

Recommendations to address Section 85 Countryside and Rights of Way Act 2000 (as amended) (CROW) duty to further the purpose of the conservation and enhancement of the Suffolk & Essex Coast & Heaths National Landscape in response to North Falls Offshore Wind Farm proposal.



**Suffolk & Essex
Coast & Heaths
National
Landscape**

Without Prejudice

The following response has been prepared by the National Landscape team. There has been insufficient time to develop a response in consultation with the Suffolk & Essex Coast & Heaths National Landscape Partnership.

Overarching Principles:

- The measures and projects proposed in Table 1 below, relate solely to contributing to the discharge of Section 85 CROW Act requirements and are separate from any other mitigation or compensation requirements relating to the North Falls Offshore Wind Farm Project.
- The measures proposed relate only to the natural beauty and special qualities that have been identified by the applicant as being impacted by the proposed development. Areas of disagreement in terms of impacts on the natural beauty and special qualities of the National Landscape have not been included at this stage.
- The geographical extent to which these measures apply extends from the River Deben northwards to Aldeburgh and 3km inland.
- The costs associated with delivering these measures are based on 2025 values. As the measures would commence at a later date, the increase in costs should be reflected in any lump sum or staged contributions, such that they keep pace with inflation at the point of contributions being made.
- A mechanism such as a Project Delivery Panel, comprising a representative from North Falls Offshore Wind Farm Ltd, a representative of the National Landscape team and a representative of Suffolk County Council) could be established to oversee any requirements for reporting on expenditure and outcomes and to authorise any non-material changes to the activity throughout the lifetime of the project.
- Suitable provision should be incorporated into the DCO such that the works which have been identified and agreed as impacting the National Landscape must not commence until a satisfactory legal agreement has been secured between the

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Applicant and Suffolk County Council in consultation with the National Landscape Partnership for the delivery of the proposed measures sufficient for s. 85 to be discharged within an agreed timeframe. All financial contributions will be payable to Suffolk County Council for onward payment to the National Landscape team either as a lump sum or as phased payments to be agreed.

National Landscape Team comment to the submission from North Falls Offshore Wind Farm in relation to EXQ3 Q14.0.8 and Rule 17 request for further information.

1. The ExA asked the Applicant to consider, on a without prejudice basis, specific additional compensatory measures that could be applied to enable the Applicant and the Secretary of State to discharge the Duty should the Secretary of State consider that such measures are required, including 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 and a mechanism for securing such a scheme.
2. The National Landscape team response to the question is set out below, also, on a without prejudice basis, for further consideration.
3. S85 (A1) states *'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'*
4. The published Defra guidance for relevant authorities on seeking to further the purposes of Protected Landscapes, sets out that as far as is reasonably practical, relevant authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes.
5. Compliance with S85 requires relevant authorities to firstly avoid/mitigate harm and enhance natural beauty. Compensation is not a requirement for compliance with Section 85 (A1).
6. The Assessment of the Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast – Technical Note (Clean) paragraph 24 (pages 16-19 identified impacts to the following natural beauty and special qualities:

- Landscape quality: small or no change to the selected special qualities.
 - Scenic quality: medium for two selected special qualities, small or no change for others.
 - Relative wildness: medium for one selected special quality, small or no change for others
 - Relative tranquillity: small for one selected special quality, and no change for one other.
 - Natural heritage features: no change (no special qualities selected).
 - Cultural heritage: no change to the selected special qualities.
7. The strengthened S85 duty requires the Secretary of State, as part of their decision-making function, to firstly be demonstrably satisfied that harms have been avoided/minimised/mitigated, prior to considering any compensatory enhancement measures necessary to address any residual harms.
 8. The Landscape Enhancement Scheme worth £10,000 proposed by the applicant in document reference 9.89 (Title: Applicant's Response to ExA's Request for Further information (Rule 17) - National Landscapes June 2025 Deadline 6) , includes a suite of compensation measures involving but not limited to enhancements to car parking, access or visitor facilities at coastal locations; footpath enhancements including to coastal paths; beach surveys and clean ups.
 9. The National Landscape team considers that the proposed £10,000 fund is not commensurate with the impacts on the National Landscape or sufficient to deliver the suggestions made by the applicant. The projects proposed to date will not mitigate the impacts to natural beauty and special qualities identified by the applicant. Furthermore, some of the enhancements proposed i.e. improvements to car parking will not conserve or enhance natural beauty and do not consider that these are appropriate to meet statutory purpose.
 10. The National Landscape team has identified a number of costed projects which it considers would contribute to the delivery of the statutory purpose of the National Landscape. This includes a revenue cost, as the National Landscape team has very limited capacity and if it is required to support delivery of the fund, it needs to be appropriately resourced to do so.

