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11 November 2025

Dear John Wheadon,

Planning Act 2008, Five Estuaries Offshore Wind Farm Ltd, Proposed Five Estuaries Offshore Wind Farm Order

Secretary of State (SoS) Invite for All Interested Parties (IPs) to Comment

On 23 April 2024, the Marine Management Organisation (the MMO) received notice under section 56 of the Planning Act 2008 (the PA 2008) that the Planning Inspectorate (PINS) had accepted an application made by Five Estuaries Offshore Wind Farm Ltd (the Applicant) for determination of a development consent order for the construction, maintenance and operation of the proposed Five Estuaries Offshore Wind Farm (the Development Consent Order (DCO) Application) (MMO ref: DCO/2019/00008; PINS ref: EN010115).

The Applicant seeks authorisation for the construction, operation and maintenance of the DCO Application, comprising of up to 79 wind turbine generators together with associated onshore and offshore infrastructure and all associated development (the Project).

As a marine licence has been deemed within the draft DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement, and revocation of provisions relating to the marine environment. As such, the MMO has an interest in ensuring that provisions drafted in a deemed marine licence (DML) enable the MMO to fulfil these obligations.

This document comprises MMO comments in response to the SoS invite for IPs to comment on consultation responses received for the information requests dated 21 August 2025 and 26 September 2025.

This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.



Yours sincerely,

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1. The MMO's Comments for IPs' Consultation 3 Responses

1.1. General Comments

- 1.1.1. On the 15 October 2025, the MMO received a letter from the SoS inviting IPs to comment on the information received in response to the SoS's letters dated 21 August 2025 and 26 September 2025.
- 1.1.2. The MMO has reviewed the following documents, which were submitted in response to the SoS letter dated 21 August 2025:
- i. C3-003 - Responses to letter dated 21 August 2025 (East Anglia TWO Limited)
 - ii. C3-005 - Responses to letter dated 21 August 2025 (Natural England)
 - iii. C3-006 - Responses to letter dated 21 August 2025 (Natural England)
 - iv. C3-010 - 5.4 Report to Inform Appropriate Assessment (RIAA) - Tracked - Responses to letter dated 21 August 2025
 - v. C3-012 - 5.5.1 Benthic Compensation Strategy Roadmap - Tracked - Responses to letter dated 21 August 2025
 - vi. C3-013 - 5.5.5 Guillemot and Razorbill - Evidence, Site Selection and Roadmap - Tracked - Responses to letter dated 21 August 2025
 - vii. C3-015 - 6.2.5 Benthic and Intertidal Ecology - Tracked - Responses to letter dated 21 August 2025
 - viii. C3-016 - 6.2.6 Fish and Shellfish Ecology - Tracked - Responses to letter dated 21 August 2025
 - ix. C3-018 - 9.13 Margate and Long Sands Special Area of Conservation - Benthic Mitigation Plan - Tracked - Responses to letter dated 21 August 2025
 - x. C3-021 - 10.77 Applicant's Response to Secretary of State Request for Information - Part 3 - Responses to letter dated 21 August 2025
 - xi. C3-022 - 10.78 Wake Effects Assessment - Responses to letter dated 21 August 2025
 - xii. C3-023 - 10.79 Applicant's Response to Part 2 submissions - Responses to letter dated 21 August 2025
 - xiii. C3-024 - 10.80 Wake Effects - Combined response to Secretary of State letters - Responses to letter dated 21 August 2025
- 1.1.3. With regards to document vi, the MMO defers to Natural England (NE) on ornithological matters and looks to support their stance.



1.1.4. The MMO notes the responses from East Anglia TWO Limited and the Applicant regarding wake effects. The MMO will maintain a watching brief if any updates to the DML are required.

1.1.5. Following review of the above documents, the MMO has the following comments to make.

1.2. C3-005 - Responses to letter dated 21 August 2025 – Natural England (NE)

1.2.1. The MMO notes NE's position in response to point 7 of the SoS's Request for Information 3 (RFI 3) dated 21 August 2025. The question was addressed to NE and the MMO, regarding fish and marine mammals. NE considers that commitment to a specific Noise Abatement System is not required at this stage, and noted that the Defra noise policy (2025) update and a guidance document are both due to be published by Defra in due course.

1.2.2. NE provided proposed condition 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, as requested:

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.

