

FIVE ESTUARIES OFFSHORE WIND FARM

10.73 APPLICANT'S RESPONSE TO SECRETARY OF STATE REQUEST FOR INFORMATION, PART 1

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DEFINITION OF ACRONYMS

Term	Definition
AIS	Air Insulated Switchgear
BoR	Book of Reference
CA	Compulsory Acquisition
CEA	Cumulative Effects Assessment
CWT	Cornwall Wildlife Trust
DAS	Design and Access Statement
DCO	Development Consent Order
Defra	Department for Environment, Food and Rural Affairs
DESNZ	Department for Energy Security and Net Zero
DIO	Defence Infrastructure Organisation
EACN	East Anglia Connection Node
ECC	Export Cable Corridor
GIS	Gas Insulated Switchgear
GRIMP	Guillemot and Razorbill Implementation and Monitoring Plan
iPCOD	Interim Population Consequences of Disturbance Model
ISH	Issue Specific Hearing
LVIA	Landscape and Visual Impact Assessment
MMO	Marine Management Organisation
NE	Natural England
NGET	National Grid Electricity Transmission
NPS	National Policy Statements
OFTO	Offshore Transmission Owner



Term	Definition	
OLEMP	Outline Landscape and Ecological Monitoring Plan	
OTE	Outer Thames Estuary	
OWF	Offshore Wind Farm	
OWIC	Offshore Wind Industry Council	
RTD	Red Throated Diver	
SAC	Special Area of Conservation	
SEPDEP	Sheringham Shoal and Dudgeon Extension Projects	
SPA	Special Protection Area	
SoS	Secretary of State	
TP	Temporary Possession	
TSO	Transmission System Operator	
VE	Five Estuaries	
WMS	Written Ministerial Statement	



1. INTRODUCTION

- 1.1.1 This document has been prepared by Five Estuaries Offshore Wind Farm Limited ('the Applicant') to respond to the Secretary of States (SoS) Request for Further Information on the 11 July 2025.
- 1.1.2 The text provided in the response tables in sections 2 to 6 of this document are in response to the requests from Part 1 of the letter.
- 1.1.3 The Applicant is also submitting a number of documents to accompany the text responses. These include the document revisions identified in the Applicant's update letter to the Secretary of State on 18 June 2025 and documents update in response to Part 1 of the Secretary of States (SoS) Request for Further Information issued on the 11 July 2025. These are listed below in Table 1.1 and Table 1.2.
- 1.1.4 Regarding the Book of Reference, the Applicant would like to note it is submitting two separate versions; one version dated June 2025 which was referred to in the update letter sent to DESNZ on 18 June 2025 (Revision G) which accords with Revision F of the Land Plans, and a second copy (Revision H) dated July 2025 which is referred to the response to question 6 below, and accords with Revision G of the Land Plans.
- 1.1.5 The tracked changed word copy of the draft DCO Revision J accords with the PDF version submitted to the Secretary of State on 18 June 2025. No further revisions of the dDCO have been provided. The Applicant notes that the DCO would need to be updated to accord with the removal of land rights provided for in the response to point 6.

Table 1.1 – List of documents Referred to in the Applicant's Update Letter of 18 June 2025 and submitted In Response to Point 8 of the Part 1 response

Number	Document name	Revision
2.3	Land Plans – Onshore	F
2.4	Special Category Land Plans	D
2.17	Crown Land Plan - Onshore	E
3.1	Development Consent Order – tracked changed word version only	J
4.1	Book of Reference (tracked and clean versions)	G



Table 1.2 – List of Other documents submitted to accompany the Part 1 response

Number	Document name	Revision
2.3	Land Plans – Onshore	G
4.1	Book of Reference (tracked and clean versions) (July 2025)	Н
10.36	Onshore Substations Operational Noise and The Outline Noise Complaints Protocol (tracked and clean versions)	С



