

Application reference: EN010115

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Reference: 005557403-01

Karl-Jonas Johansson
Case Manager
National Infrastructure Planning
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Five Estuaries Offshore Wind Farm Project – Deadline 6

Dear Mr Johansson,

Further to the Rule 8 letter issued by the Examining Authority (ExA) on 25 September 2024 [PD-009], we have submitted the documents listed below for the ExA's attention for Deadline 6

In addition, the Applicant has provided a response to the ExA's Request for Further Information – Rule 17 letter [PD-024] dated 27 January in Appendix 1 of this document.

Documents as requested in the Rule 8 letter for submission at Deadline 6

New documents:

- **10.40 Applicant's Comments on Deadline 5 Submissions**
- **10.40.1 Applicant's Comments on Natural England's Deadline 5 Submission**
- **10.41 Applicant's Summaries of Oral Submissions - ISH6, CAH3 and ISH7**
- **10.42 Applicant's Responses to Action Points - ISH6, CAH3 and ISH7**

Updated documents:

- **1.3 Guide to the Application (and Glossary) – Revision J (Tracked and Clean)**
- **3.1 Draft Development Consent Order – Revision G (Tracked and Clean)**
- **3.2 Draft Explanatory Memorandum – Revision E**
- **10.2 Land Rights Trackers– Revision G (Tracked and Clean)**
- **10.10 Statement of Commonality – Revision F (Tracked and Clean)**
- **10.10.10 Essex Wildlife Trust Statement of Common Ground – Revision B**

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COMPANY NO: Registered in England and Wales
company number 12292474

Additional documents updated at Deadline 6

The Applicant has submitted the following updated documents at Deadline 6 for the attention of the ExA. These updates have been made to correct minor issues, improve the quality figures/plans/images, to align with other updated documents or project information, and to respond to action points from ISH6, CAH3 and ISH7 [EV10-12, EV11-006, and EV12-006].

- **2.3 Land Plans – Onshore – Revision D**
- **2.5 Works Plan - Onshore – Revision D**
- **2.17 Crown Land Plan – Onshore – Revision C**
- **6.5.6.2.1 Landfall Impact Piling Modelling – Revision B (Tracked and Clean)**
- **6.5.6.4 Herring Seasonal Restriction Note – Revision D (Tracked and Clean)**
- **6.6.4.18 Onshore Biodiversity Net Gain Indicative Design Stage Report – Revision B (Tracked and Clean)**
- **6.6.6.1 Ground Water Risk Assessment– Revision B**
There has been significant restructuring of this document from Revision A, including addition of appendices, making a tracked version of the document difficult to read. As such a tracked version has not been submitted, but can be produced on request.
- **9.4 Onshore Substation Design Principles Document – Revision B (Tracked and Clean)**
- **9.12 Outline Cable Specification and Installation Plan – Revision C (Tracked and Clean)**
- **9.15 Outline Southern North Sea Special Area of Conservation Site Integrity Plan – Revision B (Tracked and Clean)**
- **9.16 Outline Fisheries Liaison and Co-existence Plan – Revision D (Tracked and Clean)**
- **9.22 Outline Landscape and Ecological Management Plan – Revision D (Tracked and Clean)**
- **9.32 Offshore In Principle Monitoring Plan – Revision C (Tracked and Clean)**
- **10.12 Marine Plan Policy Assessment – Revision D (Tracked and Clean)**
- **10.20.1 Technical Note - Methodology for Determining MDS (Offshore) – Revision C (Tracked and Clean)**
- **10.30 Outline Sediment Disposal Management Plan – Revision B (Tracked and Clean)**

New documents submitted at Deadline 6

The Applicant has submitted the following additional new documents at Deadline 6, for the attention of the ExA, as additional evidence to support the application, and to respond to action points from ISH6, CAH3 and ISH7 [EV10-12, EV11-006, and EV12-006].

- **10.20.10 Technical Note - Onshore Cable Burial Depth**
- **10.20.11 Technical Note - Five Estuaries Relevant Navigational Features for Accessing Local Port**

- **10.43 Offshore Wind Farm Leasing Process Note**
- **10.44 Applicant's submissions on s85 of the Countryside and Rights of Way Act**
- **10.45 Legal Note - Excluding land from compulsory powers**
- **10.46 Opinion of King's Counsel**

The Applicant has submitted an opinion of King's Counsel with regards to compulsory powers related to coordination with North Falls, matters related to the Countryside and Rights of Way Act 2000, and the imposition of a Grampian style condition on the DCO.

