

Date: 05 September 2025
Our ref: 27347/523982
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”)

On 11 July 2025, the Secretary of State (SoS) requested information from specific parties. On 14 August 2025, the SoS invited all Interested Parties (IPs) to comment on the responses received to the previous Request for Information (RFI). The following, therefore, constitutes Natural England’s formal statutory response to SoS’s second RFI (‘RFI2’) dated 14 August 2025. Please note that this response provides detailed information that supports our response to questions in the SoS’s RFI 3 (dated 21 August 2025).

Natural England is providing our responses early for completeness and to support answers to RFI 2 and to help facilitate decision making. However, with regard to documents related to the onshore we may have further comment to make and if so, we reserve the right to provide a further response by 12 September. If no further response is provided it may be assumed that we had no additional comment to make.

To inform this response, Natural England have reviewed the following documents submitted by the Applicant in response to the first RFI:

- C-1007 10.73 Applicant’s Response to Secretary of State Request for Information (Part 1) (Revision A)
- C-1022 10.74 Applicant’s Response to Secretary of State Request for Information (Part 2) (Revision A)
- C-1024 9.21 Code of Construction Practice (Revision F) (Tracked)
- C-1027 5.5.8 Guillemot and Razorbill Implementation and Monitoring Plan (Revision E) (Tracked)
- C-1033 5.5.6 Lesser Black Backed Gull Implementation and Monitoring Plan (Revision E) (Tracked)
- C-1035 9.32 Offshore In-Principle Monitoring Plan (Revision H) (Tracked)
- C-1037 9.22 Outline Landscape and Ecological Management Plan (Revision F) (Tracked)
- APP-040 5.4 Report to Inform Appropriate Assessment
- APP-073 6.2.4 Offshore Ornithology

Natural England has reviewed the Applicant's submissions listed above which were provided in response to the SoS's invitation to all IPs to comment on the responses received to the 11 July 2025 RFI. Our comments and responses on these documents can be found in the attached Appendices 1-3. We also have the following overarching comments on the Applicant's updated Offshore In-Principle Monitoring Plan:

Offshore In-Principle Monitoring Plan (IPMP) [C-1035]

With regards to the benthic ecology monitoring proposed in the updated IPMP, whilst we welcome the additional monitoring of 'reef' (and other) features in a timely manner; we advise that further commitments are included in the IPMP to ensure that if monitoring observations identify issues, further, potentially more targeted, monitoring and/or remedial action will be undertaken by the Applicant to better understand the potential impacts on habitats and/or where appropriate, the effectiveness of remediation.

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

Yours faithfully,

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Appendix 1 - Natural England's Onshore Ecology Advice on the Applicant's Response to the SoS RFI of 11 July 2025 (Parts 1 and 2)

Table 1.1. Natural England's Protected Species Advice on: 9.21 Code of Construction Practice (Revision F) (Tracked)

Document reviewed: Five Estuaries Offshore Wind Farm 9.21 Code of Construction Practice (Revision F) (Tracked)			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	4.5.9	Some of the activities described in Section 4.5.9 would require a European Protected Species (EPS) Mitigation (MIT) licence if otters are present on site.	We advise that the wording should be amended to state that a licence would be applied for should an offence be likely.
2	4.5.10	Some of the activities described in Section 4.5.10 would require a licence if water voles are present.	We advise that the wording should be amended to state that a licence would be applied for should an offence be likely.
3	4.5.11	We note that there is no reference to securing an EPS MIT licence to undertake the proposed works impacting dormice and their habitat.	We advise adding wording to state that a licence would be applied for should an offence be likely.