2. LAND RIGHTS

DESNZ Ref	Question to:	Question	Applicant's response
3	The Applicant and The Crown Estate	The Secretary of State notes during the examination the Applicant was approaching the rights holders to create new rights at the land at Orford Ness (Plots 19-001, 19-002, 19-003 and 20-003). Therefore the Applicant and Crown Estate are requested to provide clarification regarding what consent, if any, is required under section 135 of the Planning Act 2008 for new rights, whether consent has been obtained and if not when agreement will be reached.	In respect of plot 19-001, the 2.3 Onshore Land Plans (Rev F) and 4.1 Book of Reference (Rev G) have been amended to show that no rights are sought in this plot. For plots 19-002, 19-003 and 20-003, rights in land are held by the Secretary of State for Defence (Defence Infrastructure Organisation). The Applicant is not aware the Crown Estate have rights on this land and therefore would not be required to provide consent under section 135 for these parcels of land. The Applicant and The Crown Estate have agreed the form of consent to be given under section 135(2) of the Planning Act 2008. The Applicant understands that The Crown Estate is responding separately to the Secretary of State's letter and that a copy of the consent letter will be provided to the Secretary of State imminently.
4	Applicant, Defence Infrastructure Organisation	Following the Applicant's letter to the Secretary of State dated 18 June 2025, the Applicant and Defence Infrastructure Organisation are also requested to provide an update in regards to Plots 19-001, 19-002, 19-003 and 20-003, to whether any matters are outstanding and if so when agreements will be reached.	The Applicant has engaged with the Defence Infrastructure Organisation (DIO) in respect of property interests of the Secretary of State for Defence at land at Orford Ness, Suffolk (Five Estuaries land plot numbers 19-001, 19-002, 19-003 and 20-003), in particular a request for consent in line with section 135 of the Planning Act 2008. The Applicant most recently requested an update to the request for section 135 consent by email of 07 July 2025 and also by email of 15 July 2025. The Applicant now understands that the case-holder at DIO dealing with the request has sought internal legal advice and will revert to the Applicant. Due to the nature of the property interests held by the Secretary of State for Defence and the rights sought by the Applicant, the Applicant does not foresee any impediment to the granting of section 135 consent. The Applicant will provide an update on this as part of its submission in response to Part 2 of this request for further information on 08 August 2025.
5	Applicant	The Applicant's letter of 18 June 2025 provided an amended development consent order with the deletion of plot 19-001 from schedule 7 to the Order to address National Trust concerns. The Applicant is therefore requested to provide revised versions of sheet 19 in the Onshore Land Plans and the Book of Reference (BoR) removing Plot 19-001 from the Compulsory Acquisition (CA) powers being sought.	Sheet 19 of 2.3 Onshore Land Plans - Revision F has been updated to show plot 19-001 as "Land not subject to compulsory acquisition or temporary possession". 4.1 Book of Reference - Revision G has been updated to show that no rights are sought in plot 19-001 . These revisions are provided with this response (see response to point 8 below).
6	Applicant	The Secretary of State notes that during the examination issues were raised in relation to whether all the land would be required for CA and Temporary possession (TP). There were also issues regarding whether Plot 17-024 could be partially removed in regards to the land encircling the grey shaded land to the east of Normans Farm. The Applicant is therefore requested to provide amended versions of sheet 18 in the Onshore Land Plans and the BoR to reflect the scenario of Plot 17-024's partial removal from the land rights power sought, and the exclusion of TP and CA powers from the entirety of Plots 17-015, 17-016, 17-017, 17-018 and 18-001 and 18-002. The Applicant is also requested to provide revised versions of sheet 17 in the Onshore Land	Plot 17-024 around Norman's Farm The Applicant has amended plot 17-024 on 2.3 Land Plans (Onshore) Revision G, to remove the freehold acquisition rights from the area immediately adjacent to Norman's Farm on the east and west. The area to the east is identified by the creation of plot 17-024A and together with an amendment to part of plot 17-024, is shown on the Land Plans as: "Land not subject to compulsory acquisition or temporary possession". This reflects discussions between the Applicant and the relevant landowners (see for example paragraph g of [REP6-077] from Brooks Leney on behalf of T Fairley & Sons Ltd.) and the



Plans and the BoR to reflect the scenario of the removal of Plots **16-022** and **17-005** from the TP powers sought.

discussions and concerns raised during the examination. The Book of Reference (Revision H) has been updated accordingly. No change is needed to the dDCO to support this amendment.

The Applicant maintains that screen planting to the north of Norman's Farm and the wider screen planting to the east of Normans Farm is required in order to mitigate the impacts of the substation to an acceptable level in landscape and visual terms.

