



Department for  
Energy Security  
& Net Zero

3-8 Whitehall Place  
London  
SW1A 2AW

[www.gov.uk/desnz](http://www.gov.uk/desnz)

To:

Five Estuaries Offshore Wind Farm Limited  
East Anglia Two Limited  
Natural England  
Environment Agency  
Marine Management Organisation  
North Falls Offshore Wind Farm  
National Grid Electricity Transmission  
Essex County Council

Ref: EN010115

21 August 2025

Dear Sir or 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 (“the Five Estuaries Offshore Wind Farm project”)**

**REQUEST FOR INFORMATION**

1. Following the completion of the Examination on 17 March 2025, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 17 June 2025.
2. On 11 July, the Secretary of State requested information from specific parties. On 14 August 2025, the Secretary of State invited all Interested Parties (“IPs”) to comment on the responses received. The deadline for comments is 23:59 on 13 September 2025.
3. The Secretary of State would be grateful if the following parties could provide updates or information as appropriate in response to the queries set out in this letter: **the Applicant, Natural England (“NE”), the Environment Agency (“EA”), the Marine Management Organisation (“MMO”), North Falls Wind Farm, East Anglia Two limited (“EA2L”), National Grid Electricity Transmission (“NGET”) and Essex County Council (ECC).**

## Wake Effects

4. The Secretary of State notes the positions of the Applicant and IPs, in particular EA2L, in relation to wake effects. The Secretary of State also notes the policy in 2.8.197 and 2.8.200 of NPS EN-3, as well as the specific policy on wake effects set out in the draft NPS EN-3 which was consulted on between 24 April 2025 and 29 May 2025. Those policies suggest that an assessment be carried out, that steps be taken to minimise impacts and that an applicant shows they have made reasonable efforts to work collaboratively with those who may be impacted.
5. The Secretary of State requests that the **Applicant** and **EA2L** provide comments, on a without prejudice basis, on the following requirement which could be inserted into the Order:

### *Wake effects*

*—(1) No part of any wind turbine generator may be erected as part of the authorised development until either—*

*(a) A suitable wake effects plan (including cumulative impacts on nearby wind farms) has been submitted to and approved by the Secretary of State; or*

*(b) The undertaker has provided evidence to the Secretary of State that alternative mitigation for wake effects has been agreed with the EA2L offshore wind farm.*

*(2) The wake effects plan provided in accordance with paragraph (1)(a) must include details of reasonable steps that have been taken by the undertaker to minimise wake effects on the EA2L offshore wind farm whilst maximising the capacity of the authorised development within the identified technical, environmental and other constraints of the authorised development.*

*(3) Where paragraph (1)(a) applies the design plan submitted to the licencing authority under condition 17(1)(a) of schedule 14 of this Order must be in accordance with any approved wake effects plan.*

*(4) For the purposes of this requirement—*

*“EA2L offshore wind farm” means East Anglia Two limited.*

## Noise Investigation Protocol

6. The Secretary of State welcomes the responses from the Applicant and ECC in relation to the procedure for the handling of noise complaints. The **Applicant**, **North Falls Offshore Wind Farm**, and **NGET** should provide comments on the following proposed amendment to Requirement 15(2) of the Order:

*15(2) Prior to the commencement of operation of Work No. 15B, the undertaker will consult and agree with North Falls Offshore Wind Farm Limited and*

*National Grid a noise investigation protocol which must be submitted to and approved by the discharging authority. The noise investigation protocol must identify how the undertaker, North Falls and National Grid will jointly investigate noise.*

### **Fish and Marine Mammals**

7. The **Applicant**, **NE**, and the **MMO** are invited to provide draft wording to secure within the Order the implementation of noise abatement systems in the event that driven or part-driven piles are used during construction.
8. **NE** and the **MMO** should also comment on the Applicant's response<sup>1</sup> to the Secretary of State's request for appropriate fish and marine mammal monitoring. In particular, NE and the MMO should provide views on whether any monitoring approaches, other than those refuted by the Applicant, could be employed to validate the predictions made within the Environmental Statement ("ES") and to detect effects significantly beyond those predictions.

