



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

FIVE ESTUARIES OFFSHORE WIND FARM

Appendix E6 Natural England's Benthic Ecology Advice on the Applicant's Deadline 4 Documents

For:

The construction and operation of Five Estuaries Offshore Wind Farm, located approximately 57 km from the Essex Coast in the Southern North Sea.

Planning Inspectorate Reference EN010115

11 February 2025

Appendix E6 Natural England's Benthic Ecology Advice on the Applicant's Deadline 4 Documents

In formulating these comments, the following documents have been considered:

- [REP4-018] 9.8 Dredge Disposal Site Characterisation Report - Revision B (Tracked)
- [REP4-022] 9.13 Margate and Long Sands Special Area of Conservation Benthic Mitigation Plan – Revision C (Tracked)
- [REP4-035] 10.20.1 Technical Note – Methodology for Determining MDS (Offshore) - Revision B (Tracked)
- [REP4-041] 10.30 Outline Sediment Disposal Management Plan.

1.1 Summary

Natural England has reviewed the updated documents listed above and we have provided a few detailed comments in Table 1 below. We advise that for consistency all mitigation commitments listed within [REP4-018] 9.8 Dredge Disposal Site Characterisation Report should be updated to align with those in [REP4-041] 10.30 Outline Sediment Disposal Management Plan.

We would wish to see the Applicant commit to using a fall/downpipe in all instances for sediment disposal at Margate and Long Sands Special Area of Conservation [REP4-022 and REP4-041]. The Applicant should also try to more clearly define what 'vicinity' means with regards to spoil material disposal at/near the SAC [REP4-041].

Natural England continues to advise that the Applicant should present the Maximum Design Scenario (MDS) for cable protection footprint within the SAC i.e. for two cables, not per cable [REP4-035]. We also seek clarification on the number of rock protection replenishment events and their anticipated maximum footprint to address our concerns that habitat loss and/or impacts to the structure and/or function of the Annex I feature could occur over the lifetime of the project.

1.2 Detailed comments

Table 1: Natural England's Advice On: Benthic Ecology

Document reviewed: [REP4-018] 9.8 Dredge Disposal Site Characterisation Report – Revision B (Tracked)			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	1.2.5	Natural England suggests that there are in fact 3 disposal areas namely, Array (North and South), ECC outside SAC and ECC within SAC	Natural England suggests this, and other documents are updated to ensure that there are no ambiguities of what is proposed where
2	2.1.1	The commitments for sediment disposal activities outlined within this document are not fully aligned with those listed in other documents such as the [REP4-041] 10.30 Outline Sediment Disposal Management Plan (which Natural England also advise should be updated – see other comments).	Natural England are aware that this document signposts to [REP4-041] 10.30 Outline Sediment Disposal Management Plan for specific commitments associated with sediment disposal. However, to ensure consistency and remove any ambiguity, all mitigation commitments listed within this document should be updated to align with those within [REP4-041].
3	2.1.2	Natural England advises that clarification is required within updated text to confirm that only a fall/down pipe will be used in MLS SAC	Natural England advises that tracked change text includes '...but only a fall/down pipe will be used in MLS SAC'
Document reviewed: [REP4-041] 10.30 Outline Sediment Disposal Management Plan			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
4	2.2.1	Natural England notes that in [REP4-018] the use of gravity base foundations have been removed therefore the worst-case scenario presented is not the realistic worst-scenario for the project.	Natural England advises that any commitment to remove the most environmentally impactful foundations should be followed through in each of the assessments and documents to ensure that impacts will be minimised, and a realistic worst-case scenario is assessed and consented.
5	3.1.1	As per point 1 above	
6	3.6.4	Natural England notes that impacts to priority habitats will be avoided where possible.	Natural England advises that disposal should be in like for like sediment areas to minimise impacts to priority habitats. In addition, we advise a 50m exclusion zone is

