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**Date:** 21 January 2026  
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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/the Council, IP reference 20050784) in relation to the above North Falls Offshore Wind Farm application in response to your letter dated 18 December 2025 inviting all Interested Parties to comment on responses provided in answer to the Secretary of State’s 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. SCC made detailed representations throughout the examination on the matter of the whether the North Falls application enables the Applicant and the Secretary of State (SoS) to satisfactorily discharge their respective statutory duties under section 85(A1) of the Countryside & Rights of Way Act 2000 (“the duty”). The application must allow the duty to be discharged on account of the

project's adverse effects 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.

4. SCC responded to the Applicant's position statement on various issues relating to National Landscapes [REP5-068] in [REP6-092] which sets out further details justifying SCC's position and why the Applicant's claim in that document that the application complies with the section 85(A1) duty should be rejected. SCC considers the points made in this response [REP6-092] to provide a robust response where the Applicant has referenced [REP5-068] in its response to the SoS's consultation [C1-014].
5. 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.

**Comments on [C1-014]: 11.2 Applicant's Response to SoS Request for Information Dec 25**

**Table 2.4 Applicant's Response to SoS Request for Information – National Landscape Enhancement Scheme**

6. SCC does not consider that the Applicant's revised proposal meets policy and legislative requirements to allow the duty to be discharged.
7. Paragraph 7 of the Secretary of State's letter dated 26 November 2025 requested the Applicant "*to update REP8-052 (which is understood to be REP6- 062) to align this with the National Landscape Enhancement Scheme principles set out by Suffolk & Essex Coast & Heaths National Landscape Partnership in REP8-094*" and provide comment "*on the costed proposals and revised fund recommended contribution provided in REP8- 094.*"
8. The Applicant has resisted the SoS' first request in paragraph 7 to achieve alignment with the principles set out by the Suffolk & Essex Coast & Heaths National Landscape Partnership (the SECHNLP/the Partnership) in several ways as detailed in Table 2.4 of the Applicant's response. SCC responds to the Applicant's position in relation to the altered or unadopted principles from [REP8-094] in what follows.

#### Legal mechanism governing the National Landscape Enhancement Scheme

9. SCC takes issue with the Applicant's proposal to exclude the Partnership from being named a consultee on the legal agreement regarding the National Landscape Enhancement Scheme (NLES). Whilst the Partnership may not themselves be entering into the legal, it would be the undertaker and delivery partner of any enhancement proposals. Several stakeholders sit on the partnership of the SECHNLP beyond ECC and SCC. It would not be justified or reasonable to expect these stakeholders to bear responsibilities without being consulted on the matter. Defra guidance on the duty is clear that engagement with National Landscape Partnerships should be sought, and SCC does not see why this would not be applicable to legal agreements being negotiated for the sole purpose of allowing the duty to be discharged.
10. SCC does not object to the inclusion of ECC in any legal agreement being entered into in accordance with a NLES but considers it reasonable and necessary for SCC to remain included. It is the area of the National

Landscape's designation within Suffolk where adverse effects will be most felt, and the proposed scope of enhancement measures lies entirely within Suffolk. SCC also acts as the host authority for the Partnership which makes it inappropriate for it to not be party to legal agreements which have implications for the Partnership. SCC also requests clarity over whether the Applicant has sought ECC's views on the matter as ECC should not be required to enter into a legal agreement without its prior agreement.

11. The draft Development Consent Order [REP8-006] defines the "discharging authority" for all requirements as Essex County Council (ECC). The Applicant proposes (in Table 2.1 of Ref 9.89 rev 2) that the NLES should be discharged by the discharging authority (i.e. Essex County Council). The overarching principles put forward by the Partnership did not envisage a DCO requirement for the NLES but rather that a legal agreement be entered into between the Applicant and SCC (in consultation with the Partnership) to secure the NLES. SCC is content that the matter can be addressed by a DCO requirement (which then calls for an agreement to be entered into) but stresses that SCC must be named in the requirement. SCC is a relevant party in virtue of the adverse effects, and proposed scope of enhancement measures, being within Suffolk and its role as the host authority for the Partnership.