Table 1.2. Natural England's Protected Species Advice on 9.22 Outline Landscape and Ecological Management Plan (Revision F) (Tracked)

Document reviewed: Five Estuaries Offshore Wind Farm 9.22 Outline Landscape and Ecological Management Plan (Revision F) (Tracked)			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	7.8.11	It is stated that "...felling of roost trees will take place during the period that bats are most likely to be absent or least sensitive to impacts (i.e. autumn/winter in the case of maternity roosts)..." However, Natural England considers that maternity features present in trees may also offer hibernation potential to bats. Therefore, we would recommend avoiding felling Potential Roost Feature-Multiple (PRF-M) trees in the winter months.	Natural England advises removing reference to felling of trees in winter.

Table 1.3. Natural England's BNG Advice in response to the Applicant's Response to the Secretary of State Request for Information (Part 2) (Rev A)

Document reviewed: Five Estuaries Applicant's Response to Secretary of State Request for Information (Part 2) (Rev A)			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	Table 6, Pages 22-24,	Natural England notes the Applicant's comments and would reiterate that Biodiversity Net Gain (BNG) remains voluntary for Nationally Significant Infrastructure	Despite its voluntary status, we strongly encourage NSIPs to look at opportunities to deliver environmental enhancements and nature recovery within their scheme boundaries and the wider area.

		<p>Projects (NSIPs) at present. We are, therefore, encouraged by the Applicant's commitment to provide BNG for this project.</p> <p>We are awaiting formal guidance on how BNG will apply to NSIP schemes, including its interactions with other policies and obligations (point 36 in the Applicant's response) and how it is applied to the temporary use of land (point 37).</p> <p>We have framed our advice around BNG good practice and pointed to draft model text in the recent consultation where relevant, but BNG remains voluntary for NSIPs until the planned go-live date of May 2026.</p>	
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Appendix 2 - Natural England's Offshore Ornithology Advice on the Applicant's Response to the SoS RFI of 11 July 2025 (Parts 1 and 2)

Table 2.1. Natural England's Advice on: [C1-007] 10.73 Applicant's Response to Secretary of State Request for Information, Part 1 (Revision A)

Document reviewed: [C1-007] 10.73 Applicant's Response to Secretary of State Request for Information, Part 1 (Revision A)			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	Table 3/Ref. 10	The Applicant has indicated that they consider an Adverse Effect on Integrity (AEol) on red throated diver (RTD) in the OTE SPA is unlikely if a seasonal restriction is only applied to the 16km of Export Cable Corridor (ECC) within the SPA, thereby limiting any potential impact to cable laying activities in the shorter sections of the ECC outside the SPA itself, but within the SPA 2km buffer (where activities could disturb birds using the SPA.)	<p>In terms of the potential for AEol, our assessment was based on the information provided by the Applicant. We noted in the RIAA [APP-040], Section 11.4.61 (Page 348) that the Applicant states '<i>each element of works in the SPA, which is crossed by the ECC for approximately 16 km, will be limited in duration with each activity (e.g. route surveys, route clearance, cable laying and cable burial) taking around 5 to 15 days to complete. The laying of the export cables will involve cable laying vessels being in situ for the offshore construction period of a maximum of five years. As a worst-case scenario there will be one cable-laying vessel or vessel cluster (one cable laying vessel and several auxiliary vessels working in proximity to each other) working on the ECC at any one time.</i>' [our emphases]</p> <p>Whilst we acknowledge the impact of this working pattern on RTD will be negligible within the SPA provided the seasonal restriction is adhered to (as stated in our Deadline 8A submission [REP8A-050]), our advice regarding impacts within the 2km buffer is based on this schedule also applying to cable installation activities outside the within the 2km buffer. This potential level of activity in the 2km buffer means that we are unable to rule out AEol on the SPA.</p> <p>Given the high level of constraint in the Deep Water Route (DWR) parts of the ECC, Natural England would welcome the opportunity to have further discussions with the Applicant to secure sufficient mitigation of cable laying activities within the 2km buffer once further details have been provided on the cable laying process and timelines. Recognising that these details are only likely to emerge once more detailed planning of the cable installation occurs, we recommend DESNZ consider securing those post-consent discussions through a DCO condition e.g. requiring the production of a '<i>Red-throated diver DWR mitigation strategy</i>', to be agreed</p>