- **10.47 Archaeological Mitigation Strategy (AMS)**

An archaeological mitigation strategy has been produced to set out the scope and mitigation principles for the planning and implementation of further archaeological and geoarchaeological investigations to be undertaken for the onshore Order Limits. This document is still draft and subject to review with Essex County Council and Historic England but the Applicant felt that submitting a version at this deadline would assist the ExA in understanding the context of the archaeological mitigation strategy. The Applicant plans to submit a revised version at Deadline 7 incorporating feedback from Essex County Council and Historic England.

- **10.48 Red Throated Diver Note**

This note presents further evidence to support the Applicant's proposed mitigation measures for Red Throated Diver. It explains why further restrictions are unsupported by evidence and overly precautionary, and why the Secretary of State can be confident that the mitigation applied is sufficient to ensure there would be no Adverse Effect on the Integrity of the Outer Thames Estuary Special Protection Area.

- **10.49 Natural England Outer Trial Bank Survey Report 2024**

With the permission of Natural England, the Applicant has submitted Natural England's Outer Trial Bank (OTB) Survey Report from 2024 for the attend of the ExA. The report summarises the findings of a survey conducted in 2024 of the gull colony which reside on the OTB. As noted in the reports cover note, a maximum of 1310 gull nests were counted in May. This compared to 1327 counted in 2023 by RSPB and the peak number of 3640 counted in 2000. Additionally, further evidence of predation, potentially by rats was found. Whilst the Applicant acknowledges further work is required to further understand the lesser black backed gull population decline, we believe this report provides further evidence that OTB is a suitable site to deliver compensation measures.

- **10.50 Letter from The Crown Estate Regarding Outer Trial Bank**

This letter provides evidence of The Crown Estate's ownership of Outer Trial Bank and willingness, subject to further discussion and negotiation, to provide Five Estuaries (and North Falls) the rights to undertake the proposed compensation measure. This provides further comfort that the proposal measure at Outer Trial Bank is suitable and capable of being delivered, noting that the Applicant is proposing to implement compensation for Lesser Black Backed Gull at either Outer Trial Bank or at Orford Ness.

- **10.51 Deep Water Route Cable Installation Area (Future Dredging Depths) Plan**

Submitted in support of the Applicant's response to the Rule 17 letter [PD-024]. Please see Appendix 1 of this document for more information.

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If you have any questions about our response and the submitted documents, or if there is anything further we can provide, please do not hesitate to contact the team.

Yours sincerely,

A black rectangular box redacting the signature of Diane Mailer.

Diane Mailer

Project Lead

Five Estuaries Offshore Wind Farm Ltd

APPENDIX 1: RESPONSE TO REQUEST FOR FURTHER INFORMATION [PD-024]

The ExA issued a Request for Further Information - Rule 17 letter [PD-024] on 27 January 2024. The Applicant, MMO, Maritime and Coastguard Agency, HHA, LGPL and PLA are requested to:

- 1) Consider the abovementioned wording for a DWRs parameter and advise on whether they consider the suggested wording would be suitable as drafted or would require amendment, suggesting any amendments considered to be necessary.

The Applicant has considered the ExA's proposed wording and agrees with the principle. Following discussion with the PLA and London Gateway Port Limited on this matter the Applicant proposes the following (noting that the Interested Parties have not commented on this precise drafting):

Any part of Work No.2(c), any associated development or ancillary works located within the Sunk and Trinity Deep Water Routes, as shown shaded yellow on the Deep Water Route Cable Installation Area (Future Dredging depths) plan must be installed at a level which would not impede the dredging of those parts of the Sunk and Trinity Deep Water Routes:

- a) shown shaded in yellow and outlined in a bold black line (and labelled Sunk Area A (22m CD)) to a level of 22 metres below Chart Datum;*
- b) shown shaded in yellow and outlined in a blue dotted line (and labelled Trinity (22m CD)) to a level of 22 metres below Chart Datum; and*
- c) shown shaded in yellow and cross hatched in orange (and labelled Sunk Area B (19m CD)) to a level of 19 metres below Chart Datum.*

To support this drafting the Applicant has submitted as Document 10.51 at Deadline 6 a 'Deep Water Route Cable Installation Area (Future Dredging Depths) Plan' as the proposed certified document.

- 2) Advise on how the abovementioned wording of a DWRs parameter could be incorporated into the provisions of a made DCO, i.e. as an additional parameter incorporated into Table 1 of Requirement 2 in Schedule 2, a new standalone requirement in Schedule 2 or as an additional condition with the DML for the Transmission Assets (Schedule 11) or a combination of changes to both Schedules 2 and 11.

The Applicant considers this would best sit as an additional parameter in Schedule 2, Requirement 2. This commitment is already secured in the dML through the Outline CSIP and it would be potentially confusing (and run the risk of inconsistency) to secure it in the three separate places in the Order.