



Department for
Energy Security
& Net Zero

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To:

Five Estuaries Offshore Wind Farm Limited
Department for Environment Food and Rural Affairs
Crown Estate
Network Rail
Natural England
Marine Management Organisation
Essex County Council
Tendring District Council
Defence Infrastructure Organisation
North Falls Offshore Wind Farm
National Grid

Ref: EN010115

Date: 11 July 2025

Dear Sir or 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 (“the Five Estuaries Offshore Wind Farm project”)

REQUEST FOR INFORMATION

1. Following the completion of the Examination on 17 March 2025, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 17 June 2025. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.
2. There are matters on which the Secretary of State would be grateful if the **Applicant, Department for Environment, Food and Rural Affairs (“DEFRA”), Crown Estate, Network Rail, Natural England, the Marine Management Organisation, Essex County Council, Tendring District Council, Defence Infrastructure Organisation, North Falls Offshore Wind Farm (NFOWF) and National Grid** could provide updates or information as appropriate.

Part 1 – Responses to the below requests should be provided by no later than 23:59 on 25 July 2025:

Land Rights

3. The Secretary of State notes during the examination the Applicant was approaching the rights holders to create new rights at the land at Orford Ness (Plots 19-001, 19-002, 19-003 and 20-003). Therefore the **Applicant** and **Crown Estate** are requested to provide clarification regarding what consent, if any, is required under section 135 of the Planning Act 2008 for new rights, whether consent has been obtained and if not when agreement will be reached.
4. Following the Applicant's letter to the Secretary of State dated 18 June 2025, the **Applicant** and **Defence Infrastructure Organisation** are also requested to provide an update in regards to Plots 19-001, 19-002, 19-003 and 20-003, to whether any matters are outstanding and if so when agreements will be reached.
5. The Applicant's letter of 18 June 2025 provided an amended development consent order with the deletion of plot 19-001 from schedule 7 to the Order to address National Trust concerns. The **Applicant** is therefore requested to provide revised versions of sheet 19 in the Onshore Land Plans and the Book of Reference (BoR) removing Plot 19-001 from the Compulsory Acquisition (CA) powers being sought.
6. The Secretary of State notes that during the examination issues were raised in relation to whether all the land would be required for CA and Temporary possession (TP). There were also issues regarding whether Plot 17-024 could be partially removed in regards to the land encircling the grey shaded land to the east of Normans Farm. The **Applicant** is therefore requested to provide amended versions of sheet 18 in the Onshore Land Plans and the BoR to reflect the scenario of Plot 17-024's partial removal from the land rights power sought, and the exclusion of TP and CA powers from the entirety of Plots 17-015, 17-016, 17-017, 17-018 and 18-001 and 18-002. The **Applicant** is also requested to provide revised versions of sheet 17 in the Onshore Land Plans and the BoR to reflect the scenario of the removal of Plots 16-022 and 17-005 from the TP powers sought.
7. The Secretary of State notes that issues were raised in relation to Plot 17-031 whether it would be possible to reduce the powers sought to a more proportionate extent because the Applicant and National Grid may be able to secure a connection between their respective substations without the Applicant needing acquisition powers for rights across the entirety of the EACN site, for example by alternative mechanisms such as a voluntary agreement, commercial contract and reciprocal protective provisions. The **Applicant** is therefore requested to provide further reasoning for the acquisition of the rights sought in Plot 17-031 and, if alternative mechanisms such as amended protective provisions are now proposed, provide the details of those.
8. The **Applicant** wrote to the Secretary of State on 18 June 2025 offering to provide updated Land Plans – Onshore, Special Category Land Plans, Crown Land Plans and BoR, including a tracked version of the changes to 4.1 BoR and a tracked

changes word version of the amended draft Development Consent Order. The Secretary of State is now requesting these.

9. The **Applicant** and **Network Rail** are requested to provide an update on whether any agreement has been reached regarding respective Protective Provisions. The **Applicant** should provide an update if any other outstanding Protective Provisions have been agreed.

Offshore Ornithology

10. **Natural England** is invited to comment on the modified 2km buffer zone around the Outer Thames Estuary SPA, as proposed by the Applicant in Section 3.3 of the Working in Proximity to Wildlife in the Marine Environment [REP8A-013].

Marine Mammals

11. **Natural England** is invited to provide clarity on Point 5 in H – Marine Mammals in their Risk and Issues Log [REP8A-053]. Noting the advice provided during the examination of recently made offshore windfarm DCOs (such as Rampion 2 OWF), **Natural England** and the **Marine Management Organisation** are also invited to confirm their respective positions on the appropriate sensitivity scoring for cetaceans.

