



FIVE ESTUARIES OFFSHORE WIND FARM

10.1 FURTHER SPECIES SURVEYS – TIMETABLE AND REPORTING SCHEDULE

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ACRONYMS

Term	Definition
AEoI	Adverse Effect on Integrity
CIEEM	Chartered Institute of Ecology and Environmental Management
DCO	Development Consent Order
DLL	District Level Licensing
ECP	England Coast Path
EIA	Environmental Impact Assessment
ExA	Examining Authority
GCN	Great Crested Newt
ha	Hectare
HRA	Habitats Regulation Assessment
LBBG	Lesser Black Backed Gull
NE	Natural England
OLEMP	Outline Landscape and Ecological Management Plan
RR	Relevant Representation
RTD	Red Throated Diver
SAC	Special Area of Conservation
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest



1 INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

1.1.1 This document has been prepared in response to the request set out in section 5 of the Examining Authority's (ExA) letter dated 23 July 2024 with regards to the application by Five Estuaries Offshore Wind Farm Limited for an order granting development consent for the Five Estuaries Offshore Wind Farm project (EN010115).

1.1.2 The full text of the request is below:

“Natural England in its RR [RR-081] has raised concerns about the limitations of species survey results contained within the Application documentation. Natural England has therefore advised further surveys should be undertaken at the optimum time for undertaking such surveys (see references J1 to J7 in Appendix J of RR-081).

“In line with Natural England's advice the ExA has made the Procedural Decision that the Applicant must undertake the further species surveys identified by Natural England in its RR. Given the seasonal limitations for undertaking species surveys the Applicant should arrange for the necessary surveys to be undertaken as soon as possible and should thereafter arrange for the survey results and the interpretation of that data to be submitted as Examination documentation at the earliest opportunity. Accordingly, the Applicant must submit a survey timetable and reporting schedule no later than 6 August 2024.

“The Applicant should liaise with Natural England, as necessary, to ensure that the required additional survey effort addresses the concerns that have been identified by Natural England.”

1.1.3 To fulfil this request, this document sets out the timetable further species surveys to be carried out and the proposed reporting schedule in Section 3.

1.2 NOTE REGARDING ADDITIONAL SURVEYS

1.2.1 The Applicant has reviewed Natural England's comments at references J1 to J7 in Section 2. Responses to the ExA's request for additional surveys to be undertaken to address these comments are set out below in Table 2.1. It should be noted that this does not comprise the Applicant's response to this part of the Natural England's relevant representation and is limited to whether the comment from Natural England requires additional survey and reporting into the examination.

1.2.2 The Applicant has sought a meeting with Natural England regarding the onshore survey requirements. A call is now arranged for 22 August 2024.



2 INITIAL RESPONSE TO ITEMS J1 TO J7

Table 2.1: Initial response to items J1 to J7

Ref	Relevant Representation Comment	Natural England's Recommendation to Resolve Issues	Applicant's Response
J1	<p>Natural England's confidence in mitigation proposals for protected species is reduced due to limitations of survey results caused by the timing of the surveys.</p>	<p>Natural England advises that surveys should be undertaken at the optimum time as per the relevant guidelines for each species, and appropriate mitigation implemented. This will need to be secured in the Outline Landscape and Ecological Management Plan (OLEMP).</p>	<p>The Applicant notes that NE provides additional detail in respect of J1 in J33, and that their concern relates specifically to badgers. The Applicant assumes that this concern specifically relates to the area north of the A120, where badger survey was undertaken between May and July. The Applicant recognises that whilst badger survey can be undertaken year-round, summer months are not optimal as dense vegetation may prevent access to or may obscure field signs. This limitation is recorded within Section 2.2 of the 6.6.4.21 Protected Species Report and Figures (Confidential) [APP-152], which concludes "This is considered to be a minor constraint to the objectives of this study, since the vast majority of the survey area proved accessible". The Applicant is therefore confident that the</p>