### **Onshore Ecology – ES 6.3.4 Onshore Biodiversity and Nature Conservation**

9. The **Applicant** is requested to revise the ES 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] to align the definition of "duration" with the definition provided in the CIEEM Guidelines for Ecological Impact Assessment in the UK and Ireland (2024). The definition of "duration" as per these guidelines is that duration should be defined in relation to ecological characteristics and account for the lifecycle of the species being assessed.
10. The Secretary of State notes that the Applicant considers the conclusions of the assessment would not change following further consideration of the life cycle of the species assessed. However, the Applicant has not evidenced how it has reached this position. The **Applicant** should therefore provide evidence, as requested above, setting out how this position was reached.

### **Landfall Drilling Risk Assessment**

11. **NE**, the **EA**, and **ECC** should comment on the following without prejudice wording provided by the Applicant for a requirement in the DCO for a landfall drilling risk assessment; proposed for inclusion within the Order:

*(1) No part of Work No. 4 may commence until a landfall drilling environmental risk assessment, in accordance with the approach set out in the code of construction practice, has been submitted to and approved by the discharging authority in consultation with the Environment Agency and the relevant statutory nature conservation body.*

*(2) Any control measures identified in the risk assessment should implemented as approved.*

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<sup>1</sup> [EN010115-001902-C1-022 - Five Estuaries Offshore Wind Farm Ltd - Responses to Part 2 - 10.74 Applicant Response to SoS Request for Information.pdf](#)

## Biodiversity Net Gain

12. The Secretary of State notes the difference in drafting in relation to an amended biodiversity net gain requirement within the Order between **NE** and **ECC**. **Both parties** are invited to provide final comments on the proposed wording below:

*(1) No stage of the authorised project within the onshore Order limits (excluding any onshore site preparation works) may commence until—*

*(a) a biodiversity net gain strategy for that stage which accords with the outline biodiversity net gain information comprising the Onshore Biodiversity Net Gain Indicative Design Stage Report (Option 1 - habitats unmanaged counted as lost) has been approved in writing by the relevant planning authority in consultation with Natural England; and*

*(b) the biodiversity gain plan must set out how the 10% biodiversity gain objective is expected to be met across the entire development, and how each phase is expected to contribute towards this. The approved biodiversity net gain strategy for each phase must be calculated with the statutory metric.*

*(2) The location for delivery of biodiversity units is to follow a prioritisation exercise, as described in the Onshore Biodiversity Net Gain Indicative Design Stage Report, with priority given to areas inside or within close proximity to the proposed Order limits. The Local Nature Recovery Strategy for Essex should be a reference point in this exercise.*

*(3) The biodiversity net gain strategy for each relevant stage must be implemented as approved.*

*(4) Any remaining shortfall in biodiversity units identified following detailed design will be secured prior to construction works being completed.*

*(5) Any biodiversity net gain strategy under sub-paragraph (1) may cover one or more stages of the onshore works.*

## Farmland Bird Compensation Plan

13. Noting the status of both skylark and corn bunting as Red List Birds of Conservation Concern and Species of Principal Importance, as well as The Environmental Targets (Biodiversity) (England) Regulations 2023, the **Applicant**, **NE**, and **ECC** are invited to provide comments on the wording below for a potential farmland bird compensation plan requirement within the Order:

*(1) No part of Work No. 15B may commence until a Farmland Bird Compensation Plan (FBCP) has been submitted to and approved by the Secretary of State in consultation with the relevant statutory nature conservation body and the local planning authority for the area in which the compensation measure is to be provided.*

*(2) The FBCP must include—*

*(a) the location where the compensation measures will be delivered and the suitability of that location (including why the location is appropriate ecologically and likely to support successful compensation), and confirmation that the necessary landowner agreement(s) are in place;*

*(b) details of the capacity and ability of the compensation areas to compensate for the impact of the authorised development on skylarks and corn bunting;*

*(c) an implementation timetable for delivery including any arrangements made with a third party for implementation of the measures;*

*(d) details for the ongoing management and maintenance of the compensation measures;*

*(e) details for the ongoing monitoring and reporting of the effectiveness of the compensation measures identified in the FBCP including—*

*(i) survey methods;*

*(ii) survey programmes;*

*(iii) success criteria; and*

*(iv) timescales for the monitoring reports to be delivered;*

*(f) details of any adaptive management measures, with details of the factors used to trigger any alternative and/or adaptive management measures; and*

*(g) details of how survey and monitoring data will be shared in the appropriate formats with the relevant Local Environmental Records Centre(s) and relevant national/regional environmental recording schemes, and any potential research collaborations.*

