

Date: 05 September 2025  
Our ref: 27347/524050  
Your ref: EN010115



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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 3 (RFI 3) dated 21 August 2025. Please note that this response is supported by detailed advice that we have provided in our response to the SoS RFI 2 (dated 14 August 2025).

To inform this response Natural England have reviewed the following:

- C1-022 10.74 Applicant’s Response to Secretary of State Request for Information (Part 2) (Rev A)
- C1-027 5.5.8 Guillemot and Razorbill Implementation and Monitoring Plan (Revision E) (Tracked)
- C1-029 5.4.3 HRA Screening Matrices (Revision E) (Tracked)
- C1-033 5.5.6 Lesser Black Backed Gull Implementation and Monitoring Plan (Revision E) (Tracked)
- C1-035 9.32 Offshore In-Principle Monitoring Plan (Revision H) (Tracked)
- C1-037 9.22 Outline Landscape and Ecological Management Plan (Revision F) (Tracked)
- C1-043 5.4 Report to Inform Appropriate Assessment (Revision F) (Tracked)
- C1-044 10.75 Supplementary O&M Assessment (Revision A)
- C1-047 18.1 Working in Proximity to Wildlife in the Marine Environment (Revision C) (Tracked)

Natural England has been invited to comment upon the following:

**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.***

**Natural England Response**

Throughout the Examination, Natural England advised that the Applicant should commit to the use of noise abatement systems (NAS) and/or noise reduction methods prior to consent. It should be noted that we have not requested that the Applicant commit to a *specific* type of noise reduction or abatement at this stage, simply that a general commitment to utilise a system or method to reduce the level of noise at source should be made. We welcome the use of Best Endeavours by the Applicant post-consent to identify the most appropriate system or method for the Project and we have engaged with the Applicant since the close of Examination in this regard, where they presented the work they have been doing to explore the most suitable options for Five Estuaries (VE). We also do not consider a commitment of this type to be unduly restrictive owing to the number of noise reduction/abatement options currently available and in development.

It should be noted that an update to the Defra noise policy (2025) and a guidance document are both due to be published by Defra imminently which will clearly state that the implementation of noise abatement measures should be considered the default and will be required by all offshore wind projects in English waters, other than in *exceptional* circumstances. Therefore, Natural England would again reiterate that we consider the Applicant should commit to the general use of noise abatement and/or noise reduction methods and we are confident, based on information presented to us by the Applicant, that a reduction in noise levels at source can be achieved, despite the challenging ground conditions present at the VE array site.

Please see Natural England's proposed condition wording below:

*In the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol for that stage, in accordance with the outline marine mammal mitigation protocol, the intention of which is to prevent injury to marine mammals, [including details of soft start procedures with specified duration periods] following current best practice as advised by the relevant statutory nature conservation bodies and which must include details of noise reduction methods through project design (primary measures) and/or, deployment of noise abatement systems or noise reduction measures systems that will be utilised to manage noise from those piling activities and such protocol must include full details and justification for the mitigation chosen and/or excluded for deployment.*

**8. NE and the MMO should also comment on the Applicant's response [C1-022] 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.**

### **Natural England Response**

Although we do not fully agree with the Applicant's response (Table 5, Ref 24), Natural England consider that additional monitoring for marine mammals is not required for Five Estuaries OWF. The Applicant has committed to, and secured within the DCO, monitoring of underwater noise generated from installation of the first four piles, which will provide data to validate the underwater noise modelling and assessment of impacts from underwater noise to marine mammals in the ES. There are no significant residual effects from the EIA or HRA that Natural England consider require additional or targeted monitoring.

Natural England is generally encouraging of any additional monitoring proposed by developers to validate the predictions made within the ES and to fill in the evidence gaps. In the Applicant's response they note that marine mammal monitoring for piling is undertaken by deploying numerous buoys with hydrophones which detect and identify marine mammals based on their vocalisations. Natural England consider this to be the most appropriate and most widely used approach to monitoring impacts to marine mammals from installation of offshore wind infrastructure. Other visual and acoustic methods for wider marine mammal surveys are available, but are needed to be

undertaken at such a large scale that we do not consider it appropriate for a single OWF project to carry out.

Similarly, with regard to monitoring of impacts to fish and shellfish, there were no significant residual impacts in the Environmental Statement (ES) that would require additional monitoring, therefore Natural England are content that none is required. We note that the underwater noise monitoring of the first four piles which the Applicant has committed to, will be utilised to validate the assessed impacts from noise to both marine mammals and fish and shellfish receptors and consider this to be sufficient for, and proportionate to, the outcomes of the ES.

