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Our Ref: 20048269  
PINS Ref: EN010115  
Date: 12 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 14 August 2025 (the letter) inviting comments on submissions received in responses to the Secretary of State request of further information, in relation to the above Development Consent Order (DCO) application. The deadline to provide such comments is 13 September 2025. In response, Essex County Council (ECC) in conjunction with Tendring District Council (TDC) [jointly referred as “the Councils”] would like to provide the following comments.

**1. Applicant’s Responses to SoS Part 1**

The Councils had responded to the applicant’s responses to SoS Part 1 in our letter dated 7 August 2025.

**2. Applicant’s Responses to SoS Part 2**

**OLEMP**

Para 28 of SoS letter 1 – Section 10.3 - share of construction/operational survey and monitoring data with the relevant Local Environmental Records Centres and relevant recording schemes – The Councils had no objection with the inserted text and for the data to be shared with Essex Field Club at Wat Tyler Country Park in Pitsea, Basildon, which is the relevant centre covering the proposed order limits.

Para 29 of SoS letter 1 - Adaptive management methodology – if habitats or landscape and ecological features fail to establish or reach the intended condition - Section 10.4 added – Noted.

Para 30 of SoS letter 1 - Section 10.4 - Compliance Assessment Process added by the applicant

Para 31 of SoS letter 1 – Section 7.9 – wordings on Badger Species Protection Plan added by the applicant

Para 33 of SoS letter 1 – all permanent fencing to allow animal movement – not desirable for operational reasons within the ONSS but wider area will be permeable for mammals where appropriate – para 8.1.6 updated

Para 34 of SoS letter 1 – Section 10.4 - appropriate species monitoring – The inserted text needs to be strengthened to ensure that any reports and identified actions will need to be submitted to and agreed by the discharging authority.

### **Code of Construction Practice (CoCP)**

Para 32 of SoS letter 1 – Section 4.5 updated for otter and water vole – Noted.

To ensure alignment with the North Falls proposal, the Councils expect to see more mitigation measures in controlling of light vehicles arriving early (before 7am) and leaving after 7pm, and the associated potential noise.

The Councils request the following to be included in the CoCP:

- Inclusion of the definition of “high impact” activities (e.g. piling, breaking out, vibratory compaction, use of hydraulic hammer, excavators, cranes, saws, sanders or grinders);
- Daily start up and shut down activities to be within the construction hours of 07:00 to 19:00;
- No amplifier nor radio shall be used between 18:00 and 08:00;
- Not less than 2 working days for the relevant authorities, including National Highway, ECC and TDC to consider any exemption request; and
- Advance notifications of “high impact” activities to be given not less than 2 working days to noise sensitive receptors prior to the commencement of those works.

Being queried by the Examining Authority, TDC’s Emergency Planning highlighted during the North Falls examination that the proposed measures in relation to the Flood Warning and Evacuation Plan in their Outline CoCP are not adequate. Subsequently, the comments were incorporated into their latest CoCP. The same comments were also provided to the Applicant due to the similarity of the approach for their inclusion into the CoCP as opportunity arises, however it is disappointed that these have not been incorporated. The comments are provided below for

- Flood Warning and Evacuation Plan (FWEP): The Councils recommend that the Principal Contractor not only monitors but also registers with both the Met

Office to receive severe weather warnings and the Environment Agency (EA) to receive EA Flood Alerts and Warnings. The Councils recommend the Principal Contractor monitor EA Tide Tables, for an early indication of spring tide periods and the predicted tidal heights meters above Ordnance Datum Newlyn (mODN). These are not local navigation tide tables.

- The Councils recommend that the FWEP clearly states the actions to be taken on receipt of each level of warning.
- The FWEP should clearly state that alerts and warnings may not be issued in ascending order. A severe flood warning may be the first one received.
- The Councils request that the FWEP reinforces that at no time should anyone enter flood water on foot or in a vehicle.
- The Councils expect to see Emergency Services and HM Coastguard included in the list of important contacts in the FWEP. The basic strategies for protecting properties and moving assets to safety should include Recovery – when it is safe to turn systems on again. The Councils also request that the safe access and egress routes are clearly illustrated on maps.

### **3. Applicant's Responses to SoS Part 3**

#### **Farmland Bird Compensation Plan**

The Councils' letter dated 10 September 2025 already stated that there is no objection to impose such a requirement. We do not agree that any farmland bird compensation strategy and measures fit into the context of the Ecological Management Plan as such strategy would be covering areas outside the order limits.

The content of a Farmland Bird Compensation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measure e.g. Skylark plots;
- b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the compensation measures by appropriate maps and/or plans;
- d) persons responsible for implementing the compensation measure.

