

John Wheadon

Head of Energy Infrastructure Planning Delivery

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Date: 12 November 2025

Enquiries to: Zachary Farndon –
Senior Planning Officer

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Dear Mr. Wheadon,

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

**Application by North Falls Offshore Wind Farm Limited (“the Applicant”) for an
Order granting Development Consent for the proposed North Falls Offshore
Wind Farm (“the Proposed Development”)**

1. I am writing on behalf of Suffolk County Council (“SCC”, IP reference 20050784) in relation to the above North Falls Offshore Wind Farm application in response to your letter dated 26 November 2025.
2. SCC made a Relevant Representation [RR-318], submitted a Local Impact Report [REP1-074], and made successive representations throughout the Examination period in accordance with the Examination timetable.
3. 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 made detailed representations on this matter in its Local

Impact Report [REP1-074], Annex 1 of SCC's response to ExQ1 [REP2-059], Q14.0.1 of SCC's response to ExQ2 [REP5-117] and Q14 of SCC's response to ExQ3 [REP7-096]. SCC made detailed oral submissions during Issue Specific Hearings 1 & 2 and the corresponding written summaries [REP4-094] and [REP4-096] respectively. SCC has also responded to the Applicant's representations where relevant. SCC responded to the Applicant's position statement on various issues relating to National Landscapes [REP6-092] which sets out further detail justifying SCC's position and why the Applicant's claim that the application complies with the section 85(A1) duty should be rejected.

4. 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.

NATIONAL LANDSCAPE ENHANCEMENT SCHEME

5. SCC welcomes the Secretary of State's ("SoS") request for information in terms of National Landscape enhancement and the request for the Applicant to align its National Landscape Enhancement scheme with that submitted by the Suffolk and Essex Coast and Heaths National Landscape team.
6. SCC would like to draw attention to the final page of the Suffolk & Essex Coast & Heaths National Landscape team's proposal [REP8-094]. This page gives the rationale behind the production of the document, which SCC wholly supports, and explains that the proposal was developed in collaboration with SCC. There, and in paragraphs 14 to 19 of the main document, it is explained how the contribution figures were revised down based on feedback from the Applicant to ensure that the enhancement proposal is proportionate to the National Landscape area being affected by the Proposed Development. SCC

has not received further engagement from the Applicant following the submission of the proposal by the National Landscape team.

7. SCC considers that the proposal meets the requirements of relevant policy, legislation and guidance to enable the duty to be discharged should effects on the National Landscape's natural beauty be deemed to be fully captured by the Applicant's assessment. Each proposed contribution seeks to enhance natural beauty based on the extent of the project's adverse effects on the natural beauty indicators of the SECHNL as assessed by the Applicant. This means that the status of affected aspects of natural beauty is sought to be furthered through this proposal in a way which is appropriate and proportionate to the type and scale of the development. The contributions to enhancement measures align with the objectives of the SECHNL management plan and provision is made for the delivery of enhancement measures through funding for the employment of a project officer.
8. By contrast, the link between the Applicant's proposal [REP8-052] and the impacts of the Proposed Development on the SECHNL's natural beauty is tenuous. SCC made clear in its response to Q14 of ExQ3 [REP7-095] and in its engagement with the Applicant that the Applicant's proposal would be insufficient to allow the duty to be discharged for reasons which include this tenuous link and the fund size being insufficient to deliver meaningful enhancement.
9. SCC encourages the SoS to consider its representations on the Applicant's assessment of adverse effects on the special qualities and natural beauty of the National Landscape as summarised in paragraphs 4.1 to 4.3 of [REP8-091] and in SCC's signed Statement of Common Ground [REP8-068]. SCC has questioned some of the Applicant's conclusions on adverse effects on certain indicators of natural beauty such as 'Relative Tranquility' as detailed in its response to ExQ3 [REP7-096]. SCC notes that Natural England remained in disagreement with the Applicant over the extent of these effects at the end of the Examination as shown in Appendix I of the final iteration of its Principal Areas of Disagreement Summary Statement [REP8-099]. SCC also remains

unclear on the reasoning process that has allowed a series of effects with a medium scale of change on the special qualities of the SECHNL to then be said to come to a low magnitude of impact. SCC considers that Natural England's view should be sought on this matter and would defer to their judgement.

10. Should the SoS take a different view to the Applicant on the effects on the National Landscape's natural beauty, SCC considers that the proposed enhancement measures should be amended accordingly. SCC notes that the SECHNL team's proposal is based solely on the Applicant's assessment and does not reflect areas of disagreement on those conclusions. If effects on indicators of natural beauty are considered to be greater than has been assessed, then the provision to seek to conserve and enhance the SECHNL's natural beauty should be increased appropriately.

Five Estuaries Offshore Wind Farm Application

11. SCC considers the question of discharging the section 85 (A1) duty for North Falls to be of relevance to the application for the Five Estuaries Offshore Wind Farm. 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. A decision was required by 17 September 2025 which has since been delayed by the SoS until 17 December 2025.
12. SCC appends the letter it sent to the SoS in response to the lack of request for further information on that application's ability to enable the duty to be discharged. SCC considers the adverse effects of the Five Estuaries project on the National Landscape to be of a similar magnitude and nature to those arising from North Falls but notes that no such enhancement proposal was requested by that ExA. SCC is concerned that the absence of any such measures in relation to the Five Estuaries application will create an unhelpful inconsistency in approach and will lead to confusion regarding the application

of the duty when offshore wind projects have adverse impacts on adjacent nationally designated landscapes.

Yours sincerely,

Zachary Farndon

Zachary Farndon
Senior Planning Officer
Suffolk County Council

Appendix: SCC Letter to the Secretary of State in relation to the Five Estuaries Offshore Wind Farm Application

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: Zachary Farndon – Planning
Officer

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Tel: 01473 265335

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/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 is due to be published following Deadline 8 (23rd July 2025) of that Examination and can be found at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/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,



Richard Rout

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