			<p>in consultation with Natural England. This will help ensure that this important issue is given due consideration in the post-consent phase.</p> <p>We highlight that North Falls OWF is currently proposing no seasonal restrictions for their cable installation works within the SPA or its 2km buffer. This means that there is a high risk of Five Estuaries cable installation activities acting in in-combination with those of North Falls OWF. This gives further weight to the need for the above mitigation strategy to be produced post-consent, to ensure that contributions to an in-combination AEOI with North Falls OWF can be avoided.</p>
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Table 2.2. Natural England's Advice on Natural England's Advice On: [C1-022] Five Estuaries Offshore Wind Farm Ltd – Responses to Part 2 – 10.74 Applicant Response to SoS Request for Information

Document reviewed: [EN010115-001902-C1-022 - Five Estuaries Offshore Wind Farm Ltd - Responses to Part 2 - 10.74 Applicant Response to SoS Request for Information.pdf]			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	DESNZ Ref. 16	The Applicant has revised the Offshore In-Principle Monitoring Plan (OIPMP) [REP8A-023]. This could include a GPS tagging study to help address knowledge gaps on the impacts from vessel traffic on RTD, c.f. [REP6-052] but only on the proviso that project vessels would be allowed to work within 2km of the OTE SPA during the non-breeding season (i.e. when the birds would be present).	<p>As noted above, Natural England considers that at this stage, meaningful progress regarding the appropriate level of restrictions on cable laying activity within the 2km buffer can only be made post-consent. Pending review of further information provided by the Applicant, we will continue to consider whether some work may be feasible within the 2km buffer during the restricted period.</p> <p>Furthermore, we would regard any new data on the impacts of vessel traffic on RTD to be useful to the OWF industry and recommend that this study be progressed irrespective of the outcomes of the proposed post-consent discussions.</p>

Table 2.3. Natural England's Advice on: [C1-027] EN010115-001895-C1-027 - Five Estuaries Offshore Wind Farm Ltd - Responses to Part 2 - 5.5.8 Guillemot and Razorbill Implementation and Monitoring Plan (Tracked)

Document reviewed: [EN010115-001895-C1-027 - Five Estuaries Offshore Wind Farm Ltd - Responses to Part 2 - 5.5.8 Guillemot and Razorbill Implementation and Monitoring Plan (Tracked)]			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	Section 3.1.5	Local stakeholder participation, notably from within the recreational/tourist industries has not been agreed yet, although we note that discussions are underway. The Applicant is proposing to finalise these	Natural England welcome the Applicant's ongoing discussions with local stakeholders and the progress made so far, however, we note that limited additional information on these points has been brought forward since submission of

		measures post-consent, which risks them not being sufficiently secured to make a difference to current disturbance levels.	our Deadline 4 advice (c.f. [REP4-058]). Were SoS minded to require compensatory measures for auks, we advise that better evidence is needed to demonstrate that the proposed management measures (wardening, signage, education, visitor access statements, and engagement with local stakeholders) are achievable at the proposed sites. We recommend the provision of this site-by-site level of detail in the Implementation and Monitoring Plan (IMP) should be secured through the DCO compensation schedule.
2	Section 4.2.1	<p>We note the Applicant continues to base the compensation requirements on the predicted impacts calculated using its own approach and not the method advised by Natural England. The Applicant's compensation targets for guillemot and razorbill are therefore insufficient and should be amended to reflect the figures based on the Natural England preferred method and as presented in REP8-013, Table 3.</p> <p>We also note the Applicant has calculated compensation quanta (CQs) for GU and RA using the Hornsea 4 method (as agreed) but has not used the philopatry rates to provide an estimate of the proportion of birds likely recruited back into the Nature 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 NSN coherence.</p>	<p>We re-iterate Natural England's headline advice on calculations for seabird compensation requirements as set out in REP5-095.</p> <p>The impacts used to calculate the CQs should be derived from Natural England's advised reference displacement rates, i.e. 70% displacement and 2% mortality. This is in line with the approach to auk compensation adopted by other recently consented projects (e.g. Hornsea Four, Sheringham and Dudgeon Extension Projects).</p> <p>We advise the CQs for GU and RA in the IMP should be re-calculated by applying the Hornsea 4 method with an additional step to account for the fact that only the proportion of birds that are expected to disperse from the compensation site can be considered as potentially contributing to NSN coherence (by recruiting into colonies within the network). We also highlight that the approach to consider philopatry in this way has been taken by North Falls OWF recently in Examination (e.g. North Falls, REP6-023). Therefore, we advise that adopting this approach would facilitate a consistent calculation of the scale of compensation required by each developer, noting that North Falls are seeking auk compensation potentially in collaboration with Five Estuaries.</p> <p>The scale of implementation of seabird compensatory measures should also be sufficient to address the 95% upper confidence limit (UCL) predicted impact value to account for the uncertainty of that impact estimate and give comfort that the measure could hypothetically compensate the upper end of the impact estimate.</p>