The Applicant's Response to Rule 17 Letter, submitted at Deadline 8a [REP8A-041] notes that:

"The farm comprises a farmhouse, farm sheds, farmyard and garden, which collectively do not form an effective screen from Ardleigh Road and from the wider landscape to the south. This is on account of the openness of the garden, farmyard and proposed access, which would open up views towards the onshore substations which are a minimum of 370m from the farm and which span a horizontal extent of approximately 600m. Furthermore, there is no certainty that the existing farm shed will be present for the lifetime of the project and its removal would further open up visibility of the onshore substations. The proposed strip of planting to the north acts to fill this gap and ensure relatively continuous screening in views from the south, also taking into account the potential for loss of the farm shed. The precise location and composition of this planting will be refined post consent, once the detailed design of the substation is further developed, to ensure effective screening."

The assessment of LVIA impacts, design and implementation of suitable mitigation, and residual impacts largely rely on the current screening design (Landscape and Visual Impact Assessment [APP-084]) and is aligned to the objective of:

"Locating planting adjacent to roads, PRoWs and properties to ensure that an outer perimeter of effective visual screening is formed in the shortest time possible".

The removal of the full extent of the planting around the exterior of the eastern field in plot 17-024 requested by the Secretary of State would mean the Applicant would be unable to deliver the necessary landscape mitigation (screen planted tree belts) committed to through the Landscape and Visual Assessment and secured in the Outline Landscape and Ecology Management Plan [REP8A-017] which follows the existing field boundaries and remove the opportunity for this planting to be done at the start of the construction programme.

Plots 17-015, 17-016, 17-017, 17-018

Permanent rights of access only are sought over plots 17-015, 17-016, 17-017 and 17-018 for the construction and operational phases to allow access to the area proposed as landscaping for the onshore substation (part of 17-024), for the creation and maintenance of the landscaping measures. The owners (or reputed owners) of each of plots 17-015, 17-016, 17-017 and 17-018 have been identified in the Book of Reference [REP7-014] as both T. Fairley & Sons Limited and Essex County Council (as highway authority). The plots are allocated as 'access rights' only and no other rights are sought in these plots meaning that only the minimal level of interference necessary to deliver and maintain the project has been included. As can be seen from aerial imagery and on-the-ground inspection, the actual distinction between what is highway verge and what is currently farmed land is imprecise. The Applicant has therefore considered a need to preserve access over these plots from the publicly maintainable highway to the area that will, ultimately, accommodate a portion of the landscaping required for the onshore substation. The retention of the planted strip around the



perimeter of the field in the east of plot 17-024, described above, requires that the land rights to these plots in order to access and maintain that planting are retained.

Plots 18-001 and 18-002 (and reason for extent of 17-031)

The Applicant has addressed the principles of the extent of the National Grid substation area plots raised under this question (6) and question 7 below together, as they raise the same points of principle. The Applicant objects to the requested changes on the basis that the rights as shown on the submitted land plans sought are necessary to ensure the deliverability of the project. The request for removal or reduction of these plots prejudges the detailed design of the National Grid project and the extent of their land acquisition, creating risk of gaps and ransom strips endangering the deliverability of the Applicant's project.

Within the EACN site, the Applicant is seeking powers to acquire rights to install, operate and protect its cables, and to access those cables once installed for maintenance. These powers are necessary and sought over the whole area as it is not yet known where in the area identified National Grid will site the substation, nor where the Applicant's connection point will be. The Applicant accordingly needs to be able to route the cables to any point within the area that National Grid determine. The Applicant also needs to be able to access those cables. Rights for the cables and for access are therefore required over the whole area, at this time, but would only be taken over the final route and access route.

During the Examination, the Applicant, North Falls and National Grid provided a tripartite position statement [REP8-029] which sets out National Grid's agreement that the precise location and layout of the substation is not yet known and the whole area therefore requires to be included:

"4.3 The configuration of the OWF switchgear within the footprint of the NGET EACN substation will depend on a number of factors including the detailed design of the equipment required and the final layout of the proposed NGET EACN Substation.

4.4 As the exact location or layout of the NGET substation is not yet known the whole EACN construction and operational zone has therefore been included within the OWF Order Limits .".

Plots **18-001** and **18-002** form part of the site identified by National Grid for their substation development.