12. Noting that ECC was named the discharging authority for all requirements prior to the proposal for a requirement related to the NLES, ECC's views should be sought on whether it concurs with the Applicant's approach on this matter. SCC would be content to be named the discharging authority for this requirement should ECC consider it appropriate. In either case, SCC considers it essential for whichever authority not named as the discharging authority for this requirement to be named as a consultee. Both authorities sit on the Partnership and are, therefore, relevant stakeholders. Moreover, the footprint of the National Landscape designation would not be fully covered by the local government jurisdiction of either authority alone. Having both authorities named in the requirement would ensure the designation is fully represented. The necessity for both authorities to be named in the DCO

wording is further supported should both authorities be required to enter into the legal agreement in relation to the NLES.

13. Whilst SCC notes the London Luton Expansion decision cited by the Applicant, it does not follow that the SECHNLP is also an organisation which holds its own funds in the same way as the Chilterns Conservation Board. The SECHNLP is not a legal entity in the sense that it could directly receive funds as proposed by the Applicant. As the host authority of the SECHNLP, the funds would have to go through SCC before being released to the SECHNLP. It is not clear why the Applicant has decided that an alternative financial mechanism for the transfer of funds is more suitable than the one proposed by the SECHNLP itself in [REP8-094].
14. SCC has no objection to the addition of a representative from Essex County Council to the Scheme Delivery Panel and that there should be provision for non-material amendments. However, SCC defers to the SECHNLP on how the mechanism for approving amendments should be governed.

#### Spatial and Topical Scope

15. SCC does not agree with the Applicant's position on its proposed spatial and topical scope of the NLES. The Applicant has not included the SECHNLP's scope of Aldeburgh to River Deben and 3km inland and has instead kept the previous scope unchanged. The Applicant appears to justify this based on significant effects being identified only for these areas.
16. SCC strongly disputes the premise of the Applicant's position. The Applicant contends that "the effects on the SECHNL are visual in nature only... and no significant effects on the special qualities of the SECHNL." In the first place, the Applicant has wrongly elided the question of effects with the question of significant effects. The duty, as worded, is not restricted in its application only to effects deemed significant in EIA terms, nor is there anything within the Defra guidance on the duty to support such a position. It is not the Applicant's assessment that there are no effects on the special qualities of the SECHNL

but rather that, as a matter of judgment, it has assessed those effects as non-significant. Second, SCC remains unconvinced by the Applicant's methodology which has led it to evaluate those effects as non-significant for the reasons previously rehearsed by SCC throughout its participation in the Examination as referenced in paragraph 9 of [C1-005]. Also noted by SCC in that paragraph is the fact that Natural England's view at the end of the examination remained opposed to the Applicant's conclusion of no significant effects on the National Landscape's natural beauty as stated in Appendix I of [REP8-099].

17. Notwithstanding SCC's position on the Applicant's assessment and methodology; the quantity, duration and scale of change of the identified adverse effects on the SECHNL's special qualities and natural beauty mean that the totality of harm is certainly not insubstantial. Therefore, it does not follow that no measures to offset them are required to satisfy the duty.
18. In contrast, the scope proposed in [REP8-094] ensures that the natural beauty of the National Landscape is furthered where adverse effects are identified. SCC has given its detailed position supporting the Partnership's proposal in [C1-005].
19. The Applicant also cites the Morecambe decision to justify its position to not align the scope of the NLES with that found in [REP8-094]. SCC does not agree that the Morecambe decision supports the Applicant's position in this way.
20. Firstly, it should be noted that a Ministerial decision is a decision on the merits of a particular case, made in the light of the evidence and arguments presented in that case, and it does not establish any binding precedent that a decision maker in another case is required to follow (though the decision may need to take it into account).
21. The Morecambe decision does not explain whether the SoS considered that any residual minor adverse effects were capable of being addressed by

mitigation/compensation. This does not appear to have been a question needing consideration from the SoS as any residual effects were deemed ‘neutral’ and so did not require further consideration of any additional measures to satisfy the duty. By consequence, the Morecambe decision does not explain how the decision maker has sought to further the statutory purposes (so as to satisfy the duty) in a case where an adverse effect is left unaddressed when there is nothing in the decision to show it was incapable of being addressed. This is not the case for the North Falls application as shown by the NLES within [REP8-094] which demonstrates that residual adverse effects are capable of being addressed.