		However, the mean or central impact value (CIV) should be used to inform and define the target for success criteria.
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Table 2.4. Natural England's Advice on: [C1-033] Five Estuaries Offshore Wind Farm Ltd - Responses to Part 2 - 5.5.6 Lesser Black Backed Gull Implementation and Monitoring Plan (Tracked) (Revision E)

Document reviewed: [C1-033] EN010115-001915-C1-033 - Five Estuaries Offshore Wind Farm Ltd - Responses to Part 2 - 5.5.6 Lesser Black Backed Gull Implementation and Monitoring Plan (Tracked) (Rev E)			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	Section 3.3	The Applicant maintains using a predicted mortality rate of 5.7 birds per annum for their impact assessment, rather than the 11.3 birds predicted using Natural England's preferred approach. This has resulted in lower CQ targets for both the Orfordness and Outer Trial Bank (OTB) sites with which we do not agree.	We continue to advise that the impact should be calculated and apportioned using the Natural England advised parameters. The CQ targets should be based on the impact calculated using the Natural England preferred approach and, in turn, the successful delivery of compensation can be measured against this quantum. However, we are content that the compensation measures proposed have good potential to deliver targets based on Natural England advised parameters, provided that both sites are taken forward. This has been Natural England's advice since our Relevant Representations.
2	Section 5.3.2	<p>We note that installation of the predator-proof fence is scheduled to take place only 3 years prior to the windfarm becoming operational. However, this will likely accrue a mortality debt as age of first breeding in lesser black-backed gulls varies between 4 and 7 years old (Ross-Smith et al. 2014) and, on average, in their 5th year (Horswill and Robinson 2015). In other words, the 3-year gap between fence installation and operation of the windfarm will not allow the LBBG sufficient time to mature and join the breeding population before impacts to them due to the presence of the windfarm occur.</p> <p>We welcome the Applicant applying 'lessons learnt' from the Norfolk projects, and its proposal to use decoys to lure nesting birds and hasten occupation rates. However, this will not advance the new chicks' rate of maturation and reduce the age of 1st recruitment. We also note that the Norfolk projects were able to achieve the recommended 4-year</p>	We recommend that the predator fence should be installed 4 years in advance of operations to ensure more birds hatched from the compensation site have sufficient time to mature and join the breeding population before impacts occur.

		lead in time.	
3	Section 4	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.	Whilst Natural England acknowledge negotiations remain in flux, until further information is provided on the securing of the proposed compensation sites, we refer the SoS to the advice presented in our relevant representation at Deadline 4 [REP4-058]. In our view this gives further weight to requiring both sites to be progressed, to future-proof the proposals against landowner constraints.
4	Section 6.2.4	New information has been included in the LIMP which expands on vegetation management and states that the first year's surveys will inform the following year's management. However, we consider that this should be an iterative process.	Natural England advise that the Applicant should make this an iterative process, in which the previous year's surveys inform management and that this approach continues until optimal conditions are created and can then be maintained.

