




F I V E 
ESTUARIES
OFFSHORE WIND FARM

FIVE ESTUARIES
OFFSHORE WIND FARM
COVER LETTER

Application Reference	EN010115
Application Document Number	1.1
Revision	A
APFP Regulation:	5(2)(q)
Date	March 2024



Project	Five Estuaries Offshore Wind Farm
Sub-Project or Package	Application Form
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Revision	Date	Status/Reason for Issue	Originator	Checked	Approved
A	March 24	DCO Application	VE OWFL	VE OWFL	VE OWFL



Planning Inspectorate
National Infrastructure Directorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

22 March 2024

For the attention of: Karl-Jonas Johannson, Case Manager

Dear Planning Inspectorate,

Planning Act 2008 – Application for development consent for Five Estuaries Offshore Wind Farm

Application reference: EN010115

1.1 SUBJECT OF THE APPLICATION

The Project is the proposed extension to the operational Galloper Wind Farm off the coast of Suffolk.

The Project includes provision for the construction, operation, maintenance and decommissioning of an offshore wind farm located approximately 37 kilometres off the coast of Suffolk at its closest point in the southern North Sea; including up to 79 wind turbine generators and associated infrastructure making landfall at Sandy Point between Frinton-on-Sea and Holland-on-Sea, the installation of underground cables, and the construction of an electrical substation and associated infrastructure to the west of Little Bromley to connect the Project to National Grid's proposed East Anglia Connection Node substation.

Development consent under the Act is required to the extent that development is or forms part of a nationally significant infrastructure project (NSIP). As the Project has a proposed generating capacity in excess of 100 megawatts, it is an NSIP under sections 14(1)(a) and

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COMPANY NO: Registered in England and Wales
company number 12292474

15(3) of the Act and development consent must therefore be obtained from the Secretary of State.

1.2 DOCUMENTATION ENCLOSED AND APPLICATION FEE

The application fee in the sum of £8,422 has been transferred by BACS to the account of the Planning Inspectorate using reference EN010115 on 18th March 2024.

Following a meeting with the Planning Inspectorate on 06 February 2024, it was agreed that the method of submission would be via electronic file transfer. The file transfer contains the full suite of Applicants Documents as listed in the Guide to the Application] (Application Document 1.3) in accordance with the Planning Inspectorate's Advice Note Six: Preparation and submission of application documents.

A draft section 55 checklist (Application Document 1.5) is included separately. This provides evidence that the Application meets the necessary tests for acceptance under the Act to assist the Inspectorate's consideration of the Application.

Both the Geographic Information System (GIS) shapefile and electronic application index have been submitted to the Planning Inspectorate via email. The GIS shapefile was submitted to the Planning Inspectorate on 22 February 2024 in accordance with the Planning Inspectorate's Advice Note Six: Preparation and submission of application documents.

1.3 APPLICATION FORMALITIES

The application is made in the form required by section 37(3)(b) of the Act and the application documents comply with the requirements set out in section 37 of the Act and those set out in:-

- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations);
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations);
- The Department for Communities and Local Government's (DCLG, although now called the Department for Levelling Up, Housing and Communities) 'Planning Act 2008: Nationally significant infrastructure projects – Application form guidance' (June 2013); and
- The Planning Inspectorate's 'Advice Note Six: Preparation and submission of application documents' (version 11).

The Applicant has also sought pre-application advice from the Inspectorate under section 51 of the Act and the Application has been informed by those discussions and the advice received from the Inspectorate.

1.4 PROJECT DESCRIPTION

The Application seeks development consent for the development outlined above and as described more fully in Schedule 1 of the draft Development Consent Order (DCO)

(Application Document 3.1) and in the Environmental Statement including the Onshore Project Description chapter (Application Document 6.3.1) and the Offshore Project Description chapter (Application Document 6.2.1).

The Project also includes associated development under section 115 of the Act, including the infrastructure necessary to connect the Project to the national electricity transmission system. Further explanation on the Applicant's approach to associated development is contained in the Explanatory Memorandum (Application Document 3.2).