#### **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 [be] implemented as approved.*

#### **Natural England Response**

Natural England is content with the proposed wording provided by the Applicant for a requirement in the DCO for the provision of a landfall drilling risk assessment. Whilst, our preference would be for the risk assessment to be provided to inform consent, we believe that this condition and the wording in the updated Code of Construction Practice (CoCP) [C1-024] Section 4.5.13 is sufficient to down grade this risk to 'Yellow' and essentially resolve Point 20 (J29) in our R&I log. However, and as discussed with the Applicant, we strongly encourage, given the same landfall location, that when drafting the final document, it is comparable to the already agreed Landfall Management Plan provided by North Falls [[REP 8-012](#)].

#### **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.*

### **Natural England Response**

Natural England is encouraged by the commitment to provide BNG for this project. However, it is for Essex County Council (ECC) as the Local Planning Authority (LPA) to sign off the strategy, not in consultation with Natural England. Therefore, we request that the consultation element is removed from the requirement and advise that it is for ECC to respond on the acceptability of the requirement.

### **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.*

### **Natural England's Response**

We note that this query is outside the scope of issues and/or risks raised in our Relevant Reps and we, therefore, defer to the interested parties that raised this issue.

### **Habitats Regulations Assessment**

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

**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.**

### **Natural England Response**

The Applicant's overarching response to Natural England's response to the SoS's first request for information (Part 1) does not resolve our outstanding concerns.

Natural England welcome the revision to the outline Working in Proximity to Wildlife Plan [C1-047] but note this would only apply to vessel movements during the operations and maintenance (O&M) phase of the project, and not the construction phase when cable laying would occur. In this case, the benefits accrued by the proposed revision would not alter the risk of Adverse Effect on Integrity (AEol) to red throated diver (RTD) during initial cable laying activity and the phase of work under discussion.

Regarding the lack of evidence cited by the Applicant for RTD presence inside the 2km buffer, we point out that our main concern is for the RTD inside the SPA boundaries and not inside the buffer. The buffer is in place to protect the birds inside the SPA. It represents the range over which we could expect disturbance events outside the SPA to negatively impacts birds inside the SPA. The concern is therefore not for the effects of vessel activity on the RTD inside the buffer (which we agree are few in number) but the effects on the RTD inside the adjacent SPA.

Regarding the existing displacement due to shipping activity, Natural England acknowledge the high levels of vessel traffic to the north of the section of the SPA in question, and its likely impact on current RTD distribution. However, we do not share the Applicant's view that the additional activity from cable laying and associated activities would not materially alter the level of disturbance pressure in that vicinity. Natural England needs to be confident that any potentially disturbing activity within the 2km buffer does not result in any further erosion of habitat availability at the edge of the SPA boundary, causing or exacerbating any re-distribution of the RTDs. As stated in our previous response to SoS questions [C1-005], it would help the ongoing discussions further and alleviate our concerns if the Applicant could provide clear evidence about the feasibility of cable laying west of the Trinity Deep Water Route (DWR) outside the seasonally restricted



period.

This is because it remains our view that, if feasible, prioritising all cable laying activity within the SPA 2km buffer west of the DWR to shore outside the seasonally restricted period, once scheduling is possible, is the most robust way to avoid AEol. However, Natural England acknowledge that the complex work involved in laying cables across the two DWRs precludes any restriction on the work schedule within the 2km buffer until the logistical challenges become more clear and the potential for disruption is better understood. Consequently, we advise that the DCO/dML be amended to require the Applicant to submit a RTD DWR Mitigation Strategy detailing these constraints once they are known and bringing forward the most robust set of mitigation options available in the light of them. This would need to be developed in consultation with Natural England and submitted to the MMO for approval.

We have provided detailed advice on this matter as part of our response to the SoS's RFI 2.

#### **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).***

#### **Natural England Response**

After review of the updated Outline Landscape and Ecological Management Plan (OLEMP) Revision F [C1-037] Section 10.4, Natural England advises that the proposed amendment does partly address our concerns. To fully resolve our issue the OLEMP should include a clearer commitment to implement further mitigation in the event that the buffer prove to be insufficient.

#### **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).***

#### **Natural England Response**

Natural England notes and welcomes the additional assessment [C1-044]. However, the assessment only considers impacts to the offshore environment, while the issues referred to in our PADSS and R&I log refer to the lack of assessment to onshore and estuarine ecological impacts and designated sites/features and therefore does not address our concerns. We believe that evidence from other plans and projects may help support this project such as the Hutchinson port facility within Bathside Bay and the Galloper OWF port facility monitoring. Natural England notes that the final decision on the location of the Operations and Maintenance port will not be made until after consent is granted and an application made for any additional building works will be required. This will require a separate assessment to support the port application and we would be willing to engage further at the appropriate stage.

#### **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).***

#### **Natural England Response**

The amendments made by the Applicant in regard to the transboundary sites are sufficient to address our concerns.