1.2.3. The MMO notes that the Applicant has also provided wording in C3-021 (below), which differs slightly to NE's suggested wording with the addition of 'any', the MMO considers either wording appropriate:

*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 **any** noise reduction methods through project design (primary measures) and/or, deployment of noise mitigation systems or noise abatement systems (secondary measures) that will be utilised to manage sounds from those piling activities and such protocol must include full details and justification for **any** mitigation chosen or excluded for deployment.*

1.2.4. The MMO notes NE's response to point 8 regarding appropriate fish and marine mammal monitoring. NE does not fully agree with the Applicant's response in Table 5, Ref 24 of C1-022, however, considers that additional monitoring for marine mammals is not required. The MMO notes that NE considers that additional



monitoring of impacts to fish and shellfish is not required. It is considered that the Applicant's commitment to utilise the underwater noise monitoring of the first four piles to validate the assessed impacts from noise to both marine mammals and fish and shellfish receptors, is sufficient and proportionate. The MMO does not have any other recommendations for noise monitoring outside of what has been suggested by the Applicant.

- 1.2.5. The MMO notes NE's response regarding the Habitats Regulations Assessment (point 16). The MMO defers to NE's expertise with regards to any HRA related issues as the Statutory Nature Conservation Body (SNCB). The MMO notes that NE requests the DCO/DML is amended to require the submission of a Red Throated Divers (RTD) Deep Water Routes (DWR) Mitigation Strategy. This would be developed in consultation with NE and submitted for approval to the MMO. If this is taken forward and a condition is included within the DML the MMO would like to review any new conditions on the DML to ensure we fully understand the implications post consent.
- 1.2.6. The MMO also notes NE's responses to the ornithological queries. The MMO defers to NE on these matters.

1.3. C3-006 - Responses to letter dated 21 August 2025 – Natural England

- 1.3.1. The MMO notes that whilst NE welcomes the additional monitoring of 'reef' and other features in a timely manner, they recommended further commitments to be included in the Offshore In-Principle Monitoring Plan (IPMP) to ensure that monitoring and/or remedial action will take place if observations identify issues. The MMO notes the Applicant has updated the IPMP in response to the SoS's letter dated 26 September 2025 and provides comments in Section 2.3 of this response.

1.4. C3-010 - 5.4 Report to Inform Appropriate Assessment (RIAA) - Tracked - Responses to letter dated 21 August 2025; C3-015 - 6.2.5 Benthic and Intertidal Ecology - Tracked - Responses to letter dated 21 August 2025, and C3-016 - 6.2.6 Fish and Shellfish Ecology - Tracked - Responses to letter dated 21 August 2025

- 1.4.1. The MMO notes the updates made to the above documents to include that the maximum volume of cable protection within the Special Area of Conservation (SAC) will not exceed 5,400 cubic metres (m³) for Margate and Long Sands (MLS) SAC, as requested by the SoS for consistency.

1.5. C3-012 - 5.5.1 Benthic Compensation Strategy Roadmap - Tracked - Responses to letter dated 21 August 2025

- 1.5.1. The MMO notes the changes made to C3-012 to include the commitment that 'If required, the cable protection installed by VE within the MLS SAC will not exceed a maximum height of 1.1m or a maximum volume of 5,400 m³.' The MMO does note that there is a slight inconsistency between the use of 'or' and 'and' within this commitment and the updates made to relevant documents and this should be consistent.



1.6. C3-018 - 9.13 Margate and Long Sands Special Area of Conservation - Benthic Mitigation Plan - Tracked - Responses to letter dated 21 August 2025

- 1.6.1. The MMO notes the inclusion of paragraph 5.1.5, to show how impacts upon features of conservation interest have been minimised, where avoidance is not 'practicable', as requested by the SoS. The Applicant has stated that a Post-consent Design Plan has been secured within 9.12 Outline Cable Specification and Installation Plan (CSIP) – Revision D [REP7-040] to minimise impacts upon features of interest for the MLS SAC.
- 1.6.2. The Applicant has also revised the above document to include the maximum volume of cable protection to be laid within the MLS SAC (5,400m³). As stated in 1.5.1, the MMO notes that there is a slight inconsistency between the use of 'or' and 'and' for the updates made to the relevant documents.