The DCO would, among other things, authorise:-

- the construction and operation of up to 79 wind turbine generators and their foundations;
- the construction of up to 2 offshore substation platforms and their foundations;
- the construction of a network of subsea inter-array cables connecting the wind turbine generators and the offshore substation platforms;
- the installation of up to 2 subsea export cable circuits to transmit the electricity generated by the wind turbine generators to shore;
- the construction of up to 2 transition joint bays at landfall connecting the offshore cables to the onshore cables;
- the installation of up to 2 underground onshore export cable circuits connecting to the proposed onshore substation north of Ardleigh Road near Little Bromley in the Tendring district of Essex to allow the power generated by the wind turbine generators offshore to be transferred to the national electricity transmission system via the proposed East Anglia Connection Node substation; and
- the installation of cable ducting for two additional circuits for later installation of additional electrical connections onshore.

1.5 INTERACTION WITH PROPOSED NORTH FALLS OFFSHORE WIND FARM AND NORWICH TO TILBURY PROJECTS

The Project and the North Falls Offshore Windfarm Project (North Falls) have been allocated the same connection point to the national electricity transmission system.

In response to the new policies on co-ordination in the recently designated National Policy Statement for electricity networks infrastructure (EN-5) and stakeholder feedback identifying the need for closer co-ordination, the two projects have worked together extensively to develop a shared export cable corridor, co-ordinated landfall location, and single site for both onshore substations.

Additionally, the Norwich to Tilbury project being promoted by National Grid Electricity Transmission plc includes provision for the proposed East Anglia connection node substation, which would be co-located with the onshore substations for both wind farm projects.

The Applicant has also engaged extensively with National Grid, including on a tripartite basis with North Falls, to maximise the scope for co-ordination between the projects.

The draft Development Consent Order for the Project (Application Document 3.1), provides for alternative construction scenarios according to the timing of the two projects meeting their respective final investment decisions (FID), a key pre-requisite to realising the co-ordinated delivery of the two projects. Two 'build options', which cover three delivery scenarios are provided for in the draft Development Consent Order (Application Document 3.1).

Further information on the Project's approach to co-ordination with North Falls and the Norwich to Tilbury project is provided in the Co-ordination Document (Application Document 9.30).

1.6 CONSENT FLEXIBILITY – ROCHDALE ENVELOPE

The draft Development Consent Order provides for flexibility in relation to the generating station and its associated development. The Applicant has given careful consideration to the guidance in the National Policy Statements and the Planning Inspectorate's Advice Note 9: "Rochdale Envelope".

A number of the design aspects and features of the Project cannot be confirmed until the procurement process for the design and construction of the Project has been completed, most notably the wind turbine generators and offshore substations. The draft Development Consent Order (Application Document 3.1) sets out the design parameters within which the Project is proposed to be constructed and operated. The environmental impact assessment undertaken in support of the Project has considered and reflected the flexibility sought in the draft Development Consent Order.

The Environmental Statement (ES) (Volume 6 of the application) which has been carried out in support of the Application has considered the flexibility which is sought in the draft Development Consent Order and in all cases the parameters referred to in the draft Development Consent Order have been adopted in the ES.

The maximum design parameters which have been assessed in the ES are secured by requirements in the draft Development Consent Order.

Further explanation on the Applicant's approach to the Rochdale Envelope is contained within the EIA Methodology chapter of the ES (Application Document 6.1.3).

1.7 DRAFT DEVELOPMENT CONSENT ORDER AND DEEMED MARINE LICENCES

Included within the draft Development Consent Order at schedules 10 and 11 are deemed Marine Licences (for the generating and transmission assets respectively) as provided for under section 149A of the Act.

The draft Development Consent Order and deemed Marine Licences have been the subject of consultation with various interested parties including the Planning Inspectorate, local planning authorities and statutory bodies. Where appropriate, the Applicant has taken comments received from these bodies into account in the documents submitted. However, the Applicant expects to have further discussions to refine some aspects of the detail of the

draft Development Consent Order and deemed Marine Licences after acceptance, as has taken place with other accepted NSIP applications.

The Applicant is required to submit a draft Development Consent Order in both a word version and pdf. Word and pdf copies of the draft Development Consent Order are provided (Application Document 3.1).

A Statutory Instrument (SI) template validation report for the draft DCO is also provided (Application Document 3.3).

A statutory nuisance statement (Application Document 5.7) is also included with the application in accordance with Regulation 5(2)(f) of the APFP Regulation.