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			<p>assessment is valid, and that the mitigation proposed is appropriate. The Applicant also notes that pre-commencement/ pre-construction surveys will be undertaken for a number of species/ species groups, including badgers, due to the time that will have elapsed since the last surveys and the possibility that species presence or activity could have changed in the intervening period.</p> <p>The Applicant confirms that NE's requirement to secure surveys and any appropriate mitigation included in the OLEMP is met. Within 9.22 Outline Landscape Ecological Management Plan - Revision B [APP-254], Table 7-1 provides further details of the pre-commencement/pre-construction surveys proposed, including details of proposed survey areas, timings and methodologies. All surveys will be undertaken by suitably experienced/</p>



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			<p>licensed ecologists who are members of an appropriate professional body, e.g. CIEEM. Mitigation measures in respect of badgers are included in Section 7.9 of the 9.22 Outline Landscape Ecological Management Plan - Revision B [APP-254]. The results of the pre-commencement/ pre-construction surveys will be used to identify whether any changes to the mitigation measures are required and the Final Landscape and Ecological Management Plan(s) will reflect the survey results, as required.</p> <p>On the basis of the above, no further surveys for badgers are considered by the Applicant to be being requested or necessary at this stage.</p>
J2	Natural England does not agree with the use of an arbitrary time period for the definition of duration in relation to impact assessment for protected	Natural England advises that the definition of 'short' term' in relation to impacts on protected species should be reconsidered, based on the lifecycle of	No additional surveys requested. The Applicant will respond to Natural England's comment at the relevant Deadline.



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	species, as it doesn't consider the life cycle of the species being assessed, including invertebrates of particular conservation concern.	the species being assessed, and the impact assessment amended accordingly.	
J3	Natural England advises that there are possible disturbance and visual impacts for users of King Charles III England Coast Path (ECP) depending on timing of opening of ECP.	Natural England advises that possible confirmation of the King Charles III ECP in this area will be made by summer 2025 at the earliest. We require information relating to any impacts on the associated margins, in addition to any restrictions required and impacts on the line of the path.	No additional surveys requested. The Applicant does not require any additional information from surveys or site visits to provide a response to Natural England's comment and will do so at the relevant Deadline.
J4	Natural England advises that there is the potential for impacts to designated sites & features at the Lesser Black Backed Gull (LBBG) compensation site on Orford Ness.	Natural England advises that an adequate environmental baseline for the predator exclusion fencing site on Orford Ness should be established pre-determination, to inform avoidance/mitigation measures and allow ongoing monitoring. To achieve this, seasonally appropriate baseline surveys should be carried out in summer 2024 to allow assessment of	The Applicant is seeking to undertake shingle morphology, vegetation and invertebrate surveys over the LBBG compensation site on Orford Ness, subject to landowner agreement. The need for other surveys will be reviewed. The surveys will be used to inform the avoidance, mitigation, monitoring and



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		<p>impacts to the shingle vegetation areas and invertebrates.</p> <p>Impacts to the shingle sediment morphology and structure need to be considered and assessed further. Geomorphological change trends should be assessed using historical and contemporary evidence of coastal retreat/advancement.</p> <p>Further consideration should be given to potential impacts to the saline lagoons within the compensation area over the lifetime of the project. As should to the potential for repeated damage caused by maintenance checks and works. Climate change impacts and coastal vulnerability also need to be adequately assessed. All the above should be factored into an updated assessment of potential impacts.</p> <p>Once an updated assessment has been carried out, appropriate mitigation</p>	<p>management measures that are required.</p> <p>In the area proposed for LBBG compensation, the shingle morphology appears to have already been modified as it lacks the characteristic ridges of the unmodified habitat. This area of shingle is therefore not as vulnerable to damage as other areas of Orford Ness. Moreover, there are existing tracks leading to the LBBG compensation site that can be used for access for monitoring and maintenance. This can be set out in more detail following the shingle morphology survey.</p> <p>Since the area required for compensation is 6ha (as agreed with Natural England), which is smaller than that included within the current Order Limits, the Applicant is working to refine the extent of the compensation site to reduce and provide more certainty on potential impacts. This work will be</p>