Habitats Regulations Assessment

12. **Natural England** is invited to comment on whether the inclusion of paragraphs 10.2.5 and 10.2.6 in the Outline Landscape and Ecological Management Plan (“oLEMP”) [REP8A-017] resolves its concern raised in their Risk and Issues Log [REP8A-053] (Point 15 in J – Onshore Ecology), in relation to potential impacts of unscheduled maintenance on black-tailed godwit.
13. **DEFRA** is invited to confirm whether the proposed strategic compensation (the extension of an existing SAC or designation of a new SAC with Annex 1 Sandbank feature) to compensate for an adverse effect on the integrity on the Margate and Long Sands SAC, as detailed in the Applicant’s Benthic Compensation Strategy Roadmap [REP8-008], would be deliverable through the Marine Recovery Fund.
14. The **Applicant** is also requested to provide an update on whether appropriate participation of relevant stakeholders, OWF developer partners, and landowners in the compensation measures proposed in the Guillemot and Razorbill Implementation and Monitoring Plan (“GRIMP”) [REP8-014] has been agreed. The Secretary of State notes the letter from Cornwall Wildlife Trust submitted at Deadline 8A [REP8A-040].

Noise and Vibration

15. The **Applicant** is requested to provide comments on the amended timeframes for investigation of noise complaints as proposed by Essex County Council in Section 8 of their Deadline 8A submission [REP8A-044].

Part 2 – Responses to the below requests should be provided by no later than 23:59 on 8 August 2025:

Offshore Ornithology

16. The **Applicant** is requested to revise the Offshore In-Principle Monitoring Plan (“OIPMP”) [REP8A-023] to require appropriate ornithological monitoring to validate the predictions made within the Environmental Statement and detect effects significantly beyond those predictions, as well as to help address key knowledge gaps in modelling and the baseline environment of the site. This should include, but not be limited to, a GPS tagging study to help address knowledge gaps on the impacts from vessel traffic on red-throated divers, as highlighted in Section 2.3 of the Red-Throated Diver Note [REP6-052].
17. The **Applicant** is requested to revise all sections (not limited to offshore ornithology) of the OIPMP [REP8A-023] to require the regular submission of all relevant pre-construction, construction, and post-construction/operational survey and monitoring data to the Marine Data Exchange (The Crown Estate), and relevant Local Environmental Records Centres.

Benthic and Intertidal Ecology

18. The **Applicant** is requested to revise paragraph 4.6.12 of the OIPMP [REP8A-023] to require that post-construction surveys of biogenic and geogenic reef features are completed within one year of cessation of construction activities.

Fish Ecology

19. Noting the concern raised by Natural England in their Risk and Issues Log [REP8A-053] (Point 3 in G – Fish Ecology), the **Applicant** is requested to revise ES 6.2.6 Fish and Shellfish Ecology [APP-075] to assess spawning herring as having a high sensitivity to noise impacts.
20. The **Applicant** is requested to revise the OIPMP [REP8A-023] to require appropriate fish and shellfish monitoring to validate the predictions made within the Environmental Statement and detect effects significantly beyond those predictions, as well as to help address key knowledge gaps in modelling and the baseline environment of the site.

Marine Mammals

21. Noting the concern raised by Natural England in their Risk and Issues Log [REP8A-053] (Point 10 in H – Marine Mammals), the **Applicant** is requested to revise the Outline Marine Mammal Mitigation Protocol – Piling [REP7-044] (“oMMMP-P”) to reduce the soft-start maximum hammer energy from 15% to 10%.
22. The **Applicant** is requested to revise the OIPMP [REP8A-023] and the Outline Marine Mammal Mitigation Protocol – UXO (“oMMMP-UXO”) [REP7-046] to require monitoring of underwater noise associated with UXO clearance and the effectiveness of any noise abatement systems (“NAS”) employed for UXO clearance in mitigating noise impacts.

23. The **Applicant** is requested to revise ES 6.2.7 Marine Mammal Ecology [APP-076], the oMMMP-P [REP7-044], and the Outline Southern North Sea SAC Integrity Plan [REP6-022] to commit to a specific NAS, or package of NAS, in the event that driven or part-driven piles are used during the construction of the Proposed Development, in order to reduce the level of underwater noise generated and its propagation through the marine environment.
24. The **Applicant** is requested to revise the OIPMP [REP8A-023] to require appropriate marine mammal monitoring to validate the predictions made within the Environmental Statement and to detect effects significantly beyond those predictions, as well as to help address key knowledge gaps in modelling and the baseline environment of the site.
25. The **Applicant** is requested to revise the OIPMP [REP8A-023], the oMMMP-P [REP7-044], and the oMMMP-UXO [REP7-046] to require the submission of all relevant noise monitoring data to the JNCC UK Marine Noise Registry.