***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).**

**Natural England Response**

Natural England notes the changes made in the RIAA whereby seismic surveys have been assigned to Tier 6 throughout. We acknowledge the Applicant's statement that contribution of seismic surveys was not calculated for in-combination assessment given lack of information on planned survey type, location, and duration and that any contribution to thresholds is expected to be within the footprint of effect from UXO clearance and controlled through the SIP. Natural England can confirm that the outstanding concern is resolved.

**HRA Implementation and Monitoring Plans**

**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).**

**Natural England Response**

Natural England welcome the amendments to the GRIMP [C1-027], which help resolve some of the outstanding concerns raised in our Risk and Issues Log. For example, Natural England now have a clearer view of the monitoring plans. However, some concerns remain. We welcome the inclusion of impacts on the Farnes SPA guillemot population but note that the Applicant continues to base the scale of the compensation requirements for this site and Flamborough & Filey Coast (FFC SPA) on the predicted impacts using their approach, rather than that advised by Natural England. Neither does the Applicant factor in philopatry to the calculations, which would take into account the proportion of birds likely to be recruited back from the compensation population into the National Site Network (NSN). Given the compensation sites are remote from the NSN, we advise that doing so would help scale the compensation measure appropriately to ensure adequate contribution to the NSN. The current compensation targets advocated by the Applicant are therefore lower than advised by Natural England.

Stakeholder engagement also remains on-going and the Applicant's plan to finalise the proposed management measures (wardening, signage, education, visitor access statements, and engagement with local stakeholders) post-consent could lead to insufficient or delayed participation, thus putting the success of the project at risk.

We have provided more detailed advice on this matter as part of our response to the SoS's RFI 2.

**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).**

**Natural England Response**

Natural England welcome the amendments to the Lesser Black Backed Gull Implementation and Monitoring Plan (LIMP) [C1-033] and these help resolve some of the outstanding concerns raised in our Risk and Issues Log. For example, we welcome the inclusion of both sites in the compensation package, Orfordness and Outer Trial Bank (OTB), and the development of their access methodology and schedule for management. However, it remains unclear if agreements have been made with the landowners for both compensation sites and if they can be secured for the lifetime of the project.

We note the installation schedule of the predator-proof fence at the Orfordness site remains unchanged and is planned to take place only 3 years before the Project becomes operational. We indicate that doing so will likely accrue a mortality debt and re-iterate our REP 4-058 advice to install the fence 4 years prior to windfarm operations to ensure more birds hatched from the compensation site have sufficient time to mature and join the breeding population before impacts occur. In this regard, we highlight that the Norfolk OWF projects were able to achieve the recommended 4-year lead in time.

We also note the Applicant continues to base the scale of the compensation requirements on the impacts predicted from their approach to the assessment and not that advised by Natural England. The Applicant's current compensation targets are therefore lower than those advised by Natural England. Therefore, we recommend the CQ targets should be based on the impact calculated using Natural England's approach and successful delivery of compensation measured against these quanta (as outlined in REP8-013 and REP5-095). However, we are content that the compensation package proposed can deliver targets generated using impact levels and CQ that reflect Natural England's advice if both sites are taken forward.

Natural England welcome the Applicant's commitment to post-consent monitoring and the revised Offshore In-Principle Monitoring Plan (OIPMP) [C1-035]. In addition to the proposed GPS tracking and sharing of data with the Seabird Monitoring Programme (SMP), we recommend a programme of chick colour-ringing be undertaken. Re-sighting of marked chicks hatched within the compensation sites will help evidence the delivery of the compensation measure over the duration of the project. Re-sightings could evidence natal dispersion rates, distance, and recruitment to the National Site Network (NSN).

#### **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.**

#### **Natural England Response**

Natural England has provided some example wording below.

1. *No part of the works to deliver Lesser Black Backed Gull (LBBG) compensation shall commence until seasonally appropriate ecological surveys have been undertaken and the findings submitted to and approved by the Secretary of State in consultation with the relevant statutory nature conservation body (SCNB) and the local planning authority (LPA) for the area in which the compensation measure is to be provided.*
2. *The surveys must include—*
  - a. *the location where the compensation measures will be delivered;*
  - b. *detailed surveys of the habitat, fauna and flora within the red line boundary of the proposed compensation and suitable buffer area, including access points, undertaken at the optimal time(s) for each relevant species or habitat;*
  - c. *an implementation timetable and timetable for provision of reports.*
  - d. *following assessment and reporting, development of any necessary additional mitigation measures required, including monitoring post-installation to determine the success of the mitigation, to be agreed and approved by the Secretary of State in consultation with the relevant SNCB and LPA;*
  - e. *all mitigation approved under 2 (d) must be implemented as approved;*

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

Yours faithfully,

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