

Our reference: Section 42 – Prescribed consultees

Date: 4 December 2023

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Five Estuaries Offshore Wind Farm Project – Habitat improvement proposals
Stage 3 Consultation: 5 December 2023 to 31 January 2024
Section 42 of the Planning Act 2008 ('the Act')

To the Town Clerk,

Five Estuaries Offshore Wind Farm Limited ('Five Estuaries') is developing its plans for a wind farm in the southern North Sea, off the coast of Suffolk. The proposed development ('the Project') is adjacent to the existing Galloper Offshore Wind Farm.

Between 5 December 2023 and 31 January 2024 we are consulting on proposals to improve the habitat for lesser black-backed gulls in East Suffolk, to compensate for a potential impact on the species from our proposed offshore wind turbines. All of the onshore infrastructure required to connect the Project to the national electricity transmission network will be located in the Tendring peninsula in Essex. This consultation only relates to proposed habitat improvement measures around Orford Ness in Suffolk.

This letter explains the context of the consultation, how to find out more information, and how to respond to us.

Background

The Project includes provision for the construction, operation, maintenance and decommissioning of an offshore wind farm located approximately 37 kilometres off the coast of Suffolk at its closest point in the southern North Sea; including up to 79 wind turbine generators and associated infrastructure making landfall at Sandy Point between Frinton-

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COMPANY NO: Registered in England and Wales
company number 12292474

on-Sea and Holland-on-Sea, the installation of underground cables, and the construction of an electrical substation and associated infrastructure to the west of Little Bromley in order to connect the development to National Grid's proposed East Anglia Connection Node substation. All onshore infrastructure would be located in Tendring, Essex.

As the Project has a proposed generating capacity in excess of 100MW, it is a Nationally Significant Infrastructure Project under section 15(3) of the Planning Act 2008 ('the Act'). As such, Five Estuaries must apply for a Development Consent Order (DCO) from the Secretary of State to build and operate the project. Five Estuaries intends to submit a DCO application for the Project in early 2024.

The project is 'EIA development' meaning it requires environmental impact assessment under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the "2017 Regulations"). The DCO application will be accompanied by an Environmental Statement setting out that assessment. A copy of the Preliminary Environmental Information Report for the Project is available at www.fiveestuaries.co.uk/document-library-stage-2.

The requirements for applications to the Secretary of State for a DCO are set out in the Act, and subsequent guidance issued by the Government and the Planning Inspectorate. The relevant information can be found here: <https://infrastructure.planninginspectorate.gov.uk>.

Stage 3 consultation – habitat compensatory measures

Earlier this year, between 14 March and 12 May 2023, Five Estuaries consulted on its proposals and preliminary environmental information. Since that consultation, the need to provide habitat improvements for lesser black-backed gulls has been confirmed, in line with the requirements of the Habitats Regulations. To include these habitat improvements within the application, Five Estuaries is required to consult on its proposals in the Alde Ore Estuary Special Protection Area (SPA) in Suffolk, including with those prescribed under section 42 of the Act. We are carrying out this consultation between **5 December 2023 and 31 January 2024**.

We are consulting with the town council under section 42 of the Act.

Compensatory habitat improvements – proposals

As part of our ongoing assessment of the potential environmental impacts of the Project, we have identified the Project is predicted to impact lesser black gulls, a number of which are associated with the Alde Ore Estuary SPA. The Habitats Regulations require that where a protected site may be adversely affected, and that effect cannot be avoided, the impacts are compensated for or offset by measures such as improving habitat and breeding success for those bird species affected.

As a result of the predicted impacts and through discussion with Natural England (the government's adviser for the natural environment), we need to implement compensatory measures to offset this potential impact. More information about this assessment and process can be found in our draft Report to Inform Appropriate Assessment (RIAA); specifically the 'Lesser Black-Backed Gull Compensation – Ecological Evidence, Approach To Site Selection And Roadmap' and the 'Lesser Black-Backed Gull Compensation – Site

Selection Note'. The RIAA was published in May 2023 and can be found at www.fiveestuaries.co.uk/document-library-RIAA.

In order to compensate for our potential impacts, we are proposing habitat improvements within or close to the Special Protection Area.

Habitat improvement would include various measures such as fencing around the perimeter of the chosen site, managing vegetation to support nesting (strimming of ground vegetation), and assessing and controlling predator (for example rats or foxes) effects. This would make the area more attractive to breeding pairs and reduce the amount of predation. The initial works would take a number of weeks to complete, and would be carried out outside of nesting season.

Routine maintenance would be carried out a few times a year to check the quality of the habitat and fencing. In addition, annual monitoring of the lesser black-back gulls nesting would be carried out to determine if the measures are working as intended. It is expected the site would remain in operation throughout the lifetime of the Five Estuaries project (i.e. up to 40 years).

We are currently looking at four potential sites for the improvements, three on the northern half of Orford Ness and one site approximately 800m south west of Orford on the mainland on the edge of the estuary.

We have published the following documents, all of which can be accessed free of charge via our website (www.fiveestuaries.co.uk/stage-3-consultation) as part of this consultation. These will be available to inspect until the close of the consultation.

- **HRA Compensatory Sites for Lesser Black-Backed Gulls Consultation Booklet**, which sets out more information about the proposals.
- **Plans** showing the proposed red-line boundary for the compensatory sites.

More information about the Project, our published Preliminary Environmental Information Report (March 2023) and our draft Report to Inform Appropriate Assessments (May 2023) can be accessed free of charge on the website (www.fiveestuaries.co.uk/document-library-general) and will also be available to inspect until the close of this consultation. The Preliminary Environmental Information Report is in the Stage 2 Consultation section of the document library.

We are holding an online briefing for parish/town, district and county councillors on Thursday 11 January 2024 from 6pm to 7.30pm. This will include a presentation from the team followed by an opportunity to ask questions. We have emailed you the joining details for this briefing. If you have not received them, please contact us using the details below.

If you require documents in other formats or if you would like a paper copy of any document that has been published as part of this consultation or earlier in the Project, please let us know. A cost may be associated with large requests to cover printing and postage (maximum £1000).

How to respond to the consultation

This letter and its contents form part of the consultation process required by the Act. Your comments will help us refine our proposals. The deadline for submitting responses to the consultation is 11:59pm on Wednesday 31 January 2024. Responses received after this time may not be considered.

You can respond to the consultation through the following channels:

- Written feedback can be sent to us at the following Freepost address. Please note that no stamp or further address information is required. Please ensure postal responses are sent by the deadline.

Freepost FIVE ESTUARIES

- You can email your feedback at fiveestuaries@rwe.com. Please include 'FEEDBACK' in the subject line.

Any consultation responses will be considered by us and will be reported in the Consultation Report which will accompany the DCO application.

If you have any questions about this the project, consultation or information published, please contact us using the details below.

Kind regards,

D Mailer

Diane Mailer

Project Lead

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