Onshore Ecology

26. The **Applicant** is requested to revise the impact assessment within ES 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] to align the definition of duration in accordance with the CIEEM Guidelines for Ecological Impact Assessment in the UK and Ireland (2024) - that duration should be defined in relation to ecological characteristics and account for the lifecycle of the species being assessed.
27. Noting the concern raised by Natural England in their Risk and Issues Log [REP8A-053] (Point 20 in J – Onshore Ecology), the **Applicant** is requested to revise the Code of Construction Practice (“CoCP”) [REP8A-015] to require a detailed environmental risk assessment, supported by local ground investigation data, to be carried out prior to onshore works commencing assessing the likelihood of frac-out at Holland Haven Marshes SSSI, and the potential impacts from this with reference to the features that the SSSI is notified for. The **Applicant** is also requested to provide without prejudice drafting to secure this within the DCO.
28. The **Applicant** is requested to revise the CoCP [REP8A-015] and the oLEMP [REP8A-017] to ensure all relevant pre-construction, construction, and post-construction/operational survey and monitoring data is shared in the appropriate formats with the relevant Local Environmental Records Centre(s) and relevant national/regional environmental recording schemes to ensure that future environmental records of the area are accessible and accurate, in accordance with CIEEM Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK (2023).
29. The **Applicant** is requested to revise the oLEMP [REP8A-017] to provide an adaptive management methodology that will be followed in the event that habitats or landscape and ecological features fail to establish or reach the intended condition.
30. The **Applicant** is requested to revise the oLEMP [REP8A-017] to provide a compliance assessment and reporting methodology that will be followed during

construction and operation of the Proposed Development. This must ensure the compiling of regular reports to Natural England and the relevant LPAs to evidence compliance with all identified actions, monitoring and survey results, and assess effectiveness, and determine any appropriate adaptive management measures over the next reporting period, where necessary.

31. The **Applicant** is requested to revise the CoCP [REP8A-015] and oLEMP [REP8A-017] to require a Badger Species Protection Plan (“BSPP”) to be implemented during construction of the Proposed Development. The BSPP must detail any potential impacts on badgers during construction, avoidance and mitigation measures, ongoing monitoring, adaptive management, and any licensed work(s) that may be necessary. The CoCP and oLEMP should ensure that the BSPP includes, but is not limited to, the measures from SNCB standing advice listed in Appendix A of this letter.
32. The **Applicant** is requested to revise the CoCP [REP8A-015] to ensure that the avoidance and mitigation measures set out in the oLEMP [REP8A-017] in relation to otter (Section 7.10) and water vole (Section 7.11) are also secured in the CoCP.
33. The **Applicant** is requested to revise the oLEMP [REP8A-017] to require that all permanent fencing installed is designed in such a way as to allow the movement of animals (where appropriate) across the landscape. This must include access points installed at strategic locations along fence lines to allow badgers and other animals to pass through. Permanent fencing and access points must be checked regularly to ensure that they remain operational and that no animals have become trapped.
34. The **Applicant** is requested to revise the oLEMP [REP8A-017] to require appropriate species monitoring to validate the predictions made within the Environmental Statement and to detect effects significantly beyond those predictions, as well as to help address key knowledge gaps in predictions and the baseline environment of the site, and to feed into the ongoing management of the site.
35. Noting the concern raised by Natural England in their Risk and Issues Log [REP8A-053] (Point 27 in J – Onshore Ecology), the **Applicant, Essex County Council, Tendring District Council, and Natural England** are invited to provide comments on the wording below for an amended Biodiversity Net Gain condition within the Order:

(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 has been approved in writing by the relevant planning authority in consultation with Natural England; and

(b) at least 10% of the total number of biodiversity units as required for that stage of the development (calculated using a biodiversity metric

approved by the relevant planning authority in consultation with Natural England) have been secured and where appropriate proof of purchase provided in accordance with the approved biodiversity net gain strategy and to the satisfaction of 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.

(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.

