

**Application reference: EN010115**

Date: 26 April 2024

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Document Reference: 005180334-01

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### **Five Estuaries Offshore Wind Farm Project**

Dear Mr Johansson,

Thank you for your letter of 22 April 2024 confirming the decision made by the Planning Inspectorate, on behalf of the Secretary of State, to accept our application for a Development Consent Order for the Five Estuaries Offshore Wind Farm Project (reference EN010115) for examination.

We note the initial observations as set out in the section 51 advice accompanying your letter and have set out below how we are responding to these observations.

#### **Response to section 51 advice**

A full breakdown of the observations set out in the section 51 advice and in the section 55 checklist, along with how we are responding to them, is appended to this letter. In summary, our initial actions are set out below.

#### Consultees identified on a precautionary basis

The additional consultees identified in the section 51 advice and section 55 checklist have been added to the list of consultees who will be notified under section 56(2) of the Planning Act 2008 ('the Act').

#### Book of Reference (Doc 4.1)

All parties contained within the Book of Reference (document reference 4.1) will be notified under section 56(2)(a).

#### Minor errors and omissions

These will be updated and corrected as part of the review process of documents throughout the examination process.

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**REGISTERED OFFICE:** Five Estuaries Offshore Wind Farm Ltd  
Windmill Hill Business Park  
Whitehill Way, Swindon, Wiltshire, SN5 6PB

**COMPANY NO:** Registered in England and Wales  
company number 12292474

### Document updates

The following documents have been updated to Revision B and submitted to the Planning Inspectorate along with this letter:

- 1.3 Guide to the Application and Glossary
- 5.5 Habitats Regulation Assessment Derogation Case
- 6.3.1 Onshore Project Description chapter
- 6.4.2 Human Health and Major Disasters chapter
- 9.22 Outline Landscape and Ecological Management Plan.

### **Section 56 – relevant representations period**

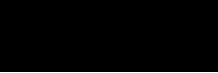
In line with requirements under section 56 of the Act, it is our intention to start the registration period for relevant representations on Tuesday 30 April 2024 for a period of just over seven weeks, closing at 11:59pm on Friday 21 June 2024.

Notices will be published in the press and sent to prescribed bodies and interested parties around the start of this period.

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If you have any questions about our initial responses to the section 51 advice, please do not hesitate to let me know.

Yours sincerely,



Diane Mailer

**Project Lead**

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## Appendix 1: Response to section 51 advice / section 55 observations

Document / issue	Observation	Action
Consultees identified on a precautionary basis	<p>Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to consultation under s42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in, the application are given the opportunity to participate fully in the Examination of the application. On this basis, the Applicant may wish to serve notice on the bodies listed in Box 6 of the section 55 checklist when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.</p> <p>It is noted that Great Yarmouth District Council was not identified by the Applicant as a consultee despite being an 'A' authority. Great Yarmouth District Council is a 'neighbouring' authority for the purposes of ecological compensation measures. The Applicant is therefore advised to notify Great Yarmouth District Council of the accepted application under s56(2)(a) of PA2008.</p>	The additional consultees identified in the section 51 advice and section 55 checklist have been added to the list of consultees to be notified under section 56(2) of the Act.
Book of Reference (document reference 4.1)	It is noted that the Book of Reference (Doc 4.1) (BoR) contains several parties who appears not to have been consulted under s42(1)(d) at the stage 2 and 3 consultations. The Applicant is advised to review the BoR and amend it before it serves notice under s56(2)(a) of PA2008.	All parties contained within the Book of Reference (document reference 4.1) will be notified under section 56(2)(a).
Special Category Land Plans (document reference 2.4)	The features on these plans are difficult to decipher, for example the open space reference numbers, road names and nearby properties.	Noted. No changes are proposed at this stage. This will be updated and submitted for a future deadline.
Works Plan – Offshore (document reference 2.6)	There seem to be inconsistencies in the labelling of works on Sheet 2 of the Works Plan. The cable connection corridor between the northern and southern array areas is colour coded as being both Works No. 1 and Works No. 2 but is labelled as “Works No 1” only.	No changes are proposed. Works No.2 is shown on the left of the sheet. UKHO do not provide higher resolution Marine charts that cover the whole of the offshore Order Limits. The project considers it better that the sheets are

