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Dear Sir,

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”)

The Applicant refers to its document 10.83, being the Applicant’s response to East Anglia Two submission on wake effects dated 5 September 2025 submitted to the Secretary of State in response to the letter issued on 15 October 2025. The Applicant submitted this document on 7 November 2025, in advance of the deadline for responses to the Secretary of State’s consultation letter on 14 November 2025. This was done to facilitate the Secretary of State’s prompt determination of the application.

The Applicant notes that since submitting the document a highly pertinent development has occurred in that the Government has, on 13 November 2025, issued its revised draft EN-1 and EN-3 NPS’ and associated response to the consultation carried out earlier in 2025. The Applicant is mindful that the policies regarding wake effects are the first time in which express policies on this topic have been proposed for inclusion in a relevant NPS. The Applicant assumes that the Secretary of State will refer to these emerging policies in his decision letter as important and relevant matters. Whilst these revised policies are not yet formally designated (and would not in any event have effect for the application), it is reasonable to assume that the wording is now in its final form, given the consultation carried out and the substantial submissions made by both sides in the debate.

Accordingly, the Applicant wishes to make the following brief comments on the revised wording relating to wake effects and the new supplementary guidance, which should be read alongside the Applicant’s document 10.83. The Applicant has reproduced each of the paragraphs in the proposed guidance and provided a commentary immediately below.

1.2 Paragraph 2.8.176

Applicants of proposed offshore wind farms are encouraged to adopt a good neighbour approach, with constructive dialogue between developers. As part of this, developers of incoming offshore wind farms are strongly encouraged to conduct a wake assessment to understand the impact of their development on nearby offshore windfarms.

As explained in the Applicant's document 10.83, the expectation of engagement between developers in relation to wake effects was only resolved by the Secretary of State's decision on Mona. The East Anglia 2 (EA2) project carried out no engagement with existing or emerging wind farms during its consenting process. The Applicant has acted reasonably in the circumstances of this Application. No concern was expressed by EA2 before the Application was submitted. The Applicant made substantial submissions regarding wake effects during the Examination. The Applicant has carried out and submitted a wake effects assessment to EA2 and the Secretary of State. The Applicant has sought to engage with EA2 in relation to this assessment. The chronology of engagement activity relating to wake before during and after examination has previously been set out in document 10.80 'Wake Effects' (Section 3.2), submitted 5 September 2025. The level and nature of engagement with EA2 on wake is also referenced in document 10.83 'Applicant's Response to East Anglia Two Submission on Wake Effects Dated 5 September 2025'.

1.3 Paragraph 2.8.232

This section encourages developers to have made 'reasonable endeavours' to mitigate the impact of wake effects. In practice, this means developers do not have to take every possible course of action to mitigate the impact of wake effects but should demonstrate reasonable efforts at mitigation, including evidencing their rationale for why they have or have not, on balance, decided to implement mitigations.

The Applicant has explained in previous submissions that it has already taken steps which will have reduced wake effects. First, it has respected The Crown Estate's buffer area and second, it altered the northern boundary of the Project bringing it further away from EA2. This has previously been set out in document 10.83, Part 2, Section 3.1.2.

The Applicant has explained why it does not consider any further steps would be reasonable. First, because the impact on EA2 is minimal – it simply does not justify further consideration of mitigation steps, following normal development principles.

Second, there are no steps available which would not reduce the capacity and output of the Project. Such a reduction would be unreasonable and would be inconsistent with policy to maximise renewable energy generation.

Third, any steps would be likely to impact existing operational wind farms and reduce their output. This would be unreasonable.

Fourth, it would be unfair to apply a different standard to the Project from that which applied to EA2 under exactly the same policy wording i.e. in the current EN-3 (whose wording is the same as with the 2011 version of EN-3). That would be unreasonable as set out previously in Document 10.83.

Fifth, as EA2 is unconstructed, any expectation of mitigation steps should not in any event fall on the Project alone if “collaboration” is now expected. EA2 has taken no mitigation steps. It would be unreasonable to place a greater expectation on the Project as previously set out in Document 10.83.

1.4 Paragraph 2.8.233

This section clarifies the role of the planning system where wake effects are raised. Disputes around compensation for wake effects are regarded to be a commercial matter to be managed between disputing developers. The planning system will not adjudicate on matters of compensation for wake loss.

This is not directly relevant to the present case as EA2 has not sought financial compensation for wake effects through the planning system. However, the Applicant is concerned about the provision for “alternative mitigation” in the draft form of requirement put forward by EA2, which is explained further in the next section.

1.5 Paragraph 2.8.316

This section is intended to help reduce the chances of delays to new offshore wind farms by explaining how wake effects will be considered as a planning application progresses. If developers meet the principles set out within the previous paragraphs wake effects will likely carry lower weight against a project being consented in planning decisions.

The Applicant has acted reasonably in all the circumstances of this case. The Applicant considers that the residual wake effect on EA2 should count as neutral in the planning balance. The Secretary of State acknowledges that wake effects cannot be avoided altogether. They are a fact of life of a growing wind industry. As highlighted again in document 10.83, the impact of EA2 (which is unconstructed) on the Project, is broadly similar to that of the Project on EA2.

Conclusion

The Applicant considers that the analysis above strongly supports its submissions to date that no requirement relating to wake effects is justified or appropriate. The Applicant respectfully requests that he re-considers his apparent intention to impose such a requirement. Any such requirement would create unnecessary uncertainty and delay for the Project, and consequential costs.

If a requirement is imposed, the Applicant reiterates that it cannot be right for any such requirement to include provision for “alternative mitigation” to be privately agreed between the Applicant and EA2. This is a public law matter. The Applicant notes that the applicant

for the Outer Dowsing offshore wind farm has recently made detailed submissions on this point at paragraphs 81 and 82 on pages 22 to 24 of Document 28.5 (October 2025). The Applicant agrees with these submissions. The link is provided below.

<https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010130-002534-C3-028%2028.5%20The%20Applicant's%20Response%20to%20the%20Second%20Request%20for%20Information-%20Wake%20effects.pdf>

Yours faithfully.



Project Lead

Five Estuaries Offshore Wind Farm Limited