22. Whilst seeking measures that cannot practically be achieved would not be ‘proportionate’, there is no reason why, in SCC’s view, achievable measures would fail this test. If these measures were directed to doing something to offset residual adverse effects, SCC cannot see why they should not be required as part of the ‘seek to further’ duty.
23. Paragraph 5.10.8 of EN-1 must be complied with when deciding the North Falls application which includes the requirement for measures to be ‘sufficient’ to further the purposes of affected protected landscapes. The impacts on protected landscapes were deemed to be ‘neutral’ in the Morecambe decision which was deemed sufficient to conserve their natural beauty. As a result, the question of what determines the sufficiency of enhancement measures was not explored. In contrast, the North Falls application finds significant adverse visual effects on the SECHNL and several adverse effects on the SECHNL’s natural beauty indicators meaning it has not conserved natural beauty, and so must enhance.
24. Therefore, SCC considers that the Applicant’s position that “a change in the spatial extent of the NLES as suggested would be inappropriate and unreasonable” should be rejected.

### Provision for increases with inflation

25. Against the request to align its NLES with the principles found in [REP8-094], the Applicant rejects the inclusion of provision for the NLES to reflect increased costs arising from inflation. Due to the recency of the duty coming into force, there is limited precedence on the handling and conditions placed on contributions made to fund measures to discharge the duty. It is commonplace for legal agreements of a similar nature such as section 106 agreements and section 111 agreements to include provision for fund increases in line with inflation. In this case, the provision would protect against the risk of delay in the transfer of funds shrinking the pot and diminishing the outcomes of enhancing natural beauty. Unforeseen delays can arise from various sources such as due to other requirements being discharged to allow commencement, delays in the legal agreement being signed, or delays arising from legal challenges to the consent of the application. If the final fund size is deemed reasonable, proportionate and sufficient, its spending power being diminished over time risks these criteria no longer being fulfilled. Therefore, SCC considers it necessary for this risk to be mitigated through protection from inflation.

26. It is worth noting that this point is particularly pertinent when considering the Applicant's proposed fund size. It is already highly doubtful that any meaningful enhancement could be achieved with this proposed fund size. This issue would be further exacerbated by the effective diminishment of the fund through inflation.

### Proposed costings in [REP8-094]

27. The Applicant rejects the notion that items 2, 3, 7 and 8 of Table 1 of [REP8-094] "could feasibly be said to deliver benefits that conserve or enhance the SECHNL in relation to the Project's effects on the enjoyment of the coast and coastal views." SCC does not see why these items should be rejected and no reason is given by the Applicant to justify its position. SCC considers that engagement with itself and the Partnership could have provided clarification to

resolve the Applicant's doubts or led to discussions around potential alternatives. The same point applies to the Applicant's request for reassurance on the drafting on items 4, 6 and 10. SCC remains open to engagement with the Applicant to seek resolution on these matters. SCC defers to the SECHNLP's expertise on the specifics of potential projects to be undertaken in relation to the items of Table 1 relevant to the proposed development's adverse effects.

#### Provision for the employment of a Project Officer

28. The Council considers the Applicant's rejection of the provision for a Project Officer to deliver projects under the NLES to be untenable. For any projects to be undertaken under a NLES, costs will be incurred to employ person(s) to deliver that project and associated expenses necessary to facilitate their work. Without such a provision, either the projects would simply not happen, or the SECHNLP itself would incur such costs. The former scenario would, of course, prevent the duty from being discharged whilst the latter would place unreasonable and unjustifiable resourcing and financial burdens on the SECHNLP. This section provides detail to demonstrate this along with the unacceptability of the scenario where the Applicant's fund size is interpreted as providing for costs incurred by the Partnership in delivering the NLES.
29. It is not the responsibility of the SECHNLP to meet the duty but rather the Applicant (as a statutory undertaker under the Electricity Act) and the SoS should the application be consented. The Applicant could have committed to undertaking enhancement measures itself but is instead enlisting the SECHNLP to do so. Such an arrangement may be preferable as the SECHNLP's expertise can be used to maximise outcomes all else being equal, but it does not follow that the SECHNLP should therefore be required to use its own funds to do so.
30. This proposition would also jeopardise the SECHNLP's resources for activities it would have otherwise undertaken. It can reasonably be inferred that this would harm the conservation and enhancement of the SECHNL's natural

beauty; or, at least, there would be a significant risk of this happening. When considering this risk, SCC cannot see how the decision maker could be confident that the SECHNL's natural beauty will be enhanced should the Applicant's proposal go unchanged.

