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To the Applicant.  
By email only.

Your Ref:

Our Ref: EN010119

Date: 6 June 2025

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Dear Mr Harper

## **The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17**

### **Application by North Falls Offshore Wind Farm Ltd for an order granting development consent for the North Falls Offshore Wind Farm project**

#### **Request for further information**

We are writing under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended).

The ExA notes the Applicant's Position Statement, 'Various Issues Relating to National Landscapes' [REP5-068], in which it responds to IP's representations regarding National Landscapes (Suffolk County Council (SCC) and others such as the Suffolk and Essex Coast and Heaths National Landscape Partnership (SECHNLP) and Essex County Council).

In summary, the Applicant's position is that measures to be included as part of the Proposed Development or further measures imposed to avoid and reduce impacts on the statutory purposes of National Landscapes must be appropriate, reasonable and proportionate. The Applicant's response to ExQ14.1.3 [REP2-020] also set out its position in respect of the SECHNL. The ExA notes the Applicant's position that, in its opinion, there is no legal, policy or guidance requirement to always include specific measures (whether financial or otherwise) within a development to enhance the National Landscape regardless of the level of impact.

The ExA further notes that Natural England does not agree with the Applicant's conclusion on this matter [REP5-110]. Natural England recognises that this difference in opinion is unlikely to be resolved and has recommended that the Applicant should clearly set out how the Proposed Development would enable the decision-maker to comply with the statutory duty to further the purpose of conserving and enhancing the natural beauty of the national landscape ("the Duty") as set out in section 85 of the Countryside and Rights of Way Act as amended by section 245 (Protected Landscapes) of the Levelling Up and

Regeneration Act 2023, whilst also seeking opportunities for enhancement in line with the Protected Landscapes Management Plan.

SCC considers that, based on the findings of the SLVIA, the Proposed Development as currently formulated, and in the absence of any offsetting through compensatory measures or explanation of why they are not realistically achievable, is currently not in a state that the Duty is able to be discharged by the Applicant or by Applicant and the Secretary of State [REP4-096]. SCC suggests compensatory measures which could be provided by arrangements to provide funding secured through a planning obligation administered by SECHNLP, that would contribute towards achieving relevant objectives of the SCHAONB management plan.

Notwithstanding that the Applicant maintains that the Duty 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.

In the event that the Secretary of State decides that there is a need to include provision for the enhancement of the National Landscape in order to discharge the Duty, these principles could form the basis for the National Landscape Enhancement Scheme, which would be secured through a DCO requirement and section 106 planning obligation. In that respect, the ExA draws the Applicant's attention to Requirement 24 of the Awel y Môr Offshore Windfarm DCO which secures a landscape enhancement scheme for measures to compensate for the impact on various protected landscapes in that case. The Applicant should consult with any IP that it considers relevant and appropriate to establish these principles.

In conclusion, the ExA requests that the Applicant provides draft National Landscape Enhancement Scheme principles and a mechanism for securing such a scheme, on a without prejudice basis, at Deadline 6.

Other interested parties may also wish to respond to this request. Responses should be submitted by **Deadline 6 (24 June 2025)**.

Yours sincerely

*Wendy McKay*

**Wendy McKay**  
**Lead member of the panel of Examining Inspectors**

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