

Date: 10 March 2025  
Our ref: Case: 27347 Consultation: 486679  
Your ref: EN010115



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**BY EMAIL ONLY**

Dear Sir/Madam,

**Five Estuaries Offshore Wind Farm**

The following constitutes Natural England's formal statutory response for Examination Deadline 8.

**1. Natural England's Deadline 8 Submissions**

Natural England has reviewed the documents submitted by the Applicant at Deadlines 6, 6A and 7. An update of Natural England's position regarding documents relevant to our remit is provided in Annex 1, including anticipated timing of responses. Natural England is also submitting the following detailed responses, signposted from Annex 1:

- EN010115 486679 Five Estuaries Appendix N8 – NE comments on the Offshore In Principle Monitoring Plan [REP6-029] – Deadline 8.pdf
- EN010115 486679 Five Estuaries Appendix E8 – Natural England's Benthic Ecology Advice on the Applicant's Deadline 7 Documents – DL8.pdf
- EN010115 486679 Five Estuaries Appendix D8 – Natural England's Advice on the Applicant's Proposed Seabird Compensation Measures – Deadline 8.pdf
- EN010115 486679 Five Estuaries Appendix J8 – NE comments on the Applicant's Deadline 7 Documents Related to Proposed LBBG Compensation Site – DL8.pdf

**2. Natural England's Risk and Issues Log and Principal Areas of Disagreement Summary Statement (PADSS) at Deadline 8**

Natural England is currently reviewing the large number of documents submitted by the

Applicant at Deadline 7. This document review will inform the update to our Risk and Issues Log and PADSS, consequently, we will be providing the next (and final) update to our Risk and Issues Log and PADSS at Deadline 8A.

### **3. Updated Draft Development Consent Order (DCO)**

Natural England has reviewed the updated draft. We note and support the proposed changes to Schedule 10 Part 2 condition 19 (4).

### **4. Updated Outline Marine Mammal Mitigation Protocols – Piling and UXO**

#### 4.1. (9.14.1) Outline Marine Mammal Mitigation Protocol – Piling (Revision D) (Tracked) [REP7-045]

Natural England notes that the Applicant has updated the Outline Marine Mammal Mitigation Protocol (MMMP) for Piling [REP7-045], which we welcome. However, we note that the Applicant has not addressed our advice related to soft start. Therefore, this remains unresolved.

#### 4.2 (9.14.2) Outline Marine Mammal Mitigation Protocol – UXO (Revision C) (Tracked) [REP7-047]

Natural England notes that the Applicant has also updated the Outline MMMP – UXO by committing to the low order detonation, as per the joint policy paper, which is welcomed.

### **5. Updated Benthic Ecology, Mitigation and Compensation Deadline 7 Documents**

Natural England welcomes the Applicant's updated benthic ecology, mitigation and compensation documents provided at Deadline 7 (and listed in Annex 1 to this Cover Letter). However, we note that there are inconsistencies between the documents provided regarding the mitigation measures associated within sandwave levelling within Margate and Long Sands Special Area of Conservation (MLS SAC).

We also note that removal of boulders has been included and discussed within [REP7-079] which is welcomed. The Applicant has stated that a SCAR plough or similar may be used to clear a high boulder density area. We would advise against using this (or similar) tool within MLS SAC and recommend the use of a grab (or other less impactful) tool to remove and replace boulders within the SAC. This is a new issue which will be added to Natural England's Risk and Issues Log for submission at Deadline 8A.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours faithfully,

██████████  
Sussex and Kent Area Team  
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## Annex 1: Natural England's Response to the Applicant's Documents Submitted at Deadlines 6, 6A and 7 Relevant to our Remit