*(3) The undertaker must implement the measures set out in the FBCP approved by the Secretary of State, unless otherwise agreed by the Secretary of State following consultation with the relevant statutory nature conservation body and the local planning authority for the area in which the compensation measure is to be provided.*

*(4) Results from the monitoring and reporting scheme referred to in paragraph 2(e) must be submitted at least annually to the Secretary of State, the relevant statutory nature conservation body, and the local planning authority for the area in which the compensation measure is to be provided. This must include details of the effectiveness of the compensation measures delivered. If the undertaker, or on receipt of a monitoring report, the Secretary of State, determines that the compensation measures delivered have been ineffective the undertaker must provide proposals for any alternative and/or adaptive management measures to address this. Any proposals to address the ineffectiveness of the compensation measures must thereafter be implemented by the undertaker as approved in writing by the Secretary of State in consultation with the relevant*

*statutory nature conservation body and the local planning authority for the area in which the compensation measure is to be provided.*

*(5) The FBCP approved under paragraph (1) includes any amendments that may subsequently be approved in writing by the Secretary of State.*

### **Flood Risk**

14. The **EA** and the **ECC** are invited to comment on the 10.76 Technical Memo on Revised Environment Agency Flood Mapping Data provided by the Applicant in response to the Secretary of State's request.

### **Habitats Regulations Assessment**

#### **Buffer Zone for Red-Throated Divers**

15. The Secretary of State welcomes the responses from the Applicant and NE in relation to the 2km buffer zone around the Outer Thames Estuary SPA for red-throated divers. The **Applicant** is requested to provide further programme-level detail to support its statements in relation to operational constraints from the imposition of seasonal restrictions in the 2km buffer within the ECC west of the Trinity DWR. This should include a detailed and evidenced explanation regarding the Applicant's assertion that such restrictions on piling activity could "*detrimentally disrupt the overall cable installation programme*".
16. **NE** are also invited to comment on the Applicant's overarching response (dated 8 August 2025) to NE's response to the Secretary of State's first request for information (Part 1). **NE** should confirm if this resolves any of its outstanding concerns.

#### **Buffer Zone for Schedule 1 Species**

17. **NE** are invited to confirm whether the amendments made by the Applicant to section 10.4 of the Outline Landscape and Ecological Management Plan resolves the outstanding concern raised in their Risk and Issues Log [REP8A-053] (Point 14 in J – Onshore Ecology).

### **Operations and Maintenance Port Assessment**

18. **NE** are invited to comment on the Supplementary Operations and Maintenance Assessment submitted by the Applicant in response to the Secretary of State's first request for information (Part 2), and whether this resolves the outstanding concern raised in their Risk and Issues Log [REP8A-053] (Point 20 in PADSS & Point 5 in J – Onshore Ecology).

### **Updates to Report to Inform Appropriate Assessment ("RIAA") and HRA Screening Matrices**

19. **NE** are invited to confirm whether the amendments made by the Applicant to the RIAA and HRA Screening Matrices to screen in the transboundary sites for harbour

porpoise within the North Sea Management Unit resolves the outstanding concern raised in their Risk and Issues Log [REP8A-053] (Point 17 in H - Marine Mammals).

20. **NE** are invited to confirm whether the amendments made by the Applicant to the RIAA to clarify whether seismic surveys have been assigned to Tier 6 or Tier 7 in the in-combination assessment resolves the outstanding concern raised in their Risk and Issues Log [REP8A-053] (Point 18 in H – Marine Mammals).

### **HRA Implementation and Monitoring Plans**

21. The Secretary of State welcomes the update provided by the Applicant in relation to engagement with offshore windfarm development partners and the Cornwall Wildlife Trust for the delivery of guillemot and razorbill compensation. The **Applicant** should provide a further update confirming whether appropriate participation of relevant recreational stakeholders and landowners has been agreed, or provide letters of in-principle support / no in-principle objection if participation has not yet been agreed.
22. The **Applicant** is requested to remove the following sentence from paragraph 6.1.3 of the Guillemot and Razorbill Implementation and Monitoring Plan (“GRIMP”), *‘The Project will not commit to adaptive measures if the evidence suggests that the reason for lack of success are out of the Project’s control e.g. climate change, prey availability’*, as it is the decision of the Secretary of State, as the competent authority, whether or not implementation of adaptive management measures is appropriate.
23. **NE** are also invited to confirm whether the amendments made by the Applicant to the GRIMP resolves some of the outstanding concerns raised in their Risk and Issues Log [REP8A-053] (D – Ornithology Compensation).
24. **NE** are invited to confirm whether the amendments made by the Applicant to the Lesser Black-Backed Gull Implementation and Monitoring Plan resolves some of the outstanding concerns raised in their Risk and Issues Log [REP8A-053] (D - Ornithology Compensation).
25. The **Applicant** is also requested to remove the following sentence from paragraph 6.1.1 of the Kittiwake Implementation and Monitoring Plan, *‘The Applicant will not commit to adaptive measures if the evidence suggests that the reason for lack of success are out of the Projects control e.g. climate change, prey availability’*, as it is the decision of the Secretary of State, as the competent authority, whether or not implementation of adaptive management measures is appropriate.