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11. The table includes the impacts as set out in the applicant's Assessment of the Special Qualities of the Suffolk and Essex Coast & Heaths National Landscape and Suffolk Heritage Coast - Technical Note (clean) (doc. Ref/ 9.33 May 2025 Rev. 1. (Column 3).
12. It sets out the natural beauty indicators and special qualities associated with these (columns 1 and 2).
13. The table includes a number of proposed projects and measures (column 5). These are aligned to National Landscape Management Plan Policies identified in column 4.
14. The National Landscape team initially identified projects totalling £1,551,434 which was shared with the Applicant for consideration on 11.07.2025. Following discussion between SCC and the Applicant, the National Landscape team has further revised the contributions being requested to enable the discharge of the S85. duty. The revised recommended contributions align the measures proposed more closely with impacts to the natural beauty and special qualities and to the geographical area of the National Landscape most impacted by the North Falls Wind Farm proposal.
15. The revised contributions now being recommended total £469,264 and are set out in column 7 in Table 1. The area of potential impacts has been identified as extending between the River Deben and Aldeburgh. Based on the Suffolk County Council [Landscape Character Assessment](#) , the Landscape Character Types within the coastal fringe that would be impacted by the wind farm proposal were identified. These are the Coastal Levels, Saltmarsh and Intertidal Flats, Coastal Dunes and Shingle Ridges, Inland Navigable Waters and Rolling Estate Sandlands Landscape Character Types.
16. The frontage between the River Deben and Aldeburgh is approximately 24km long. While the Rolling Estates Sandlands Landscape Character Type extends approximately 10 km inland in places, for the purpose of this piece of work, the inland limit has been set at 3km where impacts could be experienced, given the flat open character of the coastal landscapes and the nature of the project i.e. offshore wind farm. This equates to an area of impact of approximately 74sqkm, which equates to approximately 17% of the Suffolk and Essex Coast & Heaths National Landscape, the total area of which is 441km.
17. The National Landscape team has adjusted the level of contributions now being sought for each of the projects originally proposed (see column 6 in Table 1) by 83% accordingly to ensure that the contributions being sought align closely to the geographical area impacted by the windfarm proposal.

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18. We consider that the proposed measures listed in Table 1, Column 7 will contribute to furthering the purpose of conserving and enhancing the natural beauty and special qualities of the National Landscape.
19. Prior to commencement, an agreed package of measures (informed by this recommendation) will need to be agreed by Suffolk County Council, RWE and the National Landscape Partnership.

Table 1: Proposed activity to meet S.85 requirements

1	2	3	4	5	6	7
<u>Natural beauty indicator</u> *	<u>Selected special quality potentially impacted by the development</u> *	<u>Potential impacts of the development on the natural beauty & special qualities</u> *	<u>Management Plan reference</u> *	Proposed action to further conservation and enhancement of the National Landscape	Contribution	Revised recommended contribution
*Headings in columns 1-4 are hyperlinked to the relevant source documents for ease of reference						
Landscape quality	The influence of incongruous features or elements (whether man-made or natural) on the perceived natural beauty of the area	This special quality highlights the influence of existing wind farms in outward views from the SECHNL. The project will add to this, potentially increasing the perception of 'clutter' for some, but does not represent a new factor in the outlook. The scale of change to this special quality will be small.	Landscape 04 Landscape change over the plan period is curated to ensure AONB natural beauty indicators and special qualities are conserved and enhanced for future generations.	Item 1. Support projects that enhance landscape and seascape quality in areas impacted by incongruous features.	£150,000	£25,000
			Land use and planning 06 Nationally significant infrastructure project mitigation and compensations funds used to deliver AONB purpose.	Item 2. Contribution to delivery of Protected Landscapes Targets and Outcomes Framework (pump prime with project partners)	£60,000	£10,200
			Coast and Estuaries 01 The management of coast and estuaries in and adjacent to the AONB consider the statutory	Item 3. Contribution to delivery of SECH Nature Recovery Plan	£150,000	£12,000

