

Date: 13 November 2025  
Our ref: [REDACTED]  
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 invitation to all Interested Parties (dated 15 October 2025) to comment on responses from the Applicant (and other parties) to information provided to his information requests of 21 August 2025 and 26 September 2025. To inform this response Natural England has reviewed the documents listed in Annex 1 to this letter.

#### **Detailed Comments**

### **1. Benthic Ecology**

#### **1.1 [C3-018] 9.13 Margate and Long Sands Special Area of Conservation - Benthic Mitigation Plan (Rev H) (Tracked)**

Whilst we welcome the commitment to avoid NERC/FOCI and consult pre-construction when final design plans are known, included in the latest version of the Cable Specification Installation Plan (CSIP) [REP7-040 Section 2.2.19], there is no mention of avoidance/micro-siting including an appropriate buffer of 50m around *Sabellaria spinulosa* reef. Which other projects (e.g. Outer Dowsing OWF) and the aggregates industry have committed to.

#### **1.2 [C3-023] 10.79 Applicant’s Response to Part 2 Submissions**

With regards to Table 5 in [C3-023], please see our advice above.

### **2. Offshore Ornithology**

#### **2.1 [C3-021] 10.77 Applicant’s Response to SoS RFI Part 3**

Section 15 – Natural England welcomes the more detailed explanation of the complexities associated with cable laying across the Deep Water Routes (DWRs) and how mitigation for red-

throated diver (RTD) within the 2km buffer around the Outer Thames Estuary Special Protection Area (OTE SPA) could impact that schedule. However, we have no further comments to make on this matter, and accordingly we retain our position as set out in our response to the SoS's RFI 4.

As stated in our response to SoS RFI 4, Natural England acknowledges that the complex work involved in laying cables across the two DWRs precludes detailed discussions regarding any restriction on the work schedule within the 2km buffer i.e. until the logistical challenges become clearer and the potential for disruption is better understood. Consequently, we continue to 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. The Strategy would need to be developed in consultation with the relevant SNCB and submitted to the Marine Management Organisation (MMO) for approval.

## **2.2 [C3-013] 5.5.5 Guillemot and Razorbill Compensation Evidence, Site Selection and Road Map (Revision E) (Tracked) & [C3-023] 10.79 Applicant's Response to Part 2 submissions**

Natural England welcomes the Applicant's explanation of how they derived the upper and lower expected number of additional fledglings presented in Table 11 of [C3-013] 5.5.5, the Guillemot and Razorbill Compensation Evidence, Site Selection and Road Map (Rev E). Natural England considers this query fully resolved.

As previously advised, Natural England supports the compensation measure and consider it has potential to deliver adequate compensation for Five Estuaries' impacts on auks, as well as wider conservation benefits for other seabirds nesting in the region. However, Natural England retains concerns about the theorised level of benefit the Applicant has calculated to potentially occur due to the compensatory measure. This is because the Applicant has assumed the compensatory measure will be delivered by improvements in productivity and in doing so, they have also had to make assumptions about the scale of improvement that may not be based on the most appropriate evidence and therefore may not arise.

We note that following disturbance reduction recruitment can occur through means other than an increase in productivity as well. For example, freed nesting space could be occupied by a surplus of non-breeding adults already present or immigrants with or without a change in productivity. In addition, extrinsic factors such as food supply will influence productivity too and could drive population changes regardless of disturbance reduction. Therefore, whilst the compensatory measure should provide a means to improve recruitment, the expected changes in productivity that arise may not predict well the scale of colony expansion that follows.

To address these issues, we recommend that going forward any anticipated changes in productivity used to calculate recruitment should be based on productivity figures collected locally, rather than using the national average. Once these figures can be attained through the planned monitoring they should be used to help assess delivery. Where predicted delivery looks like it is falling short, adaptive management can then be imposed in a timely manner to address the shortfall.

Where the Applicant states *'if baseline productivity is actually lower than assumed (i.e. the national average rate), the measures could deliver even greater benefits than currently estimated'* we highlight that this would not necessarily be the case, if the higher level of productivity attainable was also lower than assumed by the Applicant (i.e. the regional productivity rate). Therefore, this gives further weight to the need to maintain monitoring and to use the productivity figures obtained locally to help inform progress and ensure delivery remains adequate.