		However, there are no agreed restrictions to ensure this is likely to be achieved.	included around <i>Sabellaria spinulosa</i> reef as per the requirements for the Aggregates industry
7	3.7.4	Whilst there is a focus on sandwave levelling mitigation there is no inclusion within the text of mitigation measures in relation to the deposition of boulders	Natural England advises that the text is updated with a protocol of how boulders will be deposited to ensure that wider impacts are avoided such as loss of other habitats, changes in bed load transport etc., especially in MLS SAC.
8	3.7.4 and 3.7.5	The Applicant has committed to using a 'downpipe' 'where possible' when disposing of sediments.	Natural England advises that this commitment is not sufficient to address our concerns relating to the need to mitigate impacts upon Annex I sandbanks with M&LS SAC. We advise that that the use of a downpipe should be committed to in all instances, and upstream of the sandwave and in the same sediment type, unless otherwise agreed with the MMO in consultation with the relevant SNCB.
9	3.7.6	The text within this paragraph is ambiguous.	To remove any ambiguity in mitigation measures being proposed, Natural England requires the Applicant to provide spatial context to the commitment to 'dispose of material within the vicinity of the M&LS SAC'.
10	General	Not all dredge disposal criteria listed within the EIA and HRA documents have been included within this document.	Natural England advise that mitigation commitments to dispose of sediment within the same sediment type both within and outside of the M&LS SAC should also be included within the [REP4-041] 10.30 Outline Sediment Disposal Management Plan.
Document reviewed: [REP4-022] 9.13 Margate and Long Sands Special Area of Conservation Benthic Mitigation Plan - Revision C (Tracked)			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
11	3.2.1	There is currently ambiguity within the mitigation commitments relating to sediment disposal within the SAC.	Natural England advises that current mitigation commitments relating to sediment disposal are not sufficient to address our concerns relating to the need to mitigate impacts upon Annex I sandbanks with M&LS SAC. We advise that that the use of a downpipe should be clearly committed to in all instances, unless

			otherwise agreed with the MMO in consultation with the relevant SNCB.
Document reviewed: [REP4-035] 10.20.1 Technical Note - Methodology for Determining MDS (Offshore) - Revision B (Tracked)			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
12	2.2 and 2.2.6	<p>Natural England disagrees with the Applicant in relation to their assessment of sediment infill of rock protection. In particular within MLS SAC.</p> <p>We also note that the Applicant has provided a numerical based estimate rather than site specific data.</p>	Natural England advises that empirical evidence is utilised where possible within the SAC, namely London Array OWF.
13	3.1.5 and 3.3.2	The text within these paragraphs is ambiguous. The 5,400m ² figures being quoted are misleading, as the total area of Annex I sandbank feature impacted will be double this figure owing to the need to route two cables through the SAC.	Natural England advises that the figures are updated to 10,800 m ² to make clear the area of feature potentially being lost.
14	4.1.2	<p>It remains unclear how the MDS for rock replenishment has been determined. The Applicant states that "<i>The 20% replacement of cable or scour protection is within the assessed MDS for total habitat loss, i.e. would occupy the same area is not additional to it.</i>"</p> <p>However, detail on scenarios in which protection replenishment may be required has not been provided and therefore it is not possible to determine whether the MDS for cable protection replenishment is realistic. For example, it is not clear whether the original cable protection could lose integrity but remain within the M&LS SAC and therefore continue to contribute to habitat loss and/or present other</p>	Natural England advises that further information is required on the likely instances for rock protection replenishment. Without further detail on such scenarios, we are unable to advise on the appropriateness of the MDS values presented.

		<p>impact pathways (such as changes to physical processes) if buried or dispersed. Consequently, Natural England are not confident that rock replenishment will not result in further habitat loss of Annex I sandbank over and above that predicted within the MDS.</p> <p>Of particular concern is the Applicants claims that replenishment would occupy the same footprint as the original rock protection. However, if rock protection became dispersed or lost integrity, Natural England considers it likely that the footprint of habitat loss and/or impacts to the structure and/or function of the Annex I feature will increase. And we query if the replenishment protection would suffer the same fate.</p>	
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