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			<p>purpose of the nationally designated landscape.</p> <p>Coast and Estuaries 02 Communities, businesses and statutory bodies are supported to deliver activity in the coast, marine and estuarine areas in and adjacent to the nationally designated landscape to deliver statutory purpose.</p> <p>Coast and Estuaries 04 The protection of the coast and adaptation projects should recognise the AONB's statutory purpose and natural beauty.</p> <p>Land Use and Planning 01 Land management in the nationally designated landscape and its setting should have regard to and help deliver the AONB statutory purpose of conserving and enhancing natural beauty.</p> <p>Land Use and Planning 03 Noise pollution and visual disturbance are avoided and minimised to maintain and enhance tranquillity across the AONB.</p>	Item 4. Contribution to coast & estuary project activity	£100,000	£17,000
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Scenic quality	Striking landform (landform shows a strong sense of scale or contrast)	Potential to alter perceptual qualities associated with 'long distance and panoramic views including out to sea...' Offshore wind farms have altered these views and the proposed development will be seen in this cumulative context. Figure 29.1.9a of ES Chapter 29 Seascape and Landscape Visual Impact Assessment [APP-077] highlights the widespread visibility of existing offshore wind farms along the coastal edge and the limited nature of additional visibility introduced by the project. The viewpoint assessment identifies a magnitude of	<p>Landscape 02 Features that contribute to the AONB's natural beauty are conserved and enhanced.</p> <p>Landscape 04 Landscape change over the plan period is curated to ensure AONB natural beauty indicators and special qualities are conserved and enhanced for future generations.</p> <p>Landscape 07 Local distinctiveness of the AONB is conserved and enhanced and better understood.</p> <p>Coast and Estuaries 01 The management of coast and estuaries in and adjacent to the AONB consider the statutory purpose of the nationally designated landscape.</p> <p>Coast and Estuaries 02 Communities, businesses and statutory bodies</p>	Item 5. Contribution to the commissioning study into coastal fringe impacts from offshore wind farms and opportunity mapping study.	£30,000	£5,100
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		<p>impact no greater than medium from coastal viewpoints, and this will reduce with distance from the Offshore Above-sea Development. The scale of change to this special quality will be medium.</p>	<p>are supported to deliver activity in the coast, marine and estuarine areas in and adjacent to the nationally designated landscape to deliver statutory purpose.</p> <p>Coast and Estuaries 04 The protection of the coast and adaptation projects should recognise the AONB's statutory purpose and natural beauty.</p> <p>Land use and planning 01</p>			
	Striking landform (visual interest in patterns of land cover)	<p>Potential to alter perceptual qualities associated with 'expansive long-distance views out to sea...' See above commentary in relation to coastal views. Elevated vantage points include the tower of Orford Castle (Viewpoint 7). The scale of change to this special quality will be medium.</p>	<p>Land management in the nationally designated landscape and its setting should have regard to and help deliver the AONB statutory purpose of conserving and enhancing natural beauty.</p> <p>Land use and planning 06 Nationally Significant Infrastructure Project compensation and mitigation funds are used to deliver AONB purpose.</p> <p>Landscapes for All 03</p>	Item 6. Contribute to enhancements to promoted routes, including National Trail to elevate experience for users.	80,000	£13,600