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		<p>should be applied to minimise impacts to the shingle morphology, sediment structure, vegetation and communities and similarly for the saline lagoons present in the compensation area.</p>	<p>informed by the planned survey work and ongoing landowner engagement. This refinement is expected to include removing the area of artificial shingle bank and potentially the saline lagoons from the LBBG compensation site extents.</p> <p>It should also be noted that the works proposed (namely the installation of a fence and ongoing habitat management) are of very minor scale and have already been approved for a neighbouring compensation site within the SAC. It is acknowledged that the Norfolk / East Anglia compensation site is not in an area containing saline lagoons, however it should be stressed that physical impacts to the saline lagoons are not expected from the Five Estuaries works. Further, the installation of fencing is prevalent in other areas of the SAC (see Document reference [APP-228] 6.8.1.3 – Lesser</p>



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			<p>Black Backed Gull Ecological Impact Assessment) including now dilapidated fence posts running adjacent to the shingle ridge.</p> <p>The Applicant is actively engaging with both landowners on Orford Ness to secure agreement to undertake these surveys as soon as reasonably possible. Survey results will be provided to Natural England and the Examining Authority 2-3 weeks post survey. The potential impacts identified by Natural England will be considered further in an update to the Lesser Black Backed Gull EIA, which will be provided at a suitable deadline (subject to the examination timetable and completion of surveys).</p>
J5	<p>Natural England notes that no consideration has been given in the ES to the potential impacts from the operational port for this project. Given this extension project is an extension</p>	<p>Natural England advises that impacts from the operation port should be assessed as part of the Development Consent Order (DCO) at the consenting phase to ensure that a Holistic approach</p>	<p>No additional surveys requested. The Applicant will respond to Natural England's comment at Deadline 1.</p>



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	<p>of the Galloper Offshore Wind Farm (OWF), can it therefore be assumed that the same Operation and Maintenance (O&M) facility will be used adjacent to Harwich port within the Scour and Orwell Special Protection Area (SPA)? If so, what will be the disturbance impacts of increased boat traffic to the bird features of the SPA? Will additional berths be required, and will that result in the loss of supporting habitat for SPA interest features?</p> <p>In addition, vessel movement from the Scour and Orwell SPA will all transit the Outer Thames SPA and therefore further consideration will need to be given to potential disturbance to red-throated diver (RTD). Please see comments in Appendix C Offshore Ornithology.</p>	<p>can be taken to the Habitats Regulations Assessment (HRA). It should also be noted that the impacts to Annex I birds are greater than were predicted for Galloper O&M facility and there is a risk that if this location is taken forward an Adverse Effect on Integrity (AEoI) may not be excluded.</p>	



Ref	Relevant Representation Comment	Natural England's Recommendation to Resolve Issues	Applicant's Response
J6	<p>APP-132, Sec 4.5.22 4.5.23 & 2.1</p> <p>Natural England advises that sufficient survey data is available for all accessible ponds within 250m from 2022 and 2023, which is appropriate for a District Level Licensing (DLL) application.</p>	<p>Natural England will not be providing any further advice in relation to Great Crested Newt (GCN) into examination.</p>	<p>No requirement for further surveys.</p>
J7	<p>APP-045, Sec 2.2.2, 2.2.4, 4.2.6, & Table 4.2</p> <p>Lesser Black Backed Gull Compensation Site at Orford Ness</p> <p>As stated in 2.2.4, January 2024 was outside the optimal season for habitat/botanical surveys which limits the results and support for the conclusions made regarding impacts to the proposed compensation site at Orford Ness. With Table 4.2 (Ramsar Plant Species) based on literature rather than survey data. Moreover, Section 4.2.6 acknowledges that the</p>	<p>Natural England advises that seasonally appropriate vegetation and invertebrate surveys should be carried out prior to determination, in order to ensure that SAC, SSSI and Ramsar site features are taken into account when designing the installation/removal and maintenance of the fence.</p> <p>These surveys should be carried out to inform consent and as soon as possible, but no later than the start of September.</p>	<p>It is acknowledged that the survey work was undertaken in January and that assessment of impacts on uncommon plants and invertebrates was based on a desk study, so far. As noted above, the Applicant is seeking to undertake shingle morphology, vegetation and invertebrate surveys over the LBBG compensation site on Orford Ness, subject to landowner agreement. The need for other surveys will be reviewed based upon the emerging layout of the compensation site, and in particular whether this includes saline lagoons. The SAC, SSSI and Ramsar site</p>



