow farming to continue across most of the land surrounding the substation.
- 1.4.5 Screening will be provided along the edge of existing field boundaries and as close to receptors as possible, including Normans Farm, Ardleigh Road, and Little Bromley.
- 1.4.6 It is important to note that the OLEMP is indicative at this stage (it is an outline document). The final engineering design will facilitate the final Landscape Ecological Management Plan (LEMP) to be agreed upon with the relevant Planning Authority and with input from other relevant stakeholders. The LEMP will outline the landscape specification to accompany plans of the detailed landscape and ecological planting.

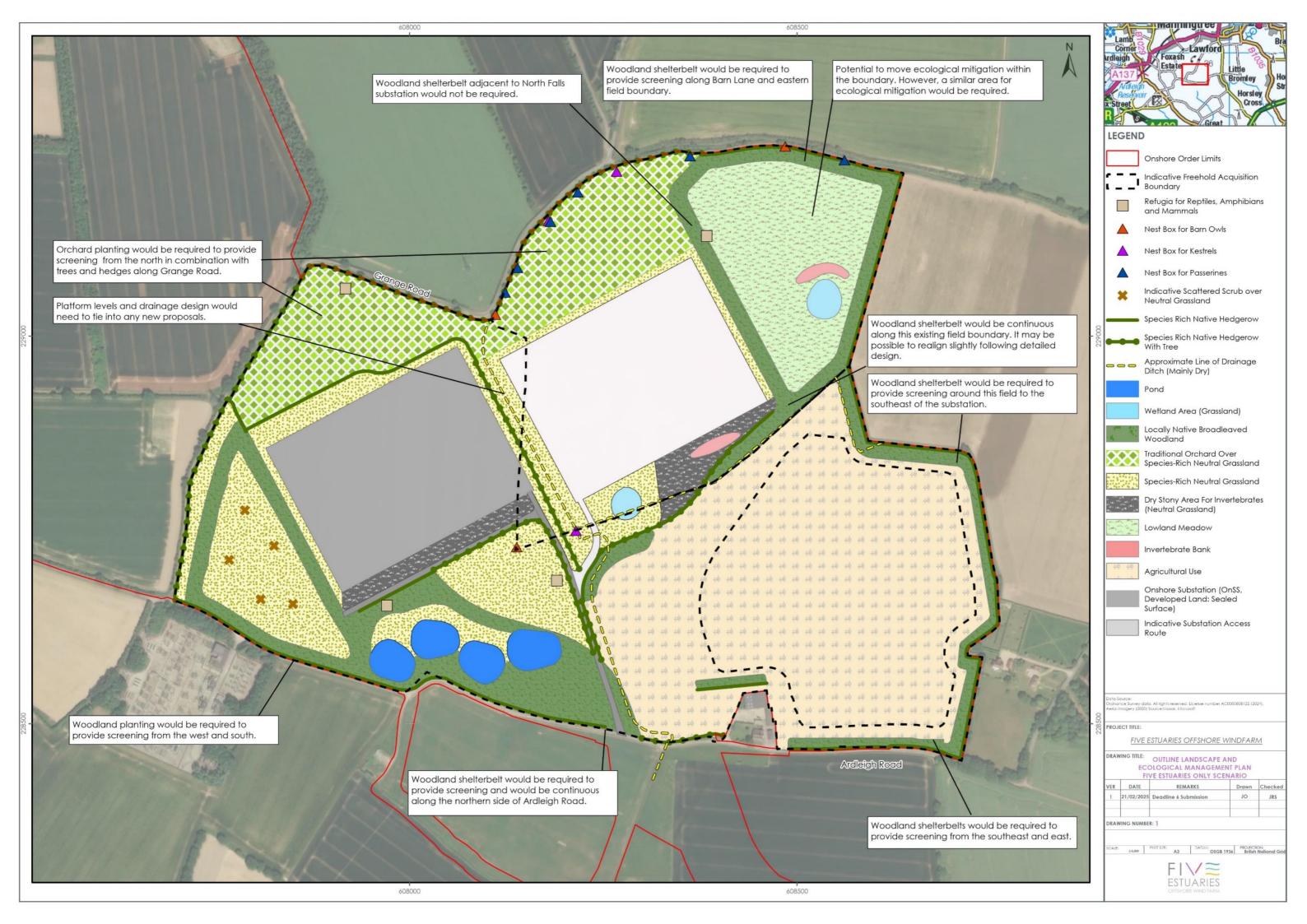
1.5 ECOLOGY

- 1.5.1 From an ecological perspective, outline habitat creation principles, as described in the OLEMP, have been developed for the substation location to fit the engineering design and complement the landscape screening structure. These principles include areas designated for proposed tree, hedgerow, and grassland planting, as well as areas identified for ecological compensation and enhancement.
- 1.5.2 This approach aims to create S41 priority habitats, such as lowland meadows, traditional orchards, ponds, broadleaved woodlands, and species-rich neutral grasslands. The aim is to provide a structurally diverse mixture of habitat types, including sheltered wildflower meadows, orchards, glades, and areas with dry stony and ephemerally wet conditions, which are suitable for supporting a range of locally present plant and animal species.

- 1.5.3 There is some flexibility regarding the location of this throughout the site; however, compensation and enhancement measures would still need to be provided in all cases. Additionally, as previously mentioned, relocating ecological compensation and enhancement to the North Falls substation site is not realistic and would not be feasible, as North Falls would rightly object and it would not align with policy or cumulative effects assessments.
- 1.5.4 It is important to note that the design is illustrative at this stage, and the extent and location of habitats, compensation and enhancement measures may change during the detailed design stage.

1.6 LANDOWNERSHIP CONSIDERATIONS

- 1.6.1 Land ownership at the onshore substation (OnSS) location within the Applicant's proposals falls primarily between two interests. These are:
 - 1. T. Fairley & Sons Limited, and
 - 2. the executors of the estate of the Late Charles Tabor.
- 1.6.2 The Five Estuaries OnSS footprint lies predominantly, but not exclusively, within the ownership of T. Fairley & Sons Limited.
- 1.6.3 In the hypothetical scenario that North Falls Offshore Windfarm Project does not exist, the Project should consider, in the context of acquiring land for the Five Estuaries OnSS, modern farming practices which are aimed at efficiency. These considerations might include:
