



The Planning Act 2008

Application by North Falls Offshore Wind Farm Ltd for North Falls Offshore Wind Farm

East Suffolk Council's response to The Examining Authority's written questions and requests for information (ExQ1)

Issued on: 4th February 2025

Deadline 2: 4th March 2025

Application: EN010119

East Suffolk Council: 20050773

Questions for East Suffolk Council	East Suffolk Council Response
<p>10.2 Ecological Enhancement</p> <p>Q10.2.3</p> <p>All relevant Council's (including Suffolk County Council/ <u>East Suffolk District Council</u>/ Essex County Council), Essex Wildlife Trust, RSPB, Natural England, Forestry Commission, National Trust, Marine Management Organisation, Ips.</p> <p><i>'Ecological Enhancement/ BNG Strategy</i></p> <p><i>(i) All relevant Council's (including Suffolk County Council/<u>East Suffolk District Council</u>/Essex County Council)/Essex Wildlife Trust/RSPB/NE/Forestry Commission/National Trust/IPs submit your views on seeking any further ecological enhancement/ facilitating BNG, or wider environmental gains inclusive of any future proofing (even if dual purpose for meeting wider design principles, climate change/adaption and resilience purposes) which may be desirable including regard expected local climatic conditions.</i></p> <p><i>(ii) Submit your views on boosting the level of BNG or other ecological enhancement proposals that could be delivered factoring all relevant local initiatives and scope to secure betterment. This may be linked to existing development plans, planned revisions to those, or stand-alone initiatives.</i></p> <p><i>(iii) Explain what scope remains for the scheme to further complement existing ecological enhancement initiatives within the local areas the scheme passes through; or which may be relevant to in-combination considerations; or wider ecological enhancement possibility.</i></p> <p><i>(iv) If relevant local/ regional or national initiatives have not been fully considered to date, provide an Examination update on how potential integration could be achieved.</i></p> <p><i>(v) The ExA specifically highlights that the scheme is projected to deliver a net loss for watercourses. Thus, further consideration should be given to BNG for watercourses in tandem with the above.</i></p>	<p>East Suffolk Council (ESC) notes that no onshore infrastructure is proposed within our district. Therefore, no land within East Suffolk has been included by the Applicant in the submitted onshore order limits for this project. However, despite this, and as discussed within our earlier representations, it is felt that ESC should be considered a host authority in terms of the anticipated Lesser black-backed gull (LBBG) habitat compensation measures proposed by the Applicant at Orford Ness.</p> <p>The Report to Inform Appropriate Assessment (RIAA) concludes that <i>'the project, whether alone or in-combination with other plans and projects, will not adversely affect the integrity of any European site with the exception of in-combination collision risk on the lesser black-backed gull of the Alde Ore Estuary Special Protection Area (SPA).'</i> Therefore, LBBG habitat compensation measures will likely be a requirement of any DCO consent granted and given that the Applicant identified such a requirement prior to the submission of the DCO application, it was expected that this provision would form part of the DCO order limits.</p> <p>Whilst no infrastructure is due to be located within our district, ESC's primary position on ecological enhancement and the provision of BNG remains that any such measures should be focussed on the development's location (or in the vicinity of) the harm which is occurring. In respect of the ESC district, the</p>