31. There is no reason why article 54 of the London Luton Airport Expansion DCO cited by the Applicant cannot reasonably be interpreted as accounting for delivery costs. By contrast, the proposed costings of items 1 to 10 Table 1 of [REP8-094] quite clearly do not include delivery costs due to the separate dedicated item costing delivery. If that item were removed, the costings of item 1 to 10 would have to be revised to account for the costs associated with employing a Project Officer to deliver the projects. Otherwise, the NLES would not be sufficient to allow those projects to be delivered. SCC understands that the delivery cost of employing a Project Officer was included as a separate item in Table 1 to ensure transparency over the proposed allocation of funds.
32. It should be noted that the £250,000 to be paid to the Chilterns Conservation Board in relation to the London Luton Expansion is a far greater sum than the maximum of £50,000 proposed by the Applicant and could reasonably be expected to facilitate the delivery of projects. If the proposed £50,000 for this project were also used for delivery costs, it is highly doubtful that the outcomes sought under the items of Table 1 of [REP8-094], even if restricted to those accepted by the Applicant (items 1, 4, 5, 6, 9 and 10), could be achieved. A significant proportion of the fund would have to be spent on delivery costs to deliver these projects with a high likelihood of such projects simply being unviable. As a result, the scope of potential projects would be limited to those which are small in scale and of limited effect, severely diminishing the potential for natural beauty enhancement.
33. Therefore, SCC does not see how it could be reasonable or supported by relevant legislation for the SECHNLP to incur costs to allow the duty to be discharged for the North Falls application.

34. SCC recommends that the SoS and the Applicant should seek the views of the SECHNLP for further information on this matter should doubts remain over the necessity of provision for the delivery of projects undertaken in accordance with the NLES.

Sustainable Development Fund and the Community Conservation Fund

35. SCC considers the contribution towards the Suffolk & Essex Coast & Heaths National Landscape Sustainable Development Fund and the Community Conservation Fund for the project's lifetime to be justified. At present, it is not clear as to the duration of enhancements caused by any projects undertaken as a result of items 1 to 10. It seems unlikely to SCC that the costed proposals include provision for maintenance across the project's lifetime during which the identified adverse effects on natural beauty are felt. In any case, the Partnership would be able to provide clarity on this.

36. Therefore, without the contribution to these funds, there is significant risk that enhancements from projects expire for a substantial period prior to the decommissioning of the proposed development. In other words, there is a high likelihood that natural beauty won't be conserved or enhanced for a substantial period during which adverse impacts are felt. It would therefore be unclear in what sense the requirements of the duty can be considered satisfied without provision for measures across the lifetime of the project.

37. SCC considers that direct discussion with the Applicant regarding the inclusion of contributions to the fund would clarify matters and allow them to have a more informed approach to this part of the proposal. SCC would welcome an opportunity to discuss this and other matters of detail with the Applicant as soon as possible.

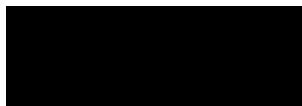
38. Among other things, discussions could resolve the Applicant's point that the project's lifetime is 30 years rather than the 25 years stated in relation to the fund contributions which may simply be an error. Alternative drafting of Table 1 could also be explored such as revising some of the wording proposed in

[REP8-094], multiplying other items in Table 1 to allow for repeated projects throughout the wind farm's lifetime or increasing the costings in Table 1 to provide for maintenance. Discussion could also be had regarding the inclusion of an additional principle or other detail providing the justification requested by the Applicant.

Concluding remarks

39. As should be clear, SCC considers that the Applicant's revised proposal fails to meet policy and legislative requirements to allow the duty to be discharged. SCC, in conjunction with officers working for the Partnership, has previously sought engagement with the Applicant towards the end of the examination to refine [REP8-094] with the aim to reach a proposal acceptable to the parties. SCC remains open to engagement with the Applicant to achieve this to ensure the application includes a robust NLES sufficient to allow the duty to be discharged.

Yours sincerely,



Zachary Farndon  
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Suffolk County Council