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	<p>presence of uncommon species could not be ruled out along the proposed fence line.</p> <p>Natural England is therefore concerned that the potential for Orford Ness – Shingle Street Special Area of Conservation (SAC), Alde-Ore Estuary Site of Special Scientific Interest (SSSI) and Alde-Ore Estuary Ramsar site features (including rare plants or invertebrates) could be impacted by installation/removal of the predator fencing which has not been adequately quantified. In turn, this means that Natural England cannot confirm that the proposed mitigation measures will reduce potential impacts to designated site features to acceptable levels.</p>		<p>features will be taken into account when designing the installation/removal and maintenance of the fence, and when determining the management requirements for the vegetation within the compensation site.</p>



3 TIMETABLE OF ADDITIONAL SURVEYS AND REPORTING

- 3.1.1 The Applicant has been actively engaging with landowners to secure site access and survey licences since June 2024, for the surveys identified for the LBBG compensation site. These discussions are ongoing and therefore this survey programme is subject to change and landowner agreement.
- 3.1.2 The Applicant will consider options for compulsory access for surveys noting that:
- > It is the Applicant's priority to reach voluntary agreement.
 - > Access to Orford Ness is challenging, requiring a vessel crossing of the River Ore, with limited acceptably safe options currently available. As such landowner cooperation is required to access the site.
- 3.1.3 The proposed timetable, subject to landowner agreement and access, is set out in table 3.1 below.

Table 3.1: Proposed timetable of additional surveys and reporting

Week commencing	Survey	Detail
W/C 12 August 2024	Project team site visit Initial ecological walkover	Site visit to help inform selection of the most suitable c. 6 ha area for LBBG compensation area. The team will include onshore ecologists and ornithologists familiar with LBBG breeding habitat requirements.
W/C 19 August 2024	Vegetation and invertebrate surveys	A vegetation survey will be undertaken by experienced botanists lasting for 2-3 days. The first of the invertebrate surveys will be completed by experienced ecologists during this visit, including setting traps for species identification.
W/C 02 September 2024	Invertebrate surveys	Ecologists will visit the site again surveying for invertebrate species present, including checking and re-laying traps for invertebrate species identification.
W/C 23 September 2024	Invertebrate surveys	Final visit to survey for invertebrate species, including checking traps for species identification.

- 3.1.4 Survey reporting will be provided to Natural England and the Examining Authority 2-3 weeks following completion of the surveys. In addition, any updates to the Lesser Black Backed Gull EIA will follow at a suitable deadline (subject to the examination timetable and completion of surveys).

The logo for Five Estuaries Offshore Wind Farm. The word "FIVE" is written in a large, sans-serif font. The letter 'I' is grey, 'V' is purple, and 'E' is pink. To the right of "FIVE" are three wavy lines representing water, colored blue, green, and yellow from top to bottom. Below "FIVE" is the word "ESTUARIES" in a large, grey, sans-serif font. At the bottom of the logo is the text "OFFSHORE WIND FARM" in a smaller, grey, sans-serif font.

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