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By email only to: fiveestuaries@rwe.com

Five Estuaries Stage 3 Consultation

- 1. Targeted Land Interest Consultation, Tendring**
- 2. Habitat Compensatory Measures Consultation, East Suffolk**

Thank you for consulting with the Dedham Vale and Suffolk Coast & Heaths Areas of Outstanding Natural Beauty, which are now branded as the Dedham Vale and Suffolk & Essex Coast & Heaths National Landscapes. However, in policy and legal terms, the areas are still designated as Areas of Outstanding Natural Beauty.

This response is submitted by the National Landscape staff team that works across the two designated landscapes. It draws on discussions had with Dedham Vale and Suffolk & Essex Coast & Heaths National Landscape Partnership members, consultation documentation made available on the Five Estuary website and attendance at a public information event at Lawford on 29 January 2024.

The National Landscape staff team support the response made relating to the Habitat Compensatory Measures Consultation, East Suffolk by the RSPB and will not repeat many of the points made in that response.

Background:

The Dedham Vale and Suffolk & Essex Coast & Heaths National Landscapes are nationally designated for their natural beauty and have a statutory purpose to conserve and enhance that natural beauty.

The Levelling Up and Regeneration Act (2023) placed a strengthened duty on relevant authorities, such as electricity generators. The Dedham Vale and Suffolk & Essex Coast & Heaths National Landscape team consider RWE to be a relevant authority and subject to the strengthened duty. The new duty on a relevant authority notes they should 'seek

to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'. Natural beauty is defined by several indicators including natural heritage and landscape quality.

The National Landscape team recognise Natural England's interim guidance relating to the strengthened duty that states:

Natural England advises that:

- *The duty to 'seek to further' is an active duty, not a passive one. Any relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape (A National Park, the Broads, or an AONB) can be furthered;*
- *The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of a protected landscape. That goes beyond mitigation and like for like measures and replacement. A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose;*
- *The proposed measures to further the statutory purposes of a protected landscape, should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured. Natural England's view is that the proposed measures should align with and help to deliver the aims and objectives of the designated landscape's statutory management plan. The relevant protected landscape team/body should be consulted.*

The newly branded Dedham Vale and Suffolk & Essex Coast & Heaths National Landscape Partnerships have responded to previous consultations relating to Five Estuaries and comments below should be taken in conjunction with those responses.

1. Targeted Land Interest Consultation, Tendring

The National Landscape team note that the Five Estuaries Offshore Wind Farm Preliminary Environmental Information Report (Vol 3, Chapter 2, Landscape and Visual Impact Assessment, para 2.7.21) states:

The Zone of Theoretical Visibilities show the very limited extent to which visibility of both OnSS [Onshore Substation] indicative options would arise across Dedham Vale AONB [Area of Outstanding Natural Beauty] and the Suffolk Coast and Heaths AONB. The combination of the limited visibility of the OnSS indicative options, the extent of tree cover and vegetation in the AONBs, their separation distance from the ONSS indicative options and the baseline influence from other intermediate developments, including the town of Lawford and Foxash Estate, means that the special qualities of the AONBs would not be significantly affected by the Project.

The National Landscape team request that the applicant review and use the following to inform the detailed design of the Onshore Substation:

- Development in the Setting of the Dedham Vale-2024
<https://dedhamvale-nl.org.uk/wp-content/uploads/2024/01/Position-Statement-Development-in-setting-of-Dedham-Vale-AONB-1.pdf>
- Use of Lighting Guidance
<https://dedhamvale-nl.org.uk/wp-content/uploads/2023/08/Lighting-Guidance-in-National-Landscapes.pdf>
- The Selection and Use of Colour in Development
<https://dedhamvale-nl.org.uk/wp-content/uploads/2020/12/Dedham-Vale-Use-of-Colour-Guidance.pdf>

2. Habitat Compensatory Measures Consultation, East Suffolk

As noted above, the National Landscape team endorse the RSPB response to this consultation. In addition, the National Landscape team outline concerns below:

- The creation of Lesser Black Backed Gull mitigation measures should not have a negative impact on the Alde-Ore Estuary SPA, or the defined qualities of the Suffolk & Essex Coast & Heaths National Landscape. If they are predicted to cause harm then further work to develop compensation measures is required.
- The compensation sites appear to be located in such a way that the 'compensatory' birds produced would be at risk from the proposed Five Estuaries offshore wind farm and other existing and proposed offshore wind farms, and this should be factored in to the development of compensation sites should they remain in the proposed locations.
- The consideration of potential compensation locations should examine all potential limiting factors to successful breeding at these locations. This is to ensure any potential impacts on the designated landscape are understood in each proposed location.

Furthermore, the National Landscape team agree that:

- The habitat creation option should explicitly be expanded to include habitat restoration as this is likely to have a greater chance of more predictable success for Lesser Black Backed Gulls than new habitat creation.

In addition, the National Landscapes team recognise the importance of the proposed predator fencing in the ambition to reduce predation. The National Landscapes team note that the example predator fencing shown in figure 2.2 of the Five Estuaries Offshore Wind Farm HRA Compensatory Sites for Lesser Black-Backed Gulls Consultation Document (December 2023) is a type of fencing that is unlikely to

contribute to AONB purpose in a nationally designated landscape. Impacts in the proposed locations VE1, VE2 and VE3 are less likely to have a significant impact on the nationally designated landscape given the association with the military in these locations. However, impacts of this type of fencing at VE4 is unlikely to contribute to the purpose of the National Landscape and should be compensated for.

The National Landscapes team consider that the applicant should consult and consider the Selection and Use of Colour in Development document when designing the predator fencing. Noting this is a different document than the one referred to above, it can be downloaded from:

<https://coastandheaths-nl.org.uk/wp-content/uploads/2021/01/SCH-Use-of-Colour-Guidance-v7.pdf>

The National Landscape team would welcome continuing consultation on the project, particularly where there is potential to impact the nationally designated landscapes and its defining qualities.

Regards,

Simon Amstutz

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