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	Striking landform (appeal to the senses)	<p>1. Offshore wind farms already influence the experience of openness and exposure, and the project will be seen in this context. The contrast between coastal areas and more enclosed landscapes is unlikely to notably change due to further views of offshore wind farms from coastal parts of the SECHNL. The scale of change to this special quality will be small.</p> <p>2. Potential to alter perceptual qualities associated with 'large open vistas across heaths and along the coast, out to sea and from sea to the coastline...' See above commentary in</p>	Local communities understand the AONB designation and support activity to deliver AONB purpose.	Item 7. Increase understanding and celebrate the natural beauty and special qualities of the National Landscape.	20,000	£3,400
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		<p>relation to coastal views. Views of the project are unlikely to conflict with views of the noted landmarks. The scale of change to this special quality will be small.</p> <p>3. Potential to alter perceptual qualities associated with the big 'Suffolk skies'. The project will not alter natural properties of light across the area, nor will it impact on sounds. There will be no effects on dark skies as a result of aviation lighting on the turbines. The scale of change to this special quality will be small.</p>				
Relative wildness	A sense of remoteness	Potential to alter perceptual qualities associated with the 'relatively undeveloped'	Coast and Estuaries 01 The management of coast and estuaries in and adjacent to the AONB consider the statutory purpose of the	Ref. Item 5. above also contributes here.		

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		<p>Suffolk coast. The project will not alter the 'soft edged' nature of the coast. The scale of change to this special quality will be small.</p>	<p>nationally designated landscape.</p> <p>Coast and Estuaries 02 Communities, businesses and statutory bodies are supported to deliver activity in the coast, marine and estuarine areas in and adjacent to the nationally designated landscape to deliver statutory purpose.</p> <p>Coast and Estuaries 04 The protection of the coast and adaptation projects should recognise the AONB's statutory purpose and natural beauty.</p>			
		<p>Potential to alter perceptual qualities associated with the 'relative wildness' at the coast. There are existing offshore wind farms that alter 'relative wildness', and the project will intensify this existing effect. It is likely that the coast will continue to be experienced as relatively wild in comparison to other parts of the SECHNL landscape. The scale of change to this special quality will be small.</p>				
	A relative lack of	Potential to alter perceptual		Ref. Items 5 and 6 above also relevant here.		

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	human influence	<p>qualities associated with the largely undeveloped offshore areas. While there are currently remaining undeveloped areas off the coast of the SECHNL, the project will be located close to other offshore development. There will be a further reduction in undeveloped offshore views, and cumulatively the project will contribute somewhat to 'curtaining', though it will occupy a modest extent of the skyline. The scale of change to this special quality will be medium.</p>	<p>Land Use and Planning 06</p> <p>Nationally Significant Infrastructure Project compensation and mitigation funds are used to deliver AONB purpose.</p>			
		<p>This special quality highlights the influence of existing large-scale features in the</p>				

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		SECHNL, and offshore wind farms in outward views from the SECHNL. The project will introduce a further large-scale element off the coast that will be viewed cumulatively with the existing developments. There will be no change to this special quality.				
	A sense of openness and exposure	Potential to alter perceptual qualities associated with the 'Suffolk skies' and expansive offshore views. The project will be seen on distant skylines, and will alter the simple sea based horizon. These effects will be focused to a small part of the horizon and seen in the	Landscape 06 Measures should be taken to increase the area of dark skies in the AONB by removing and reducing existing sources of light pollution and seeking further dark sky status for the AONB.	Item 8. Support implementation of projects to reduce lighting impacts in the National Landscape.	£30,000	£5,100

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		context of other offshore wind farms which have altered sea based horizons. The overall experience of 'big skies' – which are experienced by looking up and along wide horizons – is unlikely to notably change. The scale of change to this special quality will be small.				
	A sense of the passing of time and a return to nature	Potential to alter perceptual qualities that arise from the lack of evidence of human activity. While there are currently remaining semi natural seascapes off the coast of the SECHNL, the project will be located close to other offshore development. There may be a further increase in				

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		'apparent human activity', though this is distant. The scale of change to this special quality will be small.				
Relative tranquillity	Detractors from tranquillity	This special quality lists those features which have a more negative influence on tranquillity. The Project, as a large-scale human development, is likely to be seen as such a detractor, although other offshore wind farms are not mentioned in the list. The Project will be a distant feature in some offshore views, as noted in the SLVIA [APP-043]. When considered in the context of other offshore development and activity, the Project will have a limited effect on perceived tranquillity. The	Landscape 03 Projects to remove features that detract from AONB landscape quality are supported.	Item 9. Commission study to identify disturbance/detractors and recommend targeted interventions	£31,500	£5,355
			Land Use and Planning 01 Land management in the nationally designated landscape and its setting should have regard to and help deliver the AONB statutory purpose of conserving and enhancing natural beauty. Land Use and Planning 02 Projects to remove features that detract from AONB statutory purpose are supported. Land Use and planning 03 Noise pollution and visual disturbance are avoided and minimised to maintain and	Item 10. Delivery of targeted interventions	£50,000	£8,500