| PINS Document Reference | Document Name  | Natural England's Response/Position Summary   |
|-------------------------|--|---|
| <b>Deadline 6</b>       |  |   |
| REP6-004                | 2.3 Land Plans - Onshore - Revision D  | Natural England has no comments to make on this document.   |
| REP6-005                | 2.5 Works Plan - Onshore - Revision D  | Natural England has no comments to make on this document  |
| REP6-006                | 2.17 Crown Land Plan - Onshore - Revision C  | Natural England has no comments to make on this document  |
| REP6-008                | 3.1 Draft Development Consent Order - Revision G (Tracked)                           | Natural England has provided comment in the cover letter.   |
| REP6-010                | 3.3 Draft Explanatory Memorandum - Revision E (Tracked)                              | Natural England has no comments to make on this document.   |
| REP6-012                | 6.5.6.2.1 Landfall Impact Piling Modelling - Revision B (Tracked)                    | Natural England has no comments to make on this document  |
| REP6-014                | 6.5.6.4 Herring Seasonal Restriction Note - Revision D (Tracked)                     | Natural England has no comments to make on this document  |
| REP6-016                | 6.6.4.18 Biodiversity Net Gain Indicative Design Stage Report - Revision B (Tracked) | Natural England has no comments to make on this document  |
| REP6-019                | 9.4 Onshore Substation Design Principles Document – Revision B                       | Natural England has no comments to make on this document.   |
| REP6-021                | 9.12 Outline Cable Specification and Installation Plan – Revision C                  | Natural England has responded to this document in an update to our Risk and Issues Log at Deadline 7. |
| REP6-023                | 9.15 Outline SNS SAC Site Integrity Plan - Revision B                                | Natural England has no comments to make on this document  |
| REP6-027                | 9.22 Outline Landscape and Ecological Management Plan – Revision D                   | Natural England has no comments to make on this document.   |

| <b>PINS Document Reference</b> | <b>Document Name</b>   | <b>Natural England's Response/Position Summary</b>   |
|--------------------------------|--|--|
| REP6-029                       | 9.32 Offshore In Principle Monitoring Plan - Revision C (Tracked)                          | Natural England's response to this document is provided in Appendix N8.  |
| REP6-036                       | 10.12 Marine Plan Policy Assessment - Revision D (Tracked)                                 | Natural England has no comments to make on this document.  |
| REP6-038                       | 10.20.1 Technical Note - Methodology for Determining MDS (Offshore) - Revision C (Tracked) | Natural England's response to this document was provided in Appendix B7 to our Deadline 7 submission [REP7-103] and in updates to our Risk and Issues Log. |
| REP6-039                       | 10.20.10 Technical Note - Onshore Cable Burial Depth                                       | Natural England has no comments to make on this document.  |
| REP6-042                       | 10.30 Outline Sediment Disposal Management Plan – Revision B                               | Natural England has no comments to make on this document.  |
| REP6-048                       | 10.44 Applicant's Submissions on s85 of the CROW Act                                       | Natural England has no comments to make on this document.  |
| REP6-050                       | 10.46 Opinion of King's Counsel  | Natural England has no comments to make on this document.  |
| REP6-052                       | 10.48 Red Throated Diver Note  | Natural England will provide a response to this document at Deadline 8A.   |
| REP6-054                       | 10.50 Letter from Crown Estate Regarding Outer Trial Bank                                  | Natural England has no comments to make on this document   |
| REP6-055                       | 10.51 Certified Deep Water Route Cable Installation Area (Future Dredging Depths Plan)     | Natural England has no comments to make on this document.  |
| REP6-056                       | Schedule of Changes to DCO – Rev G   | Natural England has provided comment on this document within the Cover Letter to this Deadline 8 submission.   |
| <b>Deadline 6A</b>             |  |  |
| REP6A-002                      | 10.52 Response to Deadline 6 Submissions on ISH6 Action Point 9                            | Natural England has no comments to make on this  |

| <b>PINS Document Reference</b> | <b>Document Name</b>   | <b>Natural England's Response/Position Summary</b>   |
|--------------------------------|--|--|
|                                | Regarding the Crow Act   | document   |
| <b>Deadline 7</b>              |  |  |
| REP7-004                       | 2.3 Land Plans (Onshore)   | Natural England has no comments to make on this document.  |
| REP7-005                       | 2.4 Special Category Land Plans  | Natural England has no comments to make on this document.  |
| REP7-007                       | 2.17 Crown Land Plan (Onshore)   | Natural England has no comments to make on this document.  |
| REP7-009                       | 3.1 Draft Development Consent Order – Revision H (Tracked)                 | Natural England has provided comment on this document within the Cover Letter to this Deadline 8 submission. |
| REP7-010                       | Schedule of Changes to the Draft Development Consent Order (To Revision H) | Natural England has provided comment on this document within the Cover Letter to this Deadline 8 submission  |
| REP7-018                       | 5.4 Report to Inform Appropriate Assessment – Revision C (Tracked)         | Natural England has no comments to make on this document.  |
| REP7-020                       | 5.4.1 HRA Site Integrity Matrices (Rev C) (Tracked)                        | Natural England has provided comment on this document in Appendix J8 to this Deadline 8 submission.          |
| REP7-022                       | 5.4.3 HRA Screening Matrices (Rev C) (Tracked)                             | Natural England has no comments to make on this document.  |
| REP7-024                       | 5.4.4 Summary of Designated Sites (Rev B) (Tracked)                        | Natural England has no comments to make on this document.  |
| REP7-026                       | 5.4.5 Lesser Black Backed Gull HRA (Rev D) (Tracked)                       | Natural England has provided a response to this document in Appendix J8 to this Deadline 8 submission.       |
| REP7-028                       | 5.5.1 Benthic Compensation Strategy Roadmap (Rev B) (Tracked)              | Natural England has provided a response to this  |