The Applicant wishes to note, that, as submitted during Examination, it has a connection agreement with National Energy System Operator for this project in place as required by the NPS. It does not and cannot however have a point of connection at this time as the detailed design of the substation is not yet known and the Applicant has therefore not been allocated a bay within the proposed substation. That detail will not be provided by National Grid, who will build the infrastructure, for some time.

The connection agreement applies from the point of connection only, and not to surrounding land, so the Applicant needs to get the cables to the substation to reach that connection point, and then to access them in operation. There is uncertainty as to how much land National Grid will acquire and whether National Grid would be able to give the Applicant all the necessary rights.

While the Applicant would hope that the National Grid design would facilitate a connection on the eastern side of the EACN, that is not known and cannot be guaranteed; National Grid have



advised that their substation design will be driven by safety considerations, submitting at Deadline 8 ([REP8-048] National Grid Electricity Transmission Plc Deadline 8 submission) as an example that:

"The layout and design arrangement for such an AIS [an air-insulated switchgear substation] is dictated by safety and circuit design practicalities. As a result, there is no opportunity for the layout arrangement to be modified for design reasons."

The Applicant therefore needs to be able to route the cables anywhere within the site. Removing Plots **18-001** and **18-002** presupposes that the Applicant is not given a connection on the northern side of any substation to be built and that the cable bends do not need to extend onto that area; the Applicant submits that this assumption is not justified at this stage and creates an entirely unnecessary delivery risk to the project compared to the limited powers sought, which are only to acquire rights for one set of <u>buried</u> electrical cables and access rights to those cables.

At this time the intention is that, rather than create multiple access points to this site, the Applicant would use whatever access point National Grid will use to align with and minimise impacts. That does, however, mean that the route through the wider site to the cables cannot yet be known and the rights are accordingly sought over the whole area. Where the final connection point is known before any rights have to be exercised, the Applicant will only take the cable and access corridors necessary to align with the EACN final design.

The Applicant requires powers to carry out works to get cables to the final National Grid substation, and there is no proposal that National Grid would do any works for the Applicants benefit outside of the boundary of their substation site.

The powers sought are accordingly necessary to ensure that the development can get the cables to the connection point and operate and are accordingly compliant with section 122 of the Planning Act 2008.

The Five Estuaries connection does not form part of the NGET proposed DCO scheme, it is properly part of the Five Estuaries scheme. It must also be transferred by Five Estuaries to an offshore transmission owner (OFTO) and Five Estuaries must be able to effect that transfer. Where the final connection point is known before any rights have to be exercised, the Applicant will only take the cable and access corridors necessary to align with the EACN final design.

It is noted that the National Grid DCO application for the Norwich to Tilbury scheme is currently anticipated to be submitted in Q3 2025.

The Applicant has always taken the position that it will align its construction access to the site to the National Grid access location in order to minimise impacts. Once National Grid establish an operational access, it is agreed that they will (in so far as they are able and have the land rights to do so) grant the Applicant rights to access its cables via that. The National Grid access will however be designed to access and maintain the substation not the cables, and is not likely to extend over all of the cable route. There will be areas of cables outside the substation which the Applicant needs to be able to access in operation. As the route of the cable is not yet known, the area over which that rights will be required cannot yet be defined. Accordingly rights are necessary over the whole plot.

The deletion of plot **18-001** and **18-002** presupposes that the National Grid access to the substation site will be taken from the south of the plot **17-031**. While this is the current working assumption for construction traffic (as it would involve the least use of the public highway), that



is only a working assumption at this stage before National Grid have a consent and a detailed design. Where the National Grid access is located to the north west, deletion of these plots would prevent the Applicant from being able to align on access in order to undertake the cable works under its own powers and within its own delivery time frame.

The Applicant requires to be able to undertake the trenchless crossing under Grange Road at the correct build stage as installation of a trenchless crossing requires the creation of a compound and pit on the Applicant's substation site to the east. That activity has to be done at the appropriate stage of the programme for the wider programme of works on the substation site. Where, at the time the Applicant requires to undertake this crossing, the precise location of the connection point is not yet known, then the Applicant will install the crossing but not the remainder of the cable route from the crossing to the substation until the final connection point is specified by National Grid. This will allow the Applicant to maintain its build programme on schedule on the Five Estuaries substation site.