1.8 HABITATS REGULATIONS ASSESSMENT AND WITHOUT PREJUDICE DEROGATION CASE

The Application documents include a Report to Inform Appropriate Assessment (RIAA) (Application Document 5.4) as required by regulation 5(2)(g) of the APFP Regulations. This identifies all relevant European sites and provides sufficient information for the competent authority to determine whether the Project is likely to have an adverse effect on the integrity of any European site. In preparing the report, the Applicant has been mindful of the Planning Inspectorate's Advice Note 10: Habitat Regulations Assessment relevant to Nationally Significant Infrastructure Projects (version 9, August 2022).

The RIAA concludes that the Project (whether alone or in-combination with other plans and projects) will not adversely affect the integrity of any European site with the exception of the lesser black-backed gull feature of the Alde-Ore Estuary Special Protection Area. Accordingly the Application includes a derogation case (Application Document 5.5) setting out the consideration of alternative solutions, imperative reasons of overriding public interest and proposed compensatory measures in respect of that feature. The relevant documents are:

- LBBG Compensation: Evidence, Site Selection and Roadmap (Application Document 5.5.3)
- Lesser Black Backed Gull Implementation and Monitoring Plans (Application Document 5.5.6)
- LBBG Compensation Site Suitability Report (Application Document 5.5.9)

At the time of application it has not been possible to reach agreement with Natural England with respect to the conclusions of the RIAA on certain ornithological and benthic features of other European sites. Accordingly, the Applicant has prepared information describing potential compensatory measures for these features:

- The ornithological and benthic features and their respective sites are:
- Black-legged kittiwake, guillemot and razorbill at the Flamborough and Filey Coast Special Protection Area; and

Sandbanks slightly covered by sea water all the time at the Margate and Long Sands Special Area of Conservation.

The relevant associated documents are:

- Benthic Compensation Strategy Roadmap (Application Document 5.5.1)
- Benthic In Principle Monitoring Plan (Application Document 5.5.2)
- Kittiwake: Evidence, Site Selection and Roadmap (Application Document 5.5.4)
- Guillemot (and Razorbill): Evidence, Site Selection and Roadmap (Application Document 5.5.5)
- Kittiwake Implementation and Monitoring Plans (Application Document 5.5.7)
- Guillemot and Razorbill Implementation and Monitoring Plans (Application Document 5.5.8).

The documents identified above are submitted on a 'without prejudice' basis in accordance with paragraph 5.4.28 of the Overarching National Policy Statement for Energy (EN-1) and are without prejudice to the Applicant's primary position that adverse effects on the integrity of these sites can be excluded.

The proposed compensatory measures for the Project's impact on the lesser black-backed gull feature of the Alde-Ore Estuary Special Protection Area described above, together with the 'without prejudice' compensatory measures in respect of the ornithological and benthic features identified above, have all been developed following extensive stakeholder engagement, including with the Planning Inspectorate and Natural England and have been informed by the outcomes of recent offshore wind farm consenting decisions.

The suite of HRA documents also include the compensation measures longlist and shortlist (Application Document 5.5.11) and a compensation measures funding statement (Application Document 5.5.10)

1.9 MARINE CONSERVATION ZONE ASSESSMENT

The Application documents includes a Stage 1 Marine Conservation Zone Assessment (Application Document 5.6) in which it is concluded that the Project construction, operation and maintenance and decommissioning activities will not hinder the achievement of the conservation objectives of screened-in Marine Conservation Zones, either alone or cumulatively.

1.10 COMPULSORY ACQUISITION

The Applicant is seeking authority within the draft Development Consent Order (Application Document 3.1) to acquire compulsorily land and interests and other related powers to support the delivery of the Project, details of which can be found in the Statement of Reasons (Application Document 4.3) and the Book of Reference (Application Document 4.1).

The Book of Reference (Application Document 4.1) has been prepared and is submitted in compliance with Regulation 5(2)(d) of the APFP Regulations, and in accordance with the Department for Communities and Local Government guidance 'Planning Act 2008: Guidance related to procedures for compulsory acquisition of land' (September 2013). Details of the adequacy of the funding for compensation are provided in the Funding

Statement (Application Document 4.2). The Statement of Reasons and Funding Statement are submitted in compliance with Regulation 5(2)(h) of the APFP Regulations.

Sections 127, 132 and 135 of the Act apply. Details of the extent of the proposed works affecting land held by a statutory undertaker and special category land can be found in the Statement of Reasons (Application Document 4.3). A schedule of negotiations (Application Document 4.1.1) and a statutory undertakers position (Application Document 4.1.2) are also included with the application.