36. The **Applicant** is requested to revise the Onshore Biodiversity Net Gain Indicative Design Stage Report ("oBNGIDSR") [REP6-015] to require the final strategy to clearly distinguish which parcels of land are to be provided for mitigation, compensation, and biodiversity net gain purposes.
37. The **Applicant** is requested to revise the Onshore Biodiversity Net Gain Indicative Design Stage Report ("oBNGIDSR") [REP6-015] to require the final strategy to clearly distinguish which parcels of land are to be provided for mitigation, compensation, and biodiversity net gain purposes.
38. The **Applicant** is requested to provide a without prejudice version of the revised oBNGIDSR with Option 2 (Unmanaged habitats count as lost and created) removed.
39. The **Applicant** is requested to revise the oLEMP [REP8A-017] to provide (using site-won materials, where possible) for raptor perching posts, beetle loggeries, and rubble piles, and provide indicative locations for these.
40. The Secretary of State notes that ES 6.3.4: Onshore Biodiversity and Nature Conservation [APP-086] details that the permanent loss of arable habitat due to the construction of the onshore substation and proposed landscaping / habitat creation will affect up to six corn bunting territories and 21 skylark territories. While the Applicant notes that compensation for skylark and corn bunting is not possible within the Order Limits, the Secretary of State notes that off-site habitat compensation and, therefore, the full application of the mitigation hierarchy has not been explored.
41. The **Applicant** is therefore requested to provide a without prejudice In-Principle Farmland Bird Compensation Plan detailing how off-site habitat compensation for farmland birds (including corn bunting and skylark) would be delivered to compensate for the significant adverse effects from the Proposed Development. This must also include details of long-term management, monitoring, potential

research collaborations, adaptive management, reporting, and data-sharing. The Applicant is also requested to provide without prejudice drafting to secure this plan within the DCO and relevant control documents.

Habitats Regulations Assessment

42. The Secretary of State notes that during the Examination, issues were raised in relation to a potential AEol on the Farne Islands SPA by virtue of an in-combination harm to the guillemot qualifying feature. The **Applicant** is therefore requested to provide amended without prejudice versions of Part 3 of Schedule 13 to the DCO, and the Guillemot and Razorbill Implementation and Monitoring Plans (“GRIMP”) [REP8-014], to include compensatory measures for guillemot as a qualifying feature of the Farne Islands SPA.
43. Noting the concern raised by Natural England in their Risk and Issues Log [REP8A-053] (Point 14 in J – Onshore Ecology), the **Applicant** is requested to revise the oLEMP [REP8A-017] and the Report to Inform the Appropriate Assessment (“RIAA”) [REP8-004] to detail the actions that would be taken in the event that the proposed disturbance-free buffer zones around active nests of Schedule 1 bird species and other breeding bird species of conservation concern fail.
44. Noting NPS EN-1 Paragraph 4.3.12 and PINS Advice Note 9, information contained in the environmental statement submitted to the Secretary of State should be sufficient to fully assess the project’s impact on the environment and establish clearly defined worst-case parameters for the assessment. The **Applicant**, therefore, is requested to revise all relevant EIA and HRA documents to include an assessment of the reasonable worst-case scenario of the impacts from operation and maintenance port activities on the environment. If the Applicant has yet to make a final decision on the location of the operation and maintenance port facilities, the Applicant is requested to include an assessment of the reasonable worst-case scenarios of the different ports under consideration.
45. The **Applicant** is requested to revise the RIAA [REP8-004] and the HRA Screening Matrices [REP8-006] to screen in the transboundary sites for harbour porpoise within the North Sea Management Unit, as listed in Matrix 22.
46. The **Applicant** is requested to revise the RIAA [REP8-004] to clarify whether seismic surveys have been assigned to Tier 6 or Tier 7 in the in-combination assessment, as the Secretary of State notes differing tiers are provided in Table 9.6 and Table 12.2. As the Secretary of State also notes contradictory text throughout the RIAA, the Applicant is also requested to revise the RIAA to clarify whether the in-combination assessment draws on the cumulative effects assessment (which includes seismic surveys), as presented in paragraphs 7.13.19 - 7.13.21 and Tables 7.43, 7.44, 7.47, and 7.50 of ES 6.2.7 Marine Mammal Ecology [APP-076].
47. The **Applicant** is requested to make the following revisions to the GRIMP [REP8-014]:
 - Require that the success of the compensation will be determined by both positive changes in bird numbers and productivity, as well as positive human

behavioural change. Whilst the Secretary of State notes the influence of other confounding variables and natural fluctuations in the auk populations over time, the Applicant should mitigate against this through monitoring of control sites to better estimate the benefit of the compensation measure.