| <b>PINS Document Reference</b> | <b>Document Name</b>   | <b>Natural England's Response/Position Summary</b>  |
|--------------------------------|--|---|
|                                |  | document in Appendix E8 to this Deadline 8 submission.  |
| REP7-030                       | 5.5.2 Outline Benthic Implementation and Monitoring Plan (Rev C) (Tracked)                         | Natural England has provided a response to this document in Appendix E8 to this Deadline 8 submission.? |
| REP7-034                       | 6.5.4.16 Population Viability Analysis (Rev C) (Tracked)   | Natural England has no comments to make on this document.   |
| REP7-041                       | 9.12 Outline Cable Specification and Installation Plan (Rev D) (Tracked)                           | Natural England has no comments to make on this document.   |
| REP7-043                       | 9.13 Margate and Long Sands Special Area of Conservation Benthic Mitigation Plan (Rev D) (Tracked) | Natural England's response to this document is provided in Appendix E8.                                 |
| REP7-045                       | 9.14.1 Outline Marine Mammal Mitigation Protocol – Piling (Rev D) (Tracked)                        | Please see Natural England's response to this document in Section 4 of this Cover Letter.               |
| REP7-047                       | 9.14.2 Outline Marine Mammal Mitigation Protocol – UXO (Rev C) (Tracked)                           | Please see Natural England's response to this document in Section 4 of this Cover Letter.               |
| REP7-049                       | 9.20 Outline Navigation and Installation Plan (Rev D) (Tracked)                                    | Natural England has no comments to make on this document.   |
| REP7-051                       | 9.21 Code of Construction Practice (Rev D) (Tracked)   | Natural England has no comments to make on this document.   |
| REP7-059                       | 9.31 Schedule of Mitigation (Rev C) (Tracked)  | Natural England has no comments to make on this document.   |
| REP7-061                       | 9.32 Offshore In Principle Monitoring Plan – (Rev E) (Tracked)                                     | Natural England will provide a response to this version of the document at Deadline 8A.                 |
| REP7-039                       | 9.8 Disposal Site Characterisation Report – (Rev C) (Tracked)                                      | Natural England has no comments to make on this document.   |
| REP7-076                       | 10.20.12 Methodological Differences between the Applicant and NE on Ornithology Matters.           | Natural England will provide a response to this document at Deadline 8A.                                |

| <b>PINS Document Reference</b> | <b>Document Name</b>  | <b>Natural England's Response/Position Summary</b>                               |
|--------------------------------|---|--|
| REP7-079                       | 10.30 Outline Sediment Disposal Management Plan (Rev C) (Tracked)   | Natural England's response to this document is provided in Appendix E8.          |
| REP7-083                       | 10.56 Applicant's Response to RIES  | Natural England reserves the right to comment on this document at a later stage. |
| REP7-084                       | 10. 58 Applicant's Response to ExQ3   | Natural England reserves the right to comment on this document at a later stage. |
| REP7-086                       | 10.59 Applicant's Response to Deadline 6 Submissions  | Natural England has no comments to make on this document.                        |
| REP7-086                       | 10.59.1 Applicant's Response to Natural England's Deadline 6 Submissions  | Natural England reserves the right to comment on this document at a later stage. |
| REP7-088                       | 10.60 Strategic Study of Collision Risk for Birds on Migration and Further Development of the Stochastic Collision Risk Modelling Tool (Woodward et al., 2023). | Natural England has no comments to make on this document.                        |