

Head of Energy Infrastructure Planning Delivery
Department of Energy Security & Net Zero
3-8 Whitehall Place
London
SW1A 2AW

Our Ref: 20048269
PINS Ref: EN010115
Date: 10 September 2025
Telephone: 03330 322546

By Email only

Dear Mr. John Wheadon,

**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”)**

I refer to your letter dated 21 August 2025 (the letter) which sets out matters on which the Secretary of State requires further information regarding the above Development Consent Order (DCO) application. In response, Essex County Council (ECC) in conjunction with Tendring District Council (TDC) [jointly referred as “the Councils”] would like to provide a written update.

Paragraph 11 – Landfall Drilling Risk Assessment

No comments from ECC.

TDC has reviewed the Applicant’s proposed wording for the inclusion of a landfall drilling risk assessment requirement within the DCO. Having considered the matter, TDC has no further comments on this aspect.

Paragraph 12 – Wording of the Biodiversity Net Gain Requirement

Our previous letter dated 7 Aug 2025 responded to the proposed wording, however, the ECC reports regarding achieving a higher Biodiversity Net Gain (BNG) within Essex were unexpectedly missed out from the submission and therefore these are attached herewith (**Appendices 1A, 1B, 1C**).

The Councils note the following BNG wordings have been used for Requirement 7 of the recently granted East Yorkshire Solar Farm Order 2025:

7.—(1) No part of the authorised development may commence until a biodiversity net gain strategy has been submitted to and approved by the relevant planning authority for that part, in consultation with the relevant statutory nature conservation body. (2) The biodiversity net gain strategy must include details of how the strategy will secure a minimum of 80.42% biodiversity net gain in area-based habitat units, a minimum of 10.30% biodiversity net gain in hedgerow units, and 10.09% biodiversity net gain in watercourse units for all of the authorised development during the operation of the authorised development, using the Department of Environment, Food and Rural Affairs' 4.0 metric to calculate those percentages (or such other biodiversity metric approved by the relevant planning authority in consultation with the relevant statutory nature conservation body). (3) The biodiversity net gain strategy must be maintained throughout the operation of the relevant part of the authorised development to which the plan relates.

The above sets a precedent that the proposed levels of BNG could be secured via a requirement and that a higher percentage of BNG is not considered to be unreasonable as this is what the applicant has been forecasted to deliver. There is also a need to clarify the version of the metric used but allowing flexibility if a later or more appropriate version is available post-consent.

In view of that, our suggested revisions are highlighted in blue:

- (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 it will secure a minimum of 10% biodiversity gain for all of the authorised development 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 latest government statutory metric using the Department of Environment, Food and Rural Affairs' 4.0 metric to calculate those percentages (or such other biodiversity metric approved by the relevant planning authority in consultation with Natural England).***
- (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 **(within Tendring District or same National Character Area within Essex). 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.***

The strike-through text highlighted in blue should be deleted as the development is not progressing in stages and the calculations should apply to the whole development, an approach which is also agreed by the applicant.

While we encourage the applicant together with the nearby NSIPs to explore opportunities highlighted in the Local Nature Recovery Strategy (LNRS), the document itself does not provide strategic importance among those identified. Therefore such inclusion within the requirement would impose confusion to the intended hierarchy of BNG. The application and relevance of LNRS shall be discussed between the applicant and discharging authority further post-consent when preparing for discharging the BNG requirement.

Paragraph 13 – Potential Requirement on Farmland Bird Compensation Plan

The Councils have no objection for a requirement on Farmland Bird Compensation Plan and welcome the opportunity to be consulted at discharge of requirement stage.

Paragraph 14 – Flood Risk

The Local Lead Flood Authority has no comments on document 10.76 Technical Memo on Revised Environment Agency Flood Mapping Data submitted by the Applicant.

Yours sincerely,

[Redacted Signature]

[Redacted Name]

Technical and Operational Lead, Nationally Strategic Infrastructure Projects
Essex County Council

T: [Redacted Phone Number]

E: [Redacted Email Address]@essex.gov.uk

W: www.essex.gov.uk