Table 2.5. Natural England's Advice on: [C1-035] Five Estuaries Offshore Wind Farm Ltd – Responses to Part 2 – 9.32 Offshore In-Principle Monitoring Plan (Tracked) (Revision H)

Document reviewed: [C1-035] EN010115-001908-C1-035 - Five Estuaries Offshore Wind Farm Ltd - Responses to Part 2 - 9.32 Offshore In-Principle Monitoring Plan (Tracked) (Rev H)			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	Section 4.5/4.5.3	The Applicant concludes that there is no potential for AEol on RTD from the OTE SPA, either alone or in-combination, across all phases of the project. However, we are unable to agree with this conclusion.	Please see advice above in Tables 1 and 2.
2	Sections 4.5.8-4.5.10	The Applicant proposes a GPS tracking study of lesser black-backed gulls (LBBG) but does not mention the programme of chick colour ringing proposed in the Lesser Black Backed Gull Implementation and Monitoring Plan (LIMP).	<p>We regard any new data on the impacts of vessel traffic on RTD and ranging behaviour of LBBG useful to the OWF industry in improving understanding of impacts and identifying impact reduction measures. We therefore welcome the proposed tracking projects.</p> <p>We also recommend a programme of LBBG chick colour ringing should be undertaken as part of the IPMP. 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 also evidence natal dispersion rates, distance, and recruitment to the NSN, and improve future scaling of CQ.</p>

Table 2.6. Natural England's Advice On: [C1-047] Five Estuaries Offshore Wind Farm Ltd – Responses to Part 2 – 18.1 Working in Proximity to Wildlife in a Marine Environment (Tracked) (Revision C)

Document Reviewed: [C1-047] EN010115-001901-C1-047 - Five Estuaries Offshore Wind Farm			
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Ltd - Responses to Part 2 - Working in Proximity to Wildlife in a Marine Environment (Tracked) (Rev C)			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	Sections 3.3.3-3.3.10, fig. 3.1	Natural England welcomes the illustration of RTD distribution in relation to the Margate and Long Sands Sandbank. We acknowledge that it provides evidence to explain where the highest numbers of RTD occur in relation to the SPA border. However, we highlight the distribution data presented by the Applicant represents just one of the two surveys reported by Irwin et al. 2019. If both DAS data are examined, high/medium densities of RTD can be seen not only associated with the sandbanks but also at points closer to the northern SPA boundary. Moreover, the distribution reported by Irwin et al. 2019 only considers DAS from two dates in February 2018 and these show variation between surveys, therefore, precaution should be applied to their interpretation and representation of the RTD SPA distribution across the whole period. It is important any activity undertaken within the buffer does not erode habitat availability in the SPA's outer limits and therefore reduce its ability to support the qualifying feature.	Given the limitations in the available data for RTD distribution in the SPA, we remain concerns about potential impacts to birds in the SPA from vessel activity inside its 2km buffer. Therefore, as stated above, we advise that further work will be needed in the post-consent phase to provide greater detail and assurance on the schedule and duration of work planned inside the SPA buffer, notably west of the Trinity DWR, before we can conclude no AEol.

References

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Appendix 3 – Natural England’s Fish Ecology Advice on the Applicant’s Response to the SoS RFI of 11 July 2025 (Parts 1 and 2)

Table 3.1. Natural England’s advice on: Fish Ecology

Document reviewed	Update made	Issue resolved? Yes/No/Progressed
EN010115-001902-C1-022 Five Estuaries OWF Ltd – Responses to Part 2 – 10.74 Applicant Response to SoS Request for Information	Natural England is satisfied with the Applicant’s response in Table 4, Page 13, at Ref 19 with regards to sensitivity of herring to noise impacts, and now considers this issue resolved.	Resolved.