### **Benthic Mitigation and Worst-Case Scenario**

26. The **Applicant** is requested to revise paragraph 5.1.4 of the Margate and Long Sands Special Area of Conservation - Benthic Mitigation Plan [REP8A-011] to include a requirement to demonstrate how impacts have been minimised, where avoidance is not 'practicable'.

27. The **Applicant** is requested to revise all relevant documents/plans to ensure consistency in relation to the total worst-case scenario cable protection footprint of 5,400m<sup>2</sup> or 5,400m<sup>3</sup>, as presented in the Margate and Long Sands Special Area of Conservation - Benthic Mitigation Plan [REP8A-011].

### **Guillemot and Razorbill Compensation Quantum**

28. The **Applicant** is requested to clarify whether the compensation quantum presented within the Guillemot and Razorbill Evidence, Site Selection and Roadmap [REP8-012] were derived using the latest demographic rate advice presented in the '*Interim advice regarding demographic rates, EIA scale mortality rates and reference populations for use in offshore wind impact assessments*' published by Natural England and Natural Resources Wales (2024). If this is not the case, the Applicant is requested to re-calculate the compensation quantum in accordance with this advice and provide revised relevant documents/plans.
29. The **Applicant** is also requested to provide revised relevant documents/plans with detail of the expected number of produced recruits that would disperse or stay at the natal colonies. Considering advice from NE, the Applicant should do this by providing the compensation quantum for guillemot and razorbill, calculated using the Hornsea Four method, but presented to show the proportion likely to disperse into the National Site Network. In doing so, the Applicant should use the 0.17 natal dispersal rate for razorbill from Lavers *et al.* (2007) and the 0.58 rate for guillemot from Horswill and Robinson (2015).

### **Lesser Black-Backed Gull Compensation Site**

30. **NE** are invited to provide draft wording to secure within the Order the commitment to carry out seasonally appropriate surveys prior to implementation of the compensatory measures at the Alde-Ore Estuary SPA to inform mitigation measures for potential impacts to the relevant designated sites.

### **The draft Development Consent Order**

31. The Secretary of State notes that Part 1 of Schedule 4 (streets to be temporarily restricted) is not referred to in article 14 (temporary restriction of use of streets) in the draft Development Consent Order. **The Applicant** should confirm whether Part 1 of Schedule 4 should be referred to in article 14. If it should, the Applicant should provide a draft of article 14 with this included.
32. The Secretary of State notes that Part 2 (removal of hedgerows) and Part 3 (removal of important hedgerows) of Schedule 12 are not referred to in article 37 (felling or lopping of trees and removal of hedgerows) in the draft Development Consent Order. The Secretary of State further notes that Part 2 and Part 3 of Schedule 12 do not appear to be referred to in any other article. **The Applicant** should confirm whether Part 2 and Part 3 of Schedule 12 should be referred to in article 37. If they should, the Applicant should provide a draft of article 37 with these



included. If they should not, the Applicant should confirm whether Part 2 and Part 3 of Schedule 12 should be removed from the draft Development Consent Order.

### **Deadline for Response**

33. Responses should be submitted **by no later than 23:59 on 5 September 2025**, by email only to [fiveestuaries@planninginspectorate.gov.uk](mailto:fiveestuaries@planninginspectorate.gov.uk).
34. Responses will be published on the Five Estuaries Offshore Wind Farm project page of the National Infrastructure Planning website as soon as possible **after 5 September 2025**.

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010115>

35. This letter is without prejudice to the Secretary of State's consideration of whether to grant or withhold development consent for the Five Estuaries Offshore Wind Farm project or any part of the project. Nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully,



John Wheadon

Head of Energy Infrastructure Planning Delivery

Department of Energy Security & Net Zero