National Grid have not yet advised the Applicant of the intended access point to the site (noting that this will be subject to consideration in the National Grid DCO examination in any case and therefore may change from any preliminary view held by National Grid). Plot **18-001** and **18-002** abut the public highway to the west of the site. Should the operational access be located in this area deletion of these plots could prevent the Applicant from ensuring that it can create a suitable operational right of access to its cables using that access point.

Plots 16-022 and 17-005

The Applicant at the request of the SoS has removed the temporary possession rights as requested in plots 16-022 and 17-005 shown on Revision G of the Land Plans and updated in the Book of Reference Revision H. However, the Applicant would like to reiterate the points made in 10.42 Applicants response to Action Points – ISH6, CAH3 and ISH [REP6-046] regarding the purpose of and need for these plots. The ES surveys, reported in 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] identified the area avoided by plots 16-022 and 17-005 as S41 lowland meadow habitat (UKHab primary code g3a), which is of local importance. Table 4.18 acknowledges the potential loss of lowland meadow, noting lowland meadow would be avoided where possible, but used the precautionary principle and assessed lost and reinstatement for the area shown on sheet 20 of 21 of the Important Hedgerows, S41 Habitats, other notable habitats, and notable plant species recorded with the survey area figures (page 143). As stated in 10.20.6 Technical Note - Haul roads between Bentley Road and the Onshore Substation [REP4-036] in paragraphs 3.3.3 to 3.3.5 the alternative route using these plots has been included to allow the Applicant to further avoid the lowland meadow, should this be practical during detailed design. The Proposed Development would be able to be implemented, and has assessed, using either the additional loop or following the route along the export cable corridor. The removal of the temporary possession rights from these two land parcels at the request of the SoS means that the Applicant is unable to explore options to minimise the impacts to this S41 habitat unless land rights can be agreed voluntarily with the affected parties.

The Applicant will look to re-establish lowland meadow on the area from which it had been lost; via salvage of turves prior to construction, sustaining them during the course of construction then reinstating after construction. The process of salvage, reinstatement, monitoring and management would need to be included in the approved LEMP for this stage. If this is not what the SoS intended by its request the Applicant would request it is asked to provide updated Land Plans which reinstate the CA rights in these two parcels.



		Should the Secretary of State determine that the temporary possession powers over these plots should not be granted, the plot numbers will require to be deleted from schedule 6 of the dDCO.
7 Applicant	The Secretary of State notes that issues were raised in relation to Plot 17-031 whether it would be possible to reduce the powers sought to a more proportionate extent because the Applicant and National Grid may be able to secure a connection between their respective substations without the Applicant needing acquisition powers for rights across the entirety of the EACN site, for example by alternative mechanisms such as a voluntary agreement, commercial contract and reciprocal protective provisions. The Applicant is therefore requested to provide further reasoning for the acquisition of the rights sought in Plot 17-031 and, if alternative mechanisms such as amended protective provisions are now proposed, provide the details of those.	National Grid does not yet own any of the EACN substation land and cannot grant any rights to such land to the Applicant. It is also not yet clear how much of plot 17-031 National Grid will acquire. As demonstrated by the agreed protective provisions in favour of National Grid included in the dDCO, the Applicant will not use compulsory powers where rights can be granted by National Grid at the time they are needed; indeed those provisions prevent exercise of such powers where National Grid can and does grant rights. That can only apply in land where National Grid has the legal ability to grant the necessary rights to the Applicant. As National Gris final land take is not yet known, the nature of their land interest is not known, and will not be known until there is a detailed design, there is no certainty that all of the cable route will be within land where National Grid can grant rights. That route may involve both land that National Grid later acquires and land they do not. There is no certainty at this time precisely what land National Grid will acquire and it is entirely possible that the cables may have to pass through land they do not acquire, During Examination, the ExA queried why the Applicant was not seeking powers only up to the boundary of the plot so that connection can be facilitated over the land that ultimately becomes National Grid's land. The Applicant explained then in that scenario that there may be a gap where National Grid does not acquire the land up to the boundary since they have not committed to acquiring the whole site. That position remains and is maintained. Similar uncertainty was faced by Hornsea 3 when connecting to Norwich Main Substation. Hornsea 3 had to take a precautionary approach and include a large swathe of land around the substation in order to deal with this uncertainty. The Sheringham Shoal and Dudgeon extension projects (SEPDEP) had to connect to Norwich Main after Hornsea 3; however, there was uncertainty as to where SEPDEP were going to connect (even though Ho
8 Applicant	The Applicant wrote to the Secretary of State on 18 June 2025 offering to provide updated Land Plans – Onshore, Special Category Land Plans, Crown Land Plans and BoR, including a tracked version of the changes to 4.1 BoR and a tracked changes word version of the	submission in response to this request: • 2.3 Land Plans (onshore) – Revision F; • 2.4 Special Category Land Plans – Revision D; • 2.17 Crown Land Plans – Revision D; and



