

Rt Hon Ed Miliband MP
Secretary of State
Department for Energy Security and Net Zero
55 Whitehall
London
SW1A 2HP

Date: 28 July 2025

Enquiries to: [REDACTED] –
Planning Officer

Email: [REDACTED] [@suffolk.gov.uk](mailto:[REDACTED]@suffolk.gov.uk)

Tel: [REDACTED]

Dear Secretary of State,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by Five Estuaries Offshore Wind Farm Limited (“the Applicant”) for an Order granting Development Consent for the proposed Five Estuaries Offshore Wind Farm (“the Five Estuaries Offshore Wind Farm project”)

I am writing on behalf of Suffolk County Council (IP Reference 20049304) in relation to the above Five Estuaries Offshore Wind Farm project (“the Project”) to draw to the attention of the Secretary of State for Energy Security & Net Zero (“the SoS”) certain information arising since the close of the Examination into the Application for a Development Consent Order (“DCO”) to authorise the Project. As you are well aware, the Application is currently before the SoS for decision and, in accordance with the timetable set out in the Planning Act 2008 (“PA 2008”), a decision is required to be made on or before 17 September 2025.

Suffolk County Council (“SCC”) made a relevant representation, submitted a Local Impact Report, and made successive representations throughout the Examination period in accordance with the Examination timetable.

One of the issues raised repeatedly by SCC was the need for both the Applicant and the SoS to be able to satisfactorily discharge their respective statutory duties under section 85(A1) of the Countryside & Rights of Way Act 2000 as a result of the adverse effects of the Project on the Special Qualities and Natural Beauty Indicators of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (“SCHAONB”), an area to which that duty is applicable. SCC set out its representations in a series of

submissions, most notably in [REP6-074] and in [REP6A-009]. A key matter raised by SCC was the need for some measures to be put in place to offset or compensate for the adverse effects on the SCHAONB (see para 4.28 of [REP6-074] and paras 35 - 37 of [REP6A-009]).

For information, it should be noted that the SCHAONB is also referred to as the Suffolk & Essex Coast and Heaths National Landscape (“SECHNL”) in some documents, reflecting (a) the fact that some parts of the designated area lie within the County of Essex and (b) that all AONBs are now referred to as National Landscapes. Nothing turns on this change in terminology and both the SCHAONB and the SECHNL relate to the same designation and cover the same area of land.

The Five Estuaries Examination closed on 17 March 2025 and the Examining Authority (“ExA”) necessarily could not have regard to any subsequent events after that date in formulating the recommendations in their report to the SoS. That report was delivered to the SoS on 17 June 2025.

Rampion 2 Offshore Wind Farm

On 4 April 2025 the SoS made the Rampion 2 Offshore Wind Farm Development Consent Order 2025. At para 8.7 of the SoS’s decision letter dated 4 April 2025 the SoS stated:

“The Secretary of State notes the general duty of public bodies to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, in accordance with section 85(A1) of the Countryside and Rights of Way Act 2000. The Secretary of State considers that the application is consistent with furthering that objective. The Secretary of State is of the view that the ExA’s report, together with the ES and the Mitigation and Enhancement Principle Document for the National Park, is sufficient to inform the Secretary of State in this respect. The Secretary of State agrees with the ExA that requirement 43 of the Order secures a compensation fund that compensates for residual effects of the Proposed Development and conserves, enhances and seeks to further the purposes of the SDNP.”

The “SDNP” is the South Downs National Park. Whilst the SNDP does not strictly fall within the scope of section 85(A1) Countryside & Rights of Way Act 2000, it does fall within the scope of the very similar duty in section 11A(1A) National Parks and Access to the Countryside Act 1949, with both duties being imposed in their current form by section 245 Levelling Up and Regeneration Act 2023.

