

The Crown Estate

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National Infrastructure Planning
The Planning Inspectorate
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24 July 2025 | 17:06:51 BST

By email only: energyinfrastructureplanning@energysecurity.gov.uk and
FiveEstuaries@planninginspectorate.gov.uk

Dear Sirs,

Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010
Application by Five Estuaries Offshore Wind Farm Limited for an order granting development
consent for the proposed Five Estuaries Offshore Wind Farm project
Planning Inspectorate reference: EN010115

I write further to the above. In this letter:

"the Applicant" shall mean Five Estuaries Offshore Wind Farm Limited;

"the Commissioners" shall mean the Crown Estate Commissioners;

"Draft DCO" shall mean the Applicant's draft development consent order (Revision I dated March 2025) submitted to the Examining Authority on 14 March 2025 in line with Deadline 8A under Document Number 10.72;

"Order" shall mean The Five Estuaries Offshore Wind Farm Order 202X once made by the Secretary of State.

The Applicant has confirmed that the Order will not include any provision(s) authorising the compulsory acquisition of third-party interests in Crown land and, as such, no consent pursuant to section 135(1) of the Planning Act 2008 ("the Act") has been sought in connection with the Order.

As per the Act, section 135(2) consent is required for an order granting development consent to include provision(s) to apply to Crown land or rights benefiting the Crown (other than provision(s) authorising the compulsory acquisition of third-party interests in Crown land). The Commissioners disagree with any view that section 135(2) consent is required where (as here) none of the provisions in a development consent order authorise the acquisition of or interference with offshore Crown land because and on the basis that an agreement for lease has been entered into in relation to such land.

However, and without prejudice to the Commissioners' position, subject to:

1. the inclusion and continuing application of the following "Crown rights" wording in Article 41 of the Order:

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"Crown rights

41.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any licensee or lessee to use, enter upon or in any manner interfere with any land or rights of any description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—

(a) belonging to His Majesty in right of the Crown and forming part of The Crown Estate without the consent in writing of the Crown Estate Commissioners;

(b) belonging to His Majesty in right of the Crown and not forming part of The Crown Estate without the consent in writing of the government department having the management of that land; or

(c) belonging to a government department or held in trust for His Majesty for the purposes of a government department without the consent in writing of that government department.

(2) Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory acquisition of an interest in any Crown land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown.

(3) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically."

and;

2. the Commissioners being consulted further if any variation to the Draft DCO is proposed which could affect any provisions of the Order which are subject to section 135(2) of the Act;

and;

3. the Applicant or any beneficiaries of the Order having an agreement for lease or lease from the Commissioners in respect of the offshore Crown land forming part of the Crown Estate to which the Order applies,

the Commissioners confirm their consent to Articles 3, 4, 5, 6, 7, 39, and 41 of the Draft DCO, to the extent that they are included in the Order, applying in relation to Crown land forming part of the Crown Estate within the Order limits for the purpose of section 135(2) of the Act.

Yours faithfully,

Signed by:



For and on behalf of the Crown Estate Commissioners