- Provide further detail of how these changes in bird numbers and productivity as well as human behavioural change would be monitored using currently available techniques.
- Provide further detail of additional monitoring such as dietary analysis and colour ringing.
- Require, under Section 4.3, the engagement with relevant local tourism and recreational stakeholders in the development of the compensation measure.
- Include the Cornwall Wildlife Trust and relevant local tourism and recreational stakeholders within paragraph 3.1.4 as relevant parties to be invited to form part of the OOEG in an advisory capacity.
- Revise paragraph 3.1.4, noting that no artificial nesting program is to be implemented through the GRIMP.
- Remove the following sentence from paragraph 6.1.3, '*The Project will not commit to adaptive measures if the evidence suggests that the reason for lack of success are out of the Project's control e.g. climate change, prey availability*', as it is the decision of the Secretary of State, as the competent authority, whether or not implementation of adaptive management measures is appropriate.
- Include a new section on data-sharing which must require the regular submission of all relevant pre-implementation and operational survey and monitoring data to the Marine Data Exchange (The Crown Estate) and relevant Local Environmental Records Centres.

48. The **Applicant** is requested to make the following revisions to the Lesser Black-Backed Gull Implementation and Monitoring Plan ("LIMP") [REP8A-009]:

- Include the Wildlife Trusts, relevant to the sites at which predator exclusion/eradication are proposed to be implemented, within paragraph 4.1.3 as relevant parties to be invited to form part of the OOEG in an advisory capacity.
- Revise paragraph 6.4.13 so that biosecurity measures 'will' be implemented, rather than 'may' as currently stated.
- Provide further detail as to the proposed breeding monitoring plan at Outer Trial Bank, including core and additional monitoring.
- Provide further detail as to the proposed habitat management at Outer Trial Bank.
- Provide a methodology for how the Outer Trial Bank site would be accessed.
- Include a new section on data-sharing which must require the regular submission of all relevant pre-implementation and operational survey and monitoring data to the Marine Data Exchange (The Crown Estate) and relevant Local Environmental Records Centres.

49. The **Applicant** is requested to make the following revisions to the Kittiwake Implementation and Monitoring Plan (“KIMP”) [REP5-023]:

- Revise paragraph 3.1.4 to require the convening of a steering group and to include the RSPB and relevant Wildlife Trust as relevant parties to be invited to form part of the steering group in an advisory capacity.
- Remove the following sentence from paragraph 6.1.1, ‘*The Applicant will not commit to adaptive measures if the evidence suggests that the reason for lack of success are out of the Projects control e.g. climate change, prey availability*’, as it is the decision of the Secretary of State, as the competent authority, whether or not implementation of adaptive management measures is appropriate.
- Include a new section on data-sharing which must require the regular submission of all relevant pre-implementation and operational survey and monitoring data to the Marine Data Exchange (The Crown Estate) and relevant Local Environmental Records Centres.

50. Noting that a substantial amount of HRA-related information was submitted at Deadline 8 and 8A which Natural England, as the appropriate nature conservation body, may not have had the opportunity to comment on, **Natural England** are invited to provide any final comments on any outstanding HRA-related issues.

Farming and Land Restoration

51. Requirement 14 (Restoration of land used temporarily for construction) in Part 1 of Schedule 2 of the dDCO does not include a mechanism to establish the baseline condition of land temporarily used for construction. The **Applicant** is requested to comment on the inclusion of the Records of Conditions in Requirement 14 to ensure that agricultural land to be “reinstated” is in accordance with the Records of Condition pursuant to the CoCP [REP8A-015].

52. The **Applicant** is requested to revise the CoCP [REP8A-015] to include details of the scope of the Records of Condition (part 4.2.2 (bullet point 2 of the CoCP)), which should include (as a minimum) the details set out in paragraphs 1.4.47 of the ES Volume 6, Part 3, Chapter 1: Onshore Project Description (AS-041).

Substation Design and landscaping

53. The Secretary of State notes that during the examination issues were raised in relation to Applicant and North Falls Offshore Wind Farm (NFOWF) regarding coordination and good design, due to both developers having different landscape designs for the substation. Therefore, the **Applicant, NFOWF, and National Grid** are requested to provide an update on their respective Substations and EACN design and landscaping.

Air Quality

54. The **Applicant** is requested to revise the CoCP [REP8A-015] to require dust deposition, dust flux, and PM10 continuous monitoring during construction, with the locations and reporting of such monitoring to be agreed with the relevant planning authorities, in line with IAQM Guidance on the Assessment of Dust from

Demolition and Construction. This must include baseline monitoring before work on each onshore phase commences.

