



The Planning Inspectorate Yr Arolygiaeth Gynllunio

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Ms. Sif ZIMMERMANN
Environmental Protection Agency
Ministry of the Environment and Food
of Denmark
Tolderlundsvej 5
DK-5000 Odense C

Your Ref:

Our Ref: EN010115

Date: 06 July 2022

Dear Ms Zimmermann

Planning Act 2008 and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 – Regulation 32

Proposed Application by Five Estuaries Offshore Wind Farm Ltd (the Applicant) for an Order Granting Development Consent for the Five Estuaries Offshore Wind Farm (the Proposed Development)

Notification under the EIA Regulations that the proposed development is likely to have significant effects on the environment in an EEA State

This is the formal notification under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) that the proposed development requires an environmental impact assessment and that the Secretary of State is of the view that it is likely to have significant effects on the environment in your State. This is based on the current information provided by the Applicant, and applying the precautionary approach. The Secretary of State's transboundary screening document is available at:

<https://infrastructure.planninginspectorate.gov.uk/document/EN010115-000064>

The application is at the early stage of the process known as pre-application. The Proposed Development comprises an offshore wind farm with a proposed generation capacity in excess of 300MW, including wind turbine generators, associated foundations and array cables, and transmission infrastructure.

Participating in the Regulation 32 procedure

Your State can participate in the application procedure by providing comments to the Secretary of State on the potential significant effects of the proposed development on the environment in your State through the procedure explained below.

<https://infrastructure.planninginspectorate.gov.uk>



If the application is accepted for examination, your State would have an opportunity to make representations on the application and its transboundary impacts.

The Planning Inspectorate's Advice Note 12 sets out in detail a two stage approach to consultation that the Secretary of State will follow to meet the requirements of Regulation 32 of the EIA Regulations.

The two stage approach is broadly as follows:

- **Stage 1**, this notification letter, which is primarily to make you aware of the proposed development and to enable you to notify the Secretary of State whether your State wishes to participate in the procedure under Regulation 32 in relation to this application or confirm that your State does not wish to participate, or just wishes to be kept informed about this application, and
- **Stage 2**, if your State responds to this notification informing the Secretary of State that it wishes to participate in the procedure under Regulation 32 in relation to this application, you will be consulted on the application for the proposed development, including the Environmental Statement.

The Planning Inspectorate's Advice Note 12 sets out more detailed information on the transboundary consultation process and is available on our website:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Description of the proposed development

For your information, the array would be located off the East coast of England, approximately 37km offshore from Suffolk, and would make landfall on the Essex coast between Frinton-on-Sea and Holland-on-Sea. The project will be comprised of (but not limited to):

- an offshore wind farm, including wind turbine generators and associated foundations and array cables;
- transmission infrastructure, including offshore substations and associated foundations, offshore and onshore export cables (underground), including associated transition bays and jointing bays, an onshore substation, and connection infrastructure into the National Grid.

Further information about the proposed development and about its likely significant effects is available in the scoping report and the Secretary of State's scoping opinion on our website available at the link below:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/five-estuaries-offshore-wind-farm/?ipcsection=docs>

Information about the application procedure under the Planning Act 2008 and EIA Regulations and the nature of the decision

The Planning Act 2008 (PA 2008) established that nationally significant infrastructure projects (NSIPs)¹ such as this proposal require development consent in the form of an Order granted by the relevant Secretary of State.

Where an application for a Development Consent Order (DCO) is accepted for examination, under statute there is a maximum of six months for the examination. The Examining Authority appointed to undertake the examination makes a recommendation to the relevant Secretary of State as decision-maker. The relevant Secretary of State, having taken the environmental information into consideration, may refuse or grant development consent. If development consent is granted, this may be subject to requirements which, if necessary, will secure measures to avoid, reduce or remedy the likely adverse effects of the proposed development.

A detailed explanation of the process may be found in the Planning Inspectorate's Advice Note 8.1, available on our website:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

The Applicant has notified the Secretary of State that an application for a DCO for the proposed development is intended to be submitted in the third quarter of 2023. Therefore, the proposed development is currently at the pre-application stage of the DCO process.

Responding to this notification

We would be grateful if you could acknowledge receipt of this notification and indicate whether your State intends to participate in the EIA procedure under Regulation 32 in relation to this proposed development. Your reply to the relevant Secretary of State should be sent electronically to FiveEstuaries@planninginspectorate.gov.uk and arrive no later than 6 weeks from the date of this letter.

Please note that if no response is received by 17 August 2022, then the Secretary of State will assume that your State does not wish to participate in the procedure under Regulation 32 in relation to this application and will not undertake Stage 2 consultation, unless you subsequently inform the Secretary of State that your State wishes to take part in the Regulation 32 process.

If you have any queries, please do not hesitate to contact us at FiveEstuaries@planninginspectorate.gov.uk.

Yours sincerely

Helen Lancaster

Helen Lancaster
Senior EIA Advisor
on behalf of the Secretary of State

¹ As defined in s14 and ss15-30 of the PA 2008

This communication does not constitute legal advice.
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<https://infrastructure.planninginspectorate.gov.uk>