<p><i>(vi) NE – Biodiversity credits. The ExA acknowledges the Applicant’s intention that if ‘bespoke’ mechanisms of off-site habitat enhancement or creation cannot be achieved in area habitat and hedgerow modules through consultation with relevant bodies and stakeholders on or off-site, biodiversity credits could be purchased through NE’s register. Is there confidence from NE that scope for such contingency can/should be reasonably relied upon in those circumstances?</i></p> <p><i>(vii) The Applicant – Does the Applicant consider the use of the register to be ‘likely’? What is the expected probability, at this stage, of the register mechanism being required and is it the Applicant’s preferred/expected position to rely on the register mechanism or not? The Applicant is invited to demonstrate the likelihood/need for such an option being utilised within the Examination period.’</i></p>	<p>proposed harm upon LBBG associated with the Alde-Ore Estuary SPA has resulted in habitat compensation measures which are primarily focussed in proximity to the SPA at Orford Ness.</p> <p>In respect of ecological enhancements and the provision of BNG associated with the proposed onshore infrastructure within Tendring, Essex, ESC defers to the relevant host authorities on these matters.</p>
<p>10.3 Habitats Regulations Assessment</p> <p>Q10.3.9</p> <p>The Applicant, Five Estuaries Offshore Windfarm, <u>All relevant Councils</u>, National Trust.</p> <p><i>‘Compensation - all ornithology</i></p> <p><i>NE/RSPB RR’s combined consider that compensation measures would be required for the following species: 1. Lesser Black Backed Gull (LBBG); 2. Kittiwake; 3. Northern Gannet; 4. Guillemot; 5. Razorbill; and 6. Red-throated Diver, should the Secretary of State decide to consent the Application as it is currently proposed.</i></p> <p><i>The Applicant has identified potential compensation measures for impacts on the following species: - Kittiwake (due to collision risk impacts on the Flamborough and Filey Coast SPA) - Guillemot and Razorbill (due to displacement impacts on the Flamborough and Filey Coast SPA) – LBBG (due to collision risk impacts on the Alde-Ore Estuaries SPA); and Red-Throated Diver (due to displacement impacts on the Outer Thames Estuary SPA).</i></p> <p><i>All of those compensation measures, with the exception of those for LBBG, are proposed on a “without prejudice” basis. Nonetheless, the ExA notes that the compensation proposals (on a without prejudice basis or otherwise) do not appear to be sufficiently advanced at this stage.</i></p>	<p>As stated above, ESC notes that no land was included in the order limits for the proposed LBBG habitat compensation at Orford Ness, within the East Suffolk district. It is also understood that any such provision is likely to be provided by the Applicant outside of the DCO, via a separate planning application (as deemed necessary).</p> <p>Should the Applicant rely on a Town and Country Planning Act (TCPA) 1990 planning application to deliver the required compensation, this means it will be determined under a separate consenting regime with no guarantee of success. The ExA should satisfy themselves that any proposed habitat compensation measures associated with this DCO will be deliverable, should a separate planning consent be required to secure its delivery. Any associated planning consent will also need to be strongly linked to the LBBG</p>

<p><i>Notwithstanding any potential HRA outcome, the ExA requests that compensation proposals are updated to allow due analysis/comment within the Examination period itself. This is to enable the likelihood of compensation effectiveness to be properly evaluated as well as ensuring potential choices have a holistic basis. The following information is therefore required: -</i></p> <p><i>(i) The precise/detailed ecological compensation package expected to be committed to for all relevant species including location/design/how effective delivery would be secured against any delivery risks (collaboration with other windfarm operators and potential operators in the vicinity is also invited to be committed to). Alongside existing Ramsar/SPA/SAC site management obligation expectations.</i></p> <p><i>(ii) The precise mechanisms by which ‘all’ detailed ecological compensation proposals evidenced to the Examination would be formally secured within the DCO ‘if’ the ExA recommended this being undertaken to the Secretary of State.</i></p> <p><i>(iii) Confirmation from relevant Councils (host Councils, or otherwise, including <u>East Suffolk Council</u>) of the sufficiency of the mechanism and details committed to accounting for collaboration with them where it is appropriate and beneficial to wider ecological interests.</i></p> <p><i>(iv) All relevant Councils (including <u>East Suffolk Council</u>) /Five Estuaries Offshore Windfarm make whatever comments you deem to be necessary on the scheme’s compensation proposals. This would include any suggestions to maximise optimal wider natural resource/nature recovery outcomes.</i></p>	<p>Implementation and Monitoring Plan produced by the Applicant.</p> <p>Additionally, the existing provision of LBBG habitat compensation at Orford Ness for the consented Vattenfall (RWE) and SPR projects (which took the form of predator-proof fencing) ESC application reference DC/22/3447/FUL, together with any such provision proposed by the Five Estuaries offshore wind farm DCO, may result in cumulative impacts being introduced associated with any such provision deemed necessary at this location for the North Falls project. The possibility of cumulative impacts (such as landscape impacts for example) requires assessment by the Applicant once precise details and locations for the compensation measures are known.</p> <p>The Applicant states in Lesser Black-backed Gull Compensation Document [APP-188] (Document Reference 7.2.2) Table 7.1 and paragraph 107 that ‘There are no likely significant effects associated with the compensatory Measures’.</p> <p>However, such a claim may prove to be premature without undertaking detailed assessment of any associated cumulative or project alone impacts.</p>
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