## **3. Marine Mammals**

### **3.1 [C3-021] 10.77 Applicant's Response to SoS RFI - Part 3**

In DESNZ Ref. No. 7, Table/Section 4 in [C3-021], the Applicant has proposed the following wording regarding underwater noise mitigation: -

*“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.”*

Whilst broadly in agreement with this wording, we would advise removal of the word ‘any’ (underlined and highlighted in red), from the proposed wording above to ensure some form of noise reduction method is secured.

#### **4. [C4-007] 9.32 Offshore In-Principle Monitoring Plan (Revision I) (Tracked)**

##### **4.1 Marine Mammals**

Natural England welcomes the changes made by the Applicant (Section 4.8.4) with regards to submission of a final MMMP for piling six months prior to the commencement of piling activities.

##### **4.2 Offshore Ornithology**

Natural England welcomes inclusion of chick colour-ringing into the Lesser Black-Backed Gull (LBBG) monitoring plan and proposed red-throated diver (RTD) tagging to investigate potential behavioural changes as result of vessel and other manmade activity within the OTE SPA, +2km buffer and vicinity.

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

Yours faithfully,

██████████  
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# Annex 1: Natural England's Response to the Applicant's Documents Submitted at RFI 3 and RFI 4

PINS Document Reference	Document Name	Natural England's Response/Position Summary
RFI 3		
C3-007	5.5.7 Kittiwake IMP (Rev E) (Tracked)	Natural England has no comments to make on this document.
C3-009	5.5.8 Guillemot and Razorbill IMP (Rev F) (Tracked)	Natural England has no comments to make on this document.
C3-010	5.4 RIAA (Rev F) (Tracked)	Natural England has no comments to make on this document.
C3-012	5.5.1 Benthic Compensation Strategy Roadmap (Rev D) (Tracked)	Natural England has no comments to make on this document.
C3-013	5.5.5 Guillemot and Razorbill Compensation - Evidence, Site Selection and Roadmap (Rev E) (Tracked)	Natural England has no comments to make on this document. For our previous comments on this document see Natural England's response to the SoS's RFI 4. Please also see Section 2.2 of the cover letter which relates to this document.
C3-015	6.2.5 Chapter 5 Benthic and Intertidal Ecology (Rev B) (Tracked)	Natural England has no comments to make on this document.
C3-018	9.13 Margate and Long Sands Special Area of Conservation - Benthic Mitigation Plan (Rev H) (Tracked)	Natural England has provided comments on this document in Section 1 of this letter.
C3-020	6.3.4 Onshore Biodiversity and Nature Conservation (Rev B) (Tracked)	Natural England's response to this document was submitted at RFI 4 (10 October 2025).
C3-021	10.77 Applicant's Response to SoS RFI - Part 3	Natural England has provided comments on this document in Sections 2 and 3 of this letter.
C3-022	10.78 Wake Effects Assessment	Natural England has no comments to make on this document.
C3-023	10.79 Applicant's Response to Part 2 Submissions	Natural England has provided comments on this document in Sections 1 and 2 of this letter.
C3-024	10.80 Wake Effects - Combined Responses to SoS Letters	Natural England has no comments to make on this document.
C3-028	6.2.6 Chapter 6 Fish and Shellfish Ecology (Rev B) (Tracked)	Natural England has no comments to make on this document.
RFI 4		

C4-002	10.81 Applicant's Response – Secretary of State Request for Further Information 26 September 2025	Natural England has no comments to make on this document.
C4-003	9.22 Outline Landscape and Ecological Management Plan – Revision H (Tracked)	Natural England has no comments to make on this document.
C4-004	10.72 Draft Development Consent Order Without Prejudice Schedules – In Response to Secretary of State Requests (Tracked)	Natural England has no comments to make on this document.
C4-007	9.32 Offshore In Principle Monitoring Plan – Revision I (Tracked)	Natural England has provided comments on this document in Section 4 of this letter.
C4-008	9.21 Code of Construction Practice – Revision G (Tracked)	Natural England has no comments to make on this document.
C4-011	5.5.7 Kittiwake Implementation and Monitoring Plan – Revision F (Tracked)	Natural England has no comments to make on this document.