 - > The size of modern agricultural machinery, and implications for:
 - access from public roads into fields, taking in to account the turning radius of machinery, particularly long or towing vehicles;
 - > the ability to farm practically in 'corners' created by irregular shaped fields;
 - > any preference for a particular direction of travel within fields;
 - turning of machinery & the creation and frequency of headlands (the area at each end of a planted field used for turning), which often leads to greater levels of compaction and lower yields within those headlands;
 - > Economies of scale, in terms of field sizes and travel between areas:
 - > The impacts on a landowner-by-landowner basis, rather than a one-size-fits-all approach.
- 1.6.4 The pocket of land that could hypothetically (but not realistically) be freed up (part of the proposed North Falls substation and the area immediately east towards Barn Lane) would be difficult to return to farming due to its isolated location without immediate access. This pocket of land is owned by the executors of the estate of the Late Charles Tabor and not T. Fairley & Sons Limited, necessitating separate access arrangements.



2. CONCLUSION

- 2.1.1 Attempting to produce "without prejudice" land plans would result in the Applicant drawing arbitrary lines on figures. The compulsory powers applied for are intended to facilitate the necessary coordination at the substation site in line with the NPS and in compliance with section 122 of the Planning Act 2008 as set out by King's Counsel in his opinion [REP6-050] at paragraph 87.
- 2.1.2 To reiterate, the footprint of the North Falls substation has been included in 2.3 Land Plans Onshore [REP6-004] in order to:
 - > Ensure comprehensive compliance with policy requirements;
 - > Facilitate necessary mitigation measures, such as landscaping, drainage, and ecological considerations;
 - > Minimise overall impacts and land use through coordinated project development; and
 - > Provide realistic and deliverable land take plans.
- 2.1.3 Each of these elements is essential to the successful execution of the project within the specified guidelines.
- 2.1.4 Any without prejudice plan submitted would be wholly unrealistic as, even in an entirely uncoordinated scenario, the Applicant is required to have regard to other developments in proximity and cannot design the scheme without any regard to them.



PHONE EMAIL WEBSITE ADDRESS

COMPANY NO

0333 880 5306 fiveestuaries@rwe.com www.fiveestuaries.co.uk

Five Estuaries Offshore Wind Farm Ltd Windmill Hill Business Park Whitehill Way, Swindon, SN5 6PB Registered in England and Wales company number 12292474