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		scale of change to this special quality will be small.	enhance tranquillity across the AONB.			
SUB-TOTAL – Project Delivery Fund					£701,500	£119,255
RESOURCING						
Item 11. 1.0 Full Time Equivalent Project Officer embedded in NL team for 3 years or 6 years if appointed at 0.5 FTE) (Estimate 2024/25 rates 5% pa mid-point G6). Costs include Salary, Employers NI and Pension Contribution					£205,975	
Hosting (Accommodation, ICT, HR, Line Management, Insurance, Travel, Training)					£30,909	
SUB-TOTAL- Resourcing					£236,884	£236,884
ENABLING OF COMMUNITY-LED DELIVERY TO FURTHER SUPPORT MANAGEMENT PLAN POLICIES						
Management Plan Policy link		Land Use and Planning 06: Nationally Significant Infrastructure Project compensation and mitigation funds are used to deliver AONB purpose. Landscapes for All 03: Local communities understand the AONB designation and support activity to deliver AONB purpose.				
Item 12. Contribution to Suffolk & Essex Coast & Heaths National Landscape Sustainable Development Fund (50% contribution of annual grant fund for project lifetime 25 years) (Annual grant fund is £44k, recommended contribution 22k p.a)					£550,000	£93,500
Item 13. Contribution to the Community Conservation Fund (50% contribution of annual grant fund for the project lifetime 25 years) Annual grant fund is £5k, recommended contribution £2.5k p.a. (index linked - base year 2025.)					£62,500	£10,625
SUB-TOTAL Enabling of Community-led delivery to further support Management Plan Policies					£613,050	£208,250
GRAND TOTAL					£1,551,434	£469,264

In relation to the Examining Authorities Rule 17 letter to the applicant and subsequent response from the applicant to that letter and information provided to the Suffolk & Essex Coast & Heaths National Landscape team by the applicant relating to information on compensatory measures the Suffolk & Essex Coast & Heaths National Landscape team make the following comments and submission:

The attached proposal has been developed by the Suffolk & Essex Coast & Heaths National Landscape team, in conjunction with Suffolk County Council, following the publication of the Applicant's National Landscape enhancement proposal as requested by the Examining Authority. Suffolk County Council and the Suffolk & Essex Coast & Heaths National Landscape team consider the Applicant's proposal to be insufficient to allow the s85 duty to be discharged for reasons which include, the inadequate fund size, the lack of proportionality to the project's assessed effects on the special qualities of the Suffolk & Essex Coast & Heaths National Landscape team, and lack of resourcing to allow proposed measures to be delivered. The full extent of these concerns is set out in response to ExQ3. (Therefore, the Partnership considered that an alternative proposal, which linked the affected special qualities to projects seeking to proportionally enhance those special qualities, would assist the Examining Authority when considering the s85 duty in relation to the proposed development.)

The initial proposal was shared with the Applicant on 11/07/25, with a view to reaching agreement before submitting the proposal into the Examination. The Applicant provided feedback stating that the scope of projects should be restricted to the coastal zones of the National Landscape affected by the proposed development. This feedback was incorporated into the revised proposal, which restricts the location of proposed projects to the area between the River Deben and Aldeburgh. The financial contributions to the proposed projects were subsequently lowered, proportionately, to reflect this restricted area, as detailed in paragraphs 14 to 19 of the proposal.

Suffolk County Council and the Suffolk & Essex Coast & Heaths National Landscape team were informed by the Applicant that agreement would be unlikely, prior to Deadline 8. Consequently, the Suffolk & Essex Coast & Heaths National Landscape team wishes to submit this proposal into the Examination for the Examining Authority's consideration, and to facilitate further discussion and agreement between the parties, beyond the end of the Examination