		amended draft Development Consent Order. The Secretary of State is now requesting these.	 4.1 Book of Reference – Revision G (clean and tracked versions). A tracked changed word version of the draft DCO submitted on 18 June 2025 has been provided.
9	Applicant, Network Rail	The Applicant and Network Rail are requested to provide an update on whether any agreement has been reached regarding respective Protective Provisions. The Applicant should provide an update if any other outstanding Protective Provisions have been agreed.	The Applicant and Network Rail have continued to work together to progress the framework agreement which is a necessary to allow final agreement to be reached. The Applicant notes that signed Heads of Terms for an Option to enter in to a Deed of Easement have been received from Network Rail. This allows progress to now be made on the protective provisions. The Applicant will provide an update on this as part of its submission in response to Part 2 of this request for further information on 08 August 2025.
			There are no changes on protective provisions with other statutory undertakers from the position set out in the Applicant's update letter to the Secretary of State issued 18 June 2025.



3. OFFSHORE ORNITHOLOGY

Ref	Question to:	Question	Applicant's response
		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].	The Applicant notes this question is aimed at Natural England, however a summary of the Applicant's position at close of examination and comments on NE's Deadline 8A submission are provided below.
			Whilst the Applicant maintains that temporary working within the 2km buffer zone during the non-breeding season would not lead to an AEoI, the Applicant has continued engagement with Natural England on this matter, providing further information and discussing next steps at a meeting in June 2025. It is understood that NE are happy to continue discussions to potentially refine this restriction and the Applicant will be providing further information to support the case for working within the 2km buffer as the methodology for cable installation is developed.
			In terms of NE's conclusion of potential AEoI, the Applicant notes that in their Deadline 8A submission which sets out the reasoning for this conclusion, the assumptions are incorrect.
			NE state in their response that:
			"If RTD are displaced from an area inside the SPA over an extended period of time, then the conservation objectives of the site could be compromised and AEol could not be ruled out, particularly given the existing and consented pressures on the SPA."
10	Natural		It goes on to conclude:
10	England		"Furthermore, cable laying activities would not just be restricted to the use of one vessel but also a number of auxiliary vessels. During construction up to 35 vessels may be present on site simultaneously during the ECC installation phase (see 6.2.9 Shipping and Navigation [APP-078]), with up to 12 vessels involved in cable laying (see 6.2.4 Offshore Ornithology [APP-073]). Those associated with the cable laying, travelling at 150-450m per day, will require at least 35 days to cover the 16km of the ECC within the southern portion of the OTE SPA.
			Natural England therefore considers that this worst-case scenario, in addition to the likely timing, frequency and duration of cable laying along the corridor (i.e. for sequential periods lasting 5-15 days over 5 years), has the potential to lead to adverse effects on site integrity except where Digital Aerial Survey (DAS) data are indicating that RTD densities are low (<1.0 birds/km²) or if a seasonal restriction is applied when the birds were present."
			The 16km of the ECC within the southern portion of the OTE SPA are already subject to a cable-laying timing restriction during the non-breeding season (as set out in the outline Working in Proximity to Wildlife plan), therefore this timing should not be considered a worst-case scenario for cable-laying works within the 2km buffer. It is unclear where sequential periods lasting 5-15 days over 5 years is drawn from. Whilst works such as cable route preparation and installation may happen over 2-3 sequential years, these would be for very limited periods within the 2km buffer, and it is the Applicants position that this could not be considered an 'extended period of time' to the extent that it would lead to a potential AEoI.



	Nonetheless, the Applicant made significant further commitments in response to Natural England's concerns in the Outline Working in Proximity to Wildlife in the Marine Environment plan and will continue to engage to develop a pragmatic approach to this matter.