A land plan (Application Document 2.4) and special category land plan (Application Document 2.5) have been included with the application as required under regulation 5(2)(i) of the APFP Regulations.

A Crown land plan – offshore (Application Document 2.16) and a Crown land plan – onshore (Application Document 2.17) have been included with the application as required under regulation 5(2)(n) of the APFP Regulations.

1.11 OTHER CONSENTS

Details of other consents and licences not forming part of the Application, which the Applicant or others may be seeking in relation to the proposed Project, are set out in the details of others consents and licences document (Application Document 5.8).

1.12 PRE-APPLICATION CONSULTATION

As required by section 37(3)(c) of the Act, a Consultation Report (Application Document 5.1) accompanies this application. The Consultation Report sets out the Applicant's compliance with Chapter 2 of Part 5 of the Act.

As requested by the Planning Inspectorate, the Consultation Report as submitted contains the addresses of persons holding an interest in land (as opposed to the address of the land affected) in the appendices. The Applicant notes this inclusion could be considered contrary to the advice in Advice Note 14 which provides that:

As a general guideline, applicants should avoid including the following items in a Consultation Report or redact them in advance of submission:

Private home addresses of individuals or information that could lead to the identification of the location of a private individual.

Accordingly, while the Applicant has included unredacted personal address information as requested, it has also prepared a redacted version of the Consultation Report reflecting the Applicant's understanding of Advice Note 14 that the Applicant should be redacting this information before submission. This redacted version can be provided to the Inspectorate if that would be of assistance.

1.13 PRE-APPLICATION ENGAGEMENT WITH THE PLANNING INSPECTORATE AND EARLY ADOPTERS PROGRAMME

The Applicant has actively engaged with the Inspectorate during the pre-application stage to discuss the Project, with a number of meetings held. This more recently includes meeting with the Planning Inspectorate on a monthly basis since September 2023.

The Applicant is also a participant in the Inspectorate's Early Adopters programme in which various enhanced pre-application services have been trialled. The Applicant has found this to be a helpful exercise and has improved dialogue with key stakeholders.

1.14 ADDITIONAL DOCUMENTS

As the Project comprises an offshore generating station:

- under Regulation 6(b)(i) of the APFP Regulations, the Applicant is required to provide details of the proposed cable route and the method of installation for any cable. This information can be found in the Cable Statement (Application Document 8.1) and in the Works Plans - Onshore (Application Document 2.5) and the Works Plans - Offshore (Application Document 2.6); and
- under Regulation 6(b)(ii) of the APFP Regulations, the Applicant is required to provide a statement in respect of Safety Zones. This information can be found in the Safety Zone Statement (Application Document 8.2)

1.15 OTHER MATTERS

Under regulation 5(2)(l) of the APFP Regulations, an applicant is required to provide a plan of certain nature conservation sites and features and an assessment of any effects on those sites and features likely to be caused by the proposed development. There is an equivalent requirement under regulation 5(2)(m) in relation to certain historic sites and features. The plans are attached as separate documents as follows:

- Historic Environment Plan - Onshore (Application Document 2.11);
- Historic Environment Plan - Offshore (Application Document 2.12);
- Statutory/Non-Statutory Nature Conservation Sites - Onshore (Application Document 2.13) and
- Statutory/Non-Statutory Nature Conservation Sites - Offshore (Application Document 2.14) .

A number of other plans have also been submitted as part of the application:

- Location Plan – Onshore (Application Document 2.1)
- Location Plan – Offshore (Application Document 2.2)
- Offshore Order Limits and Grid Coordinates Plan (Application Document 2.7)
- Temporary Speed Reduction Plan (Application Document 2.18)

As required under Regulation 5(3) of the APFP Regulations, all plans, drawings or sections provided under Regulation 5(2) are no larger than A0 size, are drawn to an identified scale (not smaller than 1:2500) and, in the case of plans, show the direction of north, save in

respect of the offshore location and offshore works plans, in accordance with the Inspectorate's Advice Note Six .

In accordance with Regulation 5(5) of the APFP Regulations, the Applicant retains all responses to the consultations carried out under Part 5 of the Act, and can make them available at the request of the Secretary of State.

We look forward to hearing from you in relation to a formal acceptance of this application. If we can be of any assistance, please do not hesitate to contact us using the details provided below:-

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Yours sincerely,

Diane Mailer
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