	Sheets 1 to 7's are difficult to read due to the resolution being low.	all consistent, rather than having different base mapping.
Historic Environment Plan – Onshore (document reference 2.11)	Historic environment plans show a woodland layer on the key, but this is not visible on the plans. These plans also show ancient woodland which may not be required in the historic environment context and could be included in the Statutory or Non-Statutory Sites and Features of Nature Conservation - Onshore plans (Doc 2.13).	No changes are proposed at this stage as the woodland layer is not key to understanding the plans or a statutory feature.  The project notes that ancient woodland is already included on Statutory or Non-Statutory Sites and Features of Nature Conservation - Onshore plans (document reference 2.13).
Crown Land Plan – Onshore (document reference 2.17)	The colour used for Crown Land in the Legend of Sheet 2 of 2 does not seem to match the colour used on the plan.	No changes are proposed. The land parcel 20-002 shown on Sheet 2 of 2 of the Crown Land Plan – Onshore (document reference 2.17) has land interests from both parties in the key. It is therefore correct as shown.
Draft Development Consent Order (dDCO) (document reference 3.1)	Requirement 8(1) (Code of Construction Practice) refers to approval under sub-paragraph (3), but this sub-paragraph is missing.	No changes are proposed at this stage. This will be updated to delete the erroneous reference to sub-paragraph (3) and submitted for a future deadline.
Draft Development Consent Order (dDCO) (document reference 3.1)	Schedule 16 of the dDCO provides document references for 2.1 for location plan (offshore), 2.2 for location plan (onshore) and 6.8.1.4 for the Lesser Black Backed Gull (LLBG) Compensation Site HRA. The location plan (offshore) is document reference 2.2, the location plan (onshore) is document reference 2.1 and LLBG Compensation Site HRA is document reference 5.4.5.	No changes are proposed at this stage. These references will be updated in the document and submitted for a future deadline.
Habitats Regulations Assessment (HRA) Derogation Case (document reference 5.5)	The paragraph numbering in the document restarts at 5.3.1 after 5.3.53 in the middle of the section on gross value added.	Revision B of this document, addressing the numbering error, has been submitted to the Planning Inspectorate with this letter.
ES Part 3 Chapter 1: Onshore Project Description (document reference 6.3.1)	There are formatting errors on pages 76 to 79, where the Figure is not correctly addressed within the text, a hyperlink with no text is present instead. This should be rectified and reissued with the correct formatting to refer to the figure appropriately. This has been noted within several other ES chapters,	Revision B of this document, addressing these formatting issues and updating the key on Sheet 2 of Figure 1.8, has been submitted to the Planning Inspectorate with this letter.

	<p>where the text stating 'Figure XX' is not present, but there is a hyperlink to the figure embedded within the pdf. The ES should be checked throughout and reissued with the correct text showing.</p> <p>The chapter refers to the different onshore development areas as 'section X' throughout, this is then translated to the rest of the ES onshore chapters, rather than using the dDCO work nos. to describe the onshore development. A clarification plan overlaying the work nos. to the sections referred to in the ES would aid the reader.</p> <p>Figure 1.8 (Sheet 2 of 2) has some items on the legend that do not match the symbols on the drawing.</p>	
<p>Archaeology and Cultural Heritage (document reference 6.3.7) and Offshore Archaeology and Cultural Heritage (document reference 6.2.11)</p>	<p>The figures have been exported at a low quality, with some symbols hard to read. The figures should be re-exported to a higher quality standard to be legible.</p>	<p>No changes are proposed at this stage. This will be updated and submitted for a future deadline.</p>
<p>ES Part 4 Chapter 2: Human Health and Major Disasters (document reference 6.4.2)</p>	<p>Figures 2.1 to 2.5 are not shown within the text.</p>	<p>Revision B of this document, now including Figures 2.1 to 2.5, has been submitted to the Planning Inspectorate with this letter.</p>
<p>Onshore Export Cable Corridor (ECC) Flood Risk Assessment (Doc 5.3.1)</p>	<p>The Flood Risk Assessment (FRA) describes that the Proposed Development is primarily located in Flood Zone 1, with areas in Flood Zone 2 and Flood Zone 3. The FRA does not specify whether the components located within Flood Zone 3 are Flood Zone 3a or Flood Zone 3b or a combination. Flood Zone 3a and Flood Zone 3b are not differentiated on the figures in the FRA. An updated FRA with plans differentiating Flood Zone 3a and 3b should be reissued.</p>	<p>The Onshore Export Cable Corridor Flood Risk Assessment (document reference 5.3.1) confirms that the cable route crosses areas of Flood Zone 3 in the vicinity of landfall at Holland Haven Marshes and at the point where the cable corridor crosses Tendring Brook and the upper reaches of Holland Brook. There is no delineation of Flood Zone 3a and Flood Zone 3b within the Tendring District Council Strategic Flood Risk Assessment and therefore no delineation is included within the project Flood Risk Assessment.</p> <p>Given the nature of the available flood modelling data, it is not possible to derive a delineation between these two</p>

		<p>zones using the available mapping.</p> <p>Therefore, no changes are proposed at this stage</p>
<p>Margate and Long Sands Special Area of Conservation Benthic Mitigation Plan (document reference 9.13)</p>	<p>The document is missing the list of references.</p>	<p>No changes are proposed at this stage. This will be updated and submitted for a future deadline.</p>
<p>Code of Construction Practice (document reference 9.21)</p>	<p>The document seems to not have been indexed correctly and is missing paragraph numbers.</p>	<p>No changes are proposed at this stage. This will be updated and submitted for a future deadline.</p>
<p>Outline Landscape and Ecological Management Plan (document reference 9.22)</p>	<p>Figure 1 page 17. The Legend for this image/plan is not legible irrespective of how much or little this is zoomed. The OLEMP does not appear to contain any commitments regarding the maintenance of the proposed mitigation planting and neither is this covered in R7 (Provision of landscaping) of the dDCO.</p>	<p>Revision B of this document, addressing the issue with the legibility of the figure, has been submitted to the Planning Inspectorate with this letter.</p> <p>The Outline Landscape and Ecological Management Plan (OLEMP) (document reference 9.22) outlines a draft planting scheme which is subject to final design. The final LEMP will be produced post DCO determination, it will include design, maintenance and management measures, to be approved by the relevant planning authority as per Requirement 7 and Section 11 of the OLEMP (document reference 9.22). Commitments within Schedule of Mitigation – Routemap (document reference 9.31): ID 92 and ID 215 outline the commitment to inspections of species up to 5 years ensuring successful establishment and replacement of failures.</p>
<p>Outline Skills and Employment Strategy (document reference 9.27)</p>	<p>The ledgers for figures 4 and 5 are not legible due to the resolution being too low.</p>	<p>No changes are proposed at this stage. This will be updated and submitted for a future deadline.</p>