4. MARINE MAMMALS

Ref	Question to:	Question	Applicant's response
			The Applicant notes that this request is for Natural England (NE) and the Marine Management Organisation (MMO) but has provided the following which reflects the Applicant's response to this question during examination.
			Following a Section 42 consultation response from NE, the Applicant updated the definitions of sensitivity scoring in the final ES chapter. In the EIA matrix for marine mammals (Table 7.8 of 6.2.7 Marine Mammal Ecology [APP-076]) a score of medium is the second lowest (i.e. the third of four) score for sensitivity and a score of medium is the second highest (i.e. the second of four) score for magnitude. In the significance matrix presented (Table 7.8 of 6.2.7 Marine Mammal Ecology [APP-076]) a magnitude score of medium and a sensitivity score of medium result in a minor significance, which is not significant in terms of the EIA Regulations 2017. Therefore, the conclusion of the Cumulative Effects Assessment (CEA) for harbour porpoise and seals remains unchanged, as of minor significance, which is not significant in EIA terms.
11	Natural England, Marine Management Organisation	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.	The Applicant has previously provided responses on sensitivity and magnitude scores for the CEA within Applicants Response to Natural England Relevant Representations (point H6) [REP1-051]. Section 7.13 of 6.2.7 Marine Mammal Ecology [APP-076] details the CEA for harbour porpoise, harbour seals and grey seal including evidence to support the conclusion of minor significance. No direct response to the Applicant's comment was received from NE during the examination, however the NE recommendation to resolve the issue was to undertake population modelling such as iPCoD which the Applicant subsequently provided [REP1-056]. Agreement with this approach from NE was also stated in NE's Deadline 4 response [REP4-062] which stated: 'We note that modelling was conducted for project alone due to the uncertainties/ lack of data on the piling schedules of projects included in the in-combination assessment. We don't have objections to the Applicant position on this.'
			The results of the iPCoD modelling supported the Applicant's conclusion that the project would not lead to significant effects at a population level. It is not clear why NE state in their Risks and Issues Log that 'no further information has been provided' because the Applicant undertook the modelling that was requested and NE responded to the iPCoD report at Deadline 4 [REP4-062] with comments that were subsequently addressed in a revision at Deadline 5 [REP5-070]. There were further comments from NE at Deadline 7 [REP7-106] which were addressed by the Applicant at Deadline 8 [REP8-036]
			In terms of the Rampion 2 advice, it is noted that this again stemmed from changes in terminology. The MMO in this case concluded that whilst they disagreed with the scoring of sensitivity as low, it made little practical difference to the outcome of the assessment. The Applicant does not consider that the Rampion 2 considerations are directly relevant but do note that for VE the MMO had no outstanding matters relating to marine mammals in the Statement of Common Ground [REP8A-032].



5. HABITATS REGULATIONS ASSESSMENT

Ref	Question to:	Question	Applicant's response
12	Natural England	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.	No response.
13	DEFRA	DEFRA is invited to confirm whether the proposed strategic compensation (the extension of an existing SAC or designation of a new SAC with Annex 1 Sandbank feature) to compensate for an adverse effect on the integrity on the Margate and Long Sands SAC, as detailed in the Applicant's Benthic Compensation Strategy Roadmap [REP8-008], would be deliverable through the Marine Recovery Fund.	The Applicant has spoken to Defra and understands they will respond. Previous responses from the Applicant during the examination referred to the Written Ministerial Statement (WMS) that was provided to give confidence to decision makers that this measure could be relied upon. The WMS (29 th January) stated that: "DEFRA commits to designating new MPAs and/or extending existing MPAs in Secretary of State waters to deliver sufficient strategic compensation to compensate for likely environmental effects of offshore wind development. We do not expect this to be available to any project outside the following: Projects that received a seabed lease from the Crown Estate under leasing round 3, round 4 or the 2017 extensions round"
14	Applicant	The Applicant is also requested to provide an update on whether appropriate participation of relevant stakeholders, OWF developer partners, and landowners in the compensation measures proposed in the Guillemot and Razorbill Implementation and Monitoring Plan ("GRIMP") [REP8-014] has been agreed. The Secretary of State notes the letter from Cornwall Wildlife Trust submitted at Deadline 8A [REP8A-040].	The Applicant provided an update on without prejudice measures for compensation for auks in its letter to the Secretary of State dated 17 June 2025. Since that update the Applicant has continued to engage with the OWF development partners and CWT (through correspondence administered by OWIC) to develop a collaborative auk compensation measure as set out in the GRIMP. In order to develop these measures further it has been agreed that the OWF development partners (including VE) will jointly fund a Project Manager position within CWT with the aim that this role would: • Engage with relevant local stakeholders and landowners • Develop the programme, costs and methods for the implementation of disturbance reduction measures • Develop monitoring proposals • Work with the OWF development partners and OWIC to ensure compensation measures meet the needs of the projects The job role and a related Memorandum of Understanding (MoU) are currently being reviewed by the OWF development partners. The funding would be administered through OWIC and would cover the first year of the PM role, with further funding to be agreed subject to outputs from CWT. In summary the measure for auks is progressing as planned and the Applicant is confident the disturbance reduction measures in the south-west will, if required, deliver the compensation required for the project.