As the locations for compensation measures are likely to be tied to appropriate crop types which will move around a farm from year to year for good husbandry / agronomy reasons, these may need to be created each Autumn. Annual monitoring should be required to confirm provision (locations and appropriate methodology) and monitoring success should be over a longer period. The specific details can be further discussed with the applicant when developing such strategy.

Following discussions with the applicant, the following highlighted revisions are agreed by both parties:

*(1) Any part of Work No. 15B must not be commenced until a Farmland Bird Compensation Plan (FBCP) has been submitted to and approved by the discharging authority in consultation with the local planning authority for the area in which the compensation measure is to be provided.*

*(2) The FBCP must include—*

*(a) an updated assessment of the impact (if any) that Work No. 15B is likely to have on skylarks and corn bunting based on the detailed design of Work No. 15B to include loss or displacement of territories;*

*(b) where off-site habitat compensation is proposed to be taken forward to offset any impact identified in the updated assessment required under sub-paragraph (a)—*

*(i) a calculation of the quantum of compensation required to offset any impact identified in the updated assessment required under sub-paragraph (a) to be proportionate to the scale of likely impact;*

*(ii) the location(s) where the compensation measures will be delivered and the suitability of that location or locations (including why the location(s) is appropriate ecologically and likely to support successful compensation), and confirmation that the necessary landowner agreement(s) are in place, including a review mechanism to provide for the scenario where it is necessary to amend the location(s) where the compensation measures will be delivered;*

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

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

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

*(vi) details for the ongoing monitoring and reporting of the effectiveness of the compensation measures identified in the FBCP including survey methods, survey programmes, success criteria, and timescales for the monitoring reports to be delivered;*

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

*(viii) 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.*

*(c) provision for the option to be exercised by the undertaker, following consent in writing from the discharging authority, to pay a financial contribution to the Nature Restoration Fund wholly or partly in substitution for the provision of off-site habitat*

*compensation or as an adaptive management measure for the purposes of sub-paragraph (b)(vii) above. The sum of the contribution to be agreed between the undertaker and Defra or other Government body responsible for the operation of the Nature Restoration Fund;*

*(d) provision for the option to be exercised by the undertaker, following consent in writing from the discharging authority, to pay a financial contribution towards the establishment of compensation measures by another party wholly or partly in substitution for the provision of off-site habitat compensation or as an adaptive management measure for the purposes of sub-paragraph (b)(vii) above. The sum of the contribution to be agreed between the undertaker and the discharging authority; and*

*(e) provision for the option to be exercised by the undertaker, following consent in writing from the discharging authority, to collaborate with another party in the delivery of compensation measures wholly or partly in substitute for the provision of off-site habitat compensation or as an adaptive management measure for the purposes of sub-paragraph (b)(vii) above.*

*(3) The undertaker must implement the measures set out in the FBCP approved by the discharging authority, unless otherwise agreed by the discharging authority following consultation with 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)(b)(vi) must be submitted to the discharging authority in accordance with the approved FBCP and any adaptive management measures (if any are required) referred to in paragraph 2(b)(vii) must be implemented by the undertaker in accordance with the approved FBCP.*

*(5) The FBCP approved under paragraph (1) includes any amendments that may subsequently be approved in writing by the discharging authority, including any amendments to the location where the compensation measures will be delivered as referred to in paragraph (2)(b)(ii).*

*(6) This requirement ceases to have effect on the date that the onshore decommissioning of the authorised development is commenced.*

*(7) In this requirement—*

*“Defra” means the Department for Environment, Food and Rural Affairs;*

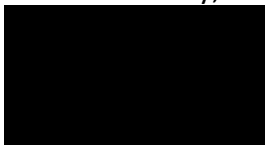
*“discharging authority” means Essex County Council for the first five years from commencement of Work No. 15B and for any period after that time means the relevant planning authority; and*

*“Nature Restoration Fund” means any fund established by Defra or a Government body for the purpose of implementing strategic mitigation measures to offset the adverse environmental impacts from development.*

There is already a definition of 'discharging authority' in the dDCO and another definition here will cause confusion and is considered inappropriate and unnecessary. The Councils are working in partnership on this DCO and will continue to do so post-consent until the discharge of the last requirement on decommissioning, therefore will cover the lifetime of the development. ECC will be leading on all the discharging of requirements and therefore there should not be a time restriction on the discharging responsibilities. It is expected that appropriate arrangement will be in place in view of the forthcoming Devolution and Local Government Reform, once more details are available.

The Councils would like the above comments to be taken into account when determining the DCO application.

Yours sincerely,



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