It should also be noted that the SoS’s reference to Requirement 43 of the DCO should have been a reference to Requirement 41 of the final DCO as made. This provides:

“National Park enhancement and furtherance

41.—(1) The authorised project must not be commenced, save in respect of onshore site preparation works, until a National Park enhancement and furtherance scheme in accordance with the National Park enhancement and furtherance principles document has been submitted to and approved by South Downs National Park Authority.

(2) The National Park enhancement and furtherance scheme must set out appropriate measures to compensate for the impact of the authorised development on the South Downs National Park and seek to further the statutory purposes of the South Downs National Park as set out in section 5 of the National Parks and Access to the Countryside Act 1949.

(3) The National Park enhancement and furtherance scheme must be implemented as approved.”

The National Park enhancement and furtherance principles document (as referred to in Requirement 41(1)) proposed that a sum of some £3.5 million would be made available for compensatory measures (see para 3.13.63 of the Rampion 2 ExA's report).

Clearly, the SoS's conclusions on what was necessary to meet the section 85(A1) duty in the Rampion 2 case, and the imposition of a Requirement in the made DCO to achieve that, are directly relevant to the matters raised by SCC that are now before the SoS in relation to the decision to be made on the Project.

In addition, on 6 June 2025 the ExA for the North Falls Offshore Wind Farm Application (“North Falls”) issued a Rule 17 request to the Applicant in that case. The full terms of the Rule 17 request can be found at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010119/EN010119-001329-Rule%2017%20-%20Request%20for%20further%20information%201.pdf>

A key part of the Rule 17 request stated:

“Notwithstanding that the Applicant maintains that the Duty [in section 85(A1)] in respect of the Proposed Development would be discharged without the inclusion of additional measures, that will ultimately be a matter for the Secretary of State. The ExA therefore requests that the Applicant gives further consideration, on a without prejudice basis, to specific additional compensatory measures by reference to the objectives of the SCHAONB management plan. Additional guidance for relevant authorities on seeking to further the purposes of Protected Landscapes [REP4-083] was provided by SECHNLP at Deadline 4. This should include consideration of principles to form the basis for the development and delivery of a National Landscape Enhancement Scheme (or similar), together with a list of projects identified.”

The North Falls Offshore Wind Farm

The North Falls project has close similarities to the Project in terms of the location of the principal array areas for the Wind Turbine Generators offshore in the North Sea, visible from within the SCHAONB/SECHNLP, and impacting on its Special Qualities. In response to the Rule 17 request, the North Falls Applicant has submitted a Without Prejudice National Landscape Enhancement Scheme Principles document [REP6-062] into that Examination, in relation to which other relevant IPs responded at Deadline 7. SCC has given its views on the document in response to that Examining Authority's written questions and requests for information – ExQ3 [REP7-096].

SCC understands that the National Landscape team has submitted an alternative Without Prejudice National Landscape Enhancement Scheme Principles document into the North Falls examination which has been published following Deadline 8 (23rd July 2025) of that Examination and can be found at:

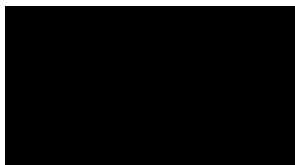
<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010119/EN010119-001653-Suffolk%20&%20Essex%20Coast%20&%20Heaths%20National%20Landscape%20-%20Responses%20to%20any%20further%20information%20requested%20by%20ExA%20Stitched.pdf>

The Rule 17 request by the North Falls ExA is also directly relevant to the matters raised by SCC that are now before the SoS in relation to the decision to be made on the Project.

Summary

Having regard to this new, post-examination, information, SCC now asks the SoS to invite further representations on the issue of what is necessary to ensure compliance with the statutory duty in section 85(A1) Countryside & Rights of Way Act from both the Applicant and all other Interested Parties in relation to the Project. It is SCC's current view that, at the very least, the SoS needs to consider imposing a Requirement on any DCO to ensure that a SCHAONB landscape enhancement scheme is secured to offset the adverse effects of the Project on the SCHAONB.

Yours sincerely,



Cabinet Member for Devolution, Local Government Reform, and Nationally Significant Infrastructure Projects