6. NOISE AND VIBRATION

Ref	Question to:	Question	Applicant's response
15	Applicant	The Applicant is requested to provide comments on the amended timeframes for investigation of noise complaints as proposed by Essex County Council in Section 8 of their Deadline 8A submission [REP8A-044].	The onshore substations operational noise and the outline noise complaints protocol (the Noise Protocol) has been updated during both Five Estuaries' and North Falls' Examination periods. This follows ongoing discussion with and feedback from Essex County Council on a number of points, including timeframes for investigation, and the request to retain a noise consultant to respond to complaints. The latest version of the document, 10.36 Onshore Substations Operational Noise and The Outline Noise Complains Protocol (Revision C) updated during the North Falls Examination is provided with this submission.
			The Applicant notes that the Noise Protocol is an outline document and draft DCO Requirement 15 requires a final protocol to be submitted to and approved by the discharging authority. The final version of the protocol will include timeframes that are approved by the discharging authority and considered achievable by each substation operator. The Applicant does not consider it necessary to finalise these details prior to DCO consent, as the primary purpose of the Noise Protocol will be to identify the <i>method</i> by which a complaint would be investigated.
			The Applicant also notes that the operational noise level limits in the draft DCO Requirement 15 are very low; substation noise is unlikely to be audible inside any residential dwelling, and there is no evidence that noise exposure at this level could cause annoyance. Hence, occurrence of complaints regarding normal substation operations are considered extremely unlikely. As compliance with these limits will be a legal requirement ensured through the substation design process, the noise should only exceed its limits if a fault has developed in one or more items of plant.
			Section 6.4 of the Noise Protocol identifies that the first stage in the process would be to undertake a site walkaround to identify any equipment operating incorrectly, within 48 hours of receipt of a complaint. All three substations will be unmanned; hence this timeframe is the minimum that would be achievable. It is considered extremely likely that the initial site walkaround would identify any equipment faults, and Section 6.5 of the Noise Protocol states that initial remedial measures must be considered.
			Therefore, the likely timeframe for resolution of the issue would depend on how quickly it can be fixed, without the need to resort to the measurement protocol and associated timeframes. The alternative scenario is much less likely, i.e. in the case that the complainant has detected a fault with the plant that the site walkaround could not identify. For the fault to be undetectable by a site operative, it would need to be a very small breach of the consented noise level and therefore unlikely to cause an unreasonable disturbance. This is the only scenario under which the measurement procedures and timeframes described in Section 6.6 of the Noise Protocol [REP3-043] are considered likely to apply.
			The timeframes identified in Section 6.6 of the Noise protocol [REP3-043] recognise the likely technical complexity of such a scenario and the high degree of individual expertise and equipment precision required to undertake such an investigation. Such resources are of limited availability; hence there can be delays to mobilisation. Following appointment, surveys must only be undertaken when weather conditions are appropriate, so undertaking them at short notice can be challenging in a variable climate such as the UK. The identified timeframes are based on extensive professional experience of how long these activities take; for example, cost-benefit analysis of mitigation options requires information from equipment and mitigation suppliers and the timeframe for providing this is outside of the operator's control. However, these timeframes are the expected maximum and every effort will be made to expedite the process. It may be possible to complete the work quicker than specified when resources are available and weather conditions are appropriate.



	The Applicant notes that the outline protocol is a tripartite document and the Applicant acknowledges that discussions on it will continue into the Norwich to Tilbury DCO examination.



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