

Date: 25 July 2025  
Our ref: 27347/519194  
Your ref: EN010115



Department for Energy Security & Net Zero  
1 Victoria Street,  
London  
SW1H 0ET

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Sir/Madam,

## **Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010**

### **Application by Five Estuaries Offshore Wind Farm Limited (“the Applicant”) for an Order granting Development Consent for the proposed Five Estuaries Offshore Wind Farm (“Project”)**

The following constitutes Natural England’s formal statutory response to the Secretary of State’s Request for Information (RFI) dated 11 July 2025. To inform this response Natural England have reviewed the following documents submitted into Examination by the Applicant:

- [REP8A-013] 9.18.1 Working in Proximity to Wildlife in the Marine Environment (Clean)
- [REP8A-014] 9.18.1 Working in Proximity to Wildlife in the Marine Environment (Tracked)
- [REP8A-017] 9.22 Outline Landscape and Ecological Management Plan - Revision E (Clean)
- [REP8A-018] 9.22 Outline Landscape and Ecological Management Plan – Revision E (Tracked)

Natural England has been invited to comment upon:

#### **Part 1**

#### **Offshore Ornithology**

*10. Natural England is invited to comment on the modified 2km buffer zone around the Outer Thames Estuary SPA, as proposed by the Applicant in Section 3.3 of the Working in Proximity to Wildlife in the Marine Environment [REP8A-013].*

#### **Natural England’s Comments:**

Natural England welcome the ongoing dialogue with the Applicant on this matter and their continued effort to find a working solution to resolve our concerns. Since the submission of our Deadline 8 response, we have discussed the matter with the Applicant further during an Expert Topic Group (ETG) meeting held 11th June 2025.

During this meeting we were able to highlight that work in the 2 km buffer of the central sector of the export cable corridor (ECC) would likely have the most impact. Natural England’s opinion is that work to lay cables within the SPA and its 2km buffer in the stretch west of the Trinity Deep Water Route (DWR) and across the Sunk DWR would be of principal concern and therefore needed the most judicious mitigation possible.

During the ETG we suggested one way to resolve the issue would be to only impose the seasonal restriction within the ECC west of the Trinity DWR (and apply vessel best practice elsewhere), but it was unclear how disruptive to operations this would be. In other words, whether it would be feasible to install the stretch of cable west of the Trinity DWR to shore entirely outside of the seasonally restricted period (i.e. between 01 April to 31 October). Should this be feasible it would provide an acceptable resolution, minimising disturbance to RTD not only where the cable route crosses the SPA directly but also in the higher diver density zones around the DWR routes where the cable route passes within 2km of the SPA boundary.

Our advice on the revised mitigation proposed by the Applicant in [REP8a-013] is as follows:

- Whilst the intentions are welcomed, we do not consider only working on one DWR at any time will make any difference to disturbance on RTD in the SPA. This is because the cable route across the Trinity DWR lies outside the SPA 2km buffer anyway.
- Laying cables within the restricted period but limited to 3 months is also unlikely to reduce impacts enough, because it would still limit the birds' use of the SPA during the sensitive winter period for long enough to potentially cause harm.
- It is also unclear if the 3 months of work proposed would occur in a single period or intermittently, spread over the entirety of the sensitive season.
- Carrying work out in vessel clusters would be helpful, but in the context of a 3-month duration would not in and of itself avoid significant impacts.
- Offering to work outside of the seasonally restricted period (01 November-31 March, inclusive) **only if feasible** provides insufficient reassurance or commitment to the task and therefore cannot be meaningfully factored into the impact assessment.

## Marine Mammals

11. *Natural England is invited to provide clarity on Point 5 in H – Marine Mammals in their Risk and Issues Log [REP8A-053]. Noting the advice provided during the examination of recently made offshore windfarm DCOs (such as Rampion 2 OWF), Natural England and the Marine Management Organisation are also invited to confirm their respective positions on the appropriate sensitivity scoring for cetaceans.*

## Natural England's Comments:

Natural England expressed concern about the assigned sensitivity and magnitude scores for several scenarios during the Preliminary Environmental Information Report (PEIR stage). It is our view that in many instances lower scores were assigned thus we advised that they need to be reviewed and amended accordingly, especially in regard to harbour porpoise due to its high sensitivity to underwater noise. The Applicant responded to our Section 42 responses by reassigning the sensitivity categories by only changing their names (from Negligible/Low/Medium/High to Low/Medium/High/Very High). For example, the original sensitivity score of *Low* for harbour porpoise for PTS from UXO clearance and piling then became *Medium* but their definitions were the same hence the sensitivity of harbour porpoises was not upgraded to a higher score, it was simply renamed. As such, we did not consider this amendment to be adequate in addressing the issues we raised as no further evidence has been provided to support the Applicant's rationale for the lower scores in the assessment, thus this issue remained unresolved.

We have experienced similar issues in the assessments for other OWF projects (such as Rampion), so our impression is that this is a much wider problem due to the lack of clear guidance for defining sensitivity and magnitude scores for ecological impact assessments.

At this stage, Natural England is content to consider closing this matter noting that implementation of NAS will reduce the significance of the effect to acceptable, non-significant, levels.

## Habitats Regulations Assessment

12. *Natural England is invited to comment on whether the inclusion of paragraphs 10.2.5 and 10.2.6 in the Outline Landscape and Ecological Management Plan ("oLEMP") [REP8A-017] resolves its concern raised in their Risk and Issues Log [REP8A-053] (Point 15 in J – Onshore Ecology), in relation to potential impacts of unscheduled maintenance on black-tailed godwit.*

**Natural England's Comments:**

The inclusion of paragraphs 10.2.5 and 10.2.6 will provide reassurance that any impacts on black-tailed godwit, likely to occur from unplanned maintenance, can be mitigated but with the caveat that they are both re-written to state that a 'suitably qualified and experienced ecological clerk of works' will be used for oversight rather than an 'ecologist'.

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

Yours faithfully,

██████████  
Marine Senior Officer – Offshore Wind  
E-mail: ██████████@naturalengland.org.uk  
Telephone: ██████████