1.7. C3-021 - 10.77 Applicant's Response to Secretary of State Request for Information - Part 3 - Responses to letter dated 21 August 2025

Fish and Marine Mammals

- 1.7.1. The MMO notes the Applicant proposes the following wording in Table 4, DESNZ Ref 7:

“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, following current best practice as advised by the relevant statutory nature conservation bodies and which must include details of any noise reduction methods through project design (primary measures) and/or, deployment of noise mitigation systems or noise abatement systems (secondary measures) that will be utilised to manage sounds from those piling activities and such protocol must include full details and justification for any mitigation chosen or excluded for deployment.”

- 1.7.2. The MMO has provided comments regarding the proposed wording in Section 1.2.3 of this response.
- 1.7.3. The MMO does not have any recommendations for additional monitoring for fish or marine mammals at this time.

Buffer Zone for Red Throated Divers

- 1.7.4. The MMO notes the Applicant's response in Table 10, DESNZS Ref 15. The MMO defers to NE's expertise on ornithological matters.

HRA Implementation and Monitoring Plans

- 1.7.5. The MMO notes that the Applicant has removed the requested sentence from paragraph 6.1.3 of the Guillemot and Razorbill Implementation and Monitoring Plan (GRIMP) (Revision F) and paragraph 6.1.1 of the Kittiwake Implementation and Monitoring Plan (KIMP) – Revision E, as requested.



Benthic Mitigation and Worst-Case Scenario

- 1.7.6. The MMO notes that the Applicant has made amendments to the document Margate and Long Sands Special Area of Conservation - Benthic Mitigation Plan – Revision H, as requested by the SoS.

Ornithology

- 1.7.7. As stated previously, the MMO defers to NE regarding ornithological matters and looks to support their stance.

1.8. C3-023 - 10.79 Applicant's Response to Part 2 submissions - Responses to letter dated 21 August 2025

- 1.8.1. The MMO notes in Table 4, NE Ref 1 that the Applicant states 'The agreed monitoring would be included in the final Benthic Implementation and Monitoring Plan for approval by the Secretary of State'. The MMO notes that if required, the submitted plan will be consulted on with the SNCB and the MMO, as secured in Part 4, paragraph 20(b) of the 10.72 Draft Development Consent Order Without Prejudice Schedules.
- 1.8.2. The MMO notes in Table 5, NE Ref 1 that the Applicant states 'Post-consent, a Design Plan will be submitted to the MMO in accordance with the relevant DML Conditions' to address NE's concerns that there should be a requirement to demonstrate how impacts to MLS SAC have been minimised.
- 1.8.3. The MMO acknowledges the Applicant's clarification for the Worst-Case Scenario (WCS) cable protection parameters and having updated the relevant documents accordingly, as requested by the SoS. The MMO defers to the relevant SNCB regarding the clarifications made for the WCS within MLS SAC.

2. The MMO's Comments for IPs' Consultation 4 Responses

2.1. General Comments

- 2.1.1. The MMO has reviewed the following documents, which were submitted in response to the SoS letter dated 26 September 2025:
- i. C4-002 - 10.81 Applicant's Response - Responses To The Secretary Of State Letter Dated 26 September 2025
 - ii. C4-007 - 9.32 Offshore In Principle Monitoring Plan - Revision I (Tracked)
 - iii. C4-011 - 5.5.7 Kittiwake Implementation and Monitoring Plans - Revision F (Tracked)
 - iv. Natural England response to SoS consultation 4
- 2.1.2. With regards to document iii, the MMO defers to NE on ornithological matters and looks to support their stance.



2.1.3. Following review of the above documents, the MMO has the following comments to make.

2.2. C4-002 - 10.81 Applicant's Response - Responses To The Secretary Of State Letter Dated 26 September 2025

2.2.1. The MMO acknowledges the Applicant's comments DESNZ Ref 8-9, regarding the updates made to the Offshore In Principle Monitoring Plan (IPMP) and provides further comments in Section 2.3 of this response.

2.3. C4-007 - 9.32 Offshore In Principle Monitoring Plan - Revision I (Tracked)

2.3.1. The MMO defers to NE regarding the changes made to the Offshore Ornithology section of the IPMP.

2.3.2. The MMO welcomes the changes made to 4.6.13 of the IPMP, stating that further information will be provided and consultation will be undertaken with the MMO and relevant SNCB if post-construction monitoring observes impacts to reefs.

2.4. Natural England response to SoS consultation 4

2.4.1. The MMO notes that NE's concerns regarding Guillemot and Razorbill compensation requirements, Razorbill demographic rates and the expected number of recruits that would disperse or stay at the natal colonies, have been addressed by the Applicant.

Yours sincerely,

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