Noise and Vibration

55. The **Applicant** is requested to revise the CoCP [REP8A-015], in accordance with British Standard 5228, to require continuous noise monitoring during construction to ensure that the noise level limits committed to are complied with, and the locations and reporting of such monitoring to be agreed with the relevant planning authorities.

Flood Risk

56. The Secretary of State notes that the Environment Agency has published new data following an update to the National Flood Risk Assessment. The Flood Map for Planning and flood zones were also updated on 25 March 2025. The **Applicant** is invited to explain whether the updates have any implications for the conclusions of the ES 6.3.6 Hydrology, Hydrogeology, and Flood Risk [APP-088], the Flood Risk Assessment Export Cable Corridor [APP-038], and the Flood Risk Assessment Onshore Substation [APP-039]. The Applicant should provide revised documents, as necessary.

Responses to those requests in Part 1 of the letter should be submitted by email only to fiveestuaries@planninginspectorate.gov.uk by 23.59 on 25 July 2025.

Responses to those requests in Part 2 of the letter should be submitted by email only to fiveestuaries@planninginspectorate.gov.uk by 23.59 on 8 August 2025.

57. Responses will be published on the Five Estuaries Offshore Wind Farm project page of the National Infrastructure Planning website: <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010115> as soon as possible after **25 July 2025** and **8 August 2025**.

58. This letter is without prejudice to the Secretary of State's consideration of whether to grant or withhold development consent for the Five Estuaries Offshore Wind Farm project or any part of the project. Nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully,



Head of Energy Infrastructure Planning Delivery

Department of Energy Security & Net Zero

APPENDIX A: BADGER SPECIES PROTECTION PLAN

- A pre-construction badger survey must be undertaken by a suitably qualified and experienced ecologist to determine the status of badgers and setts within and in proximity to the Order Limits, and whether further avoidance and mitigation measures need to be included within the BSPP.
- Any active setts recorded must be protected from disturbance and damage by maintaining a minimum protection zone of 30 metres from the outermost sett entrances, demarcated by fencing with a minimum 25cm gap at the base of the fence line. Protection zones must be appropriately signed to restrict construction work access and must be maintained until works for that phase of the onshore development are completed. If it is not possible for a protection zone to be either implemented or maintained around an active badger sett, the requirement for a licence from Natural England must be reviewed by a suitably qualified and experienced ECoW.
- All site personnel are to be briefed by a suitably qualified and experienced ECoW on the presence of badgers, the BSPP, the location and signs of any sett protection zones, relevant protected species legislation and associated penalties, and the conditions of any licence(s).
- An emergency procedure must be implemented by all site personnel if a badger or badger sett is unexpectedly encountered. All work within 30 metres must cease until a suitably qualified and experienced ECoW has inspected the site and determined the appropriate course of action.
- An appropriate speed limit on construction tracks must be enforced, and signage installed onsite to mitigate against potential collisions between badgers and construction vehicles.
- Night-time working will be avoided where possible, including within the hour before dusk and an hour after dawn.
 - Excavations or trenches must be boarded or otherwise suitably covered at the end of each working day. Where this is not practicable, a ramp at both ends or at regular intervals must be provided (at an angle of no more than 45 degrees) to allow any animal that may become trapped to escape.
- Excavations or trenches must be inspected at the beginning and end of each working day to ensure no animals have become trapped.
- Any pipework with a diameter of more than 120mm to be left exposed overnight must be properly covered or capped at the end of each working day to prevent badgers from entering and becoming trapped.
- Any chemicals stored onsite must be stored away from sett protection zones and known badger paths.

- Mounds of topsoil or other soft construction material stored onsite must be fenced off to prevent the adoption by badgers for sett building.
- Litter, tools, and pointed objects must be cleared from the ground at the end of each working day to prevent injury to badgers.
 - Use of artificial lighting within the vicinity of a sett protection zone will be avoided and directed away, where possible.
- No fires are to be lit within the vicinity of a sett protection zone.
- Provide for unlit corridors to ensure areas of safe passage exist between active setts and foraging areas within existing territories.
- Known badger paths must be checked regularly by a suitably qualified and experienced ECoW for any obstructions from construction works to ensure access to foraging areas within existing territories is maintained.
- Reports prepared by a suitably qualified and experienced ECoW must be submitted at regular intervals to the relevant LPA(s) demonstrating implementation of the BSPP.