




FIVE
ESTUARIES
OFFSHORE WIND FARM

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10.7 NOTIFICATION OF INTENTION TO
SUBMIT A CHANGE REQUEST

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In preparation of this document Five Estuaries Wind Farm Ltd has made reasonable efforts to ensure that the content is accurate, up to date and complete for the purpose.

Revision	Date	Status/Reason for Issue	Originator	Checked	Approved
A	Sep-24	Pre-Examination Submission	VEOWF	VEOWF	VEOWF



Five Estuaries Offshore Wind Farm Ltd
Windmill Hill Business Park
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Karl-Jonas Johansson

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Dear Mr Johansson,

EN010115 Five Estuaries Offshore Wind Farm – Notification of Intention to Submit a Change Request

In accordance with the guidance provided in the Planning Inspectorate's Advice Note '*Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted*' (August 2024) this letter is a notification of the Applicant's intention to submit a change request for the attention of the Examining Authority (ExA) for the Five Estuaries Offshore Wind Farm project (EN010115). This letter addresses the requirements in the Advice Note relating to 'Step 1' of the process for requesting a change to an accepted application.

The change request is being prepared primarily in response to engagement with landowners and other key stakeholders. It is also intended to implement changes that the Applicant has identified through design work.

The changes include alterations to the onshore export cable corridor route and the LBBG Compensation Area, which would change the Order Limits, and which would result in changes in the land subject to compulsory acquisition.

This Notification of Intention to Submit a Change Request letter (document reference 10.7) includes:

- > A summary of the proposed changes in Section 2
- > Consideration of the environmental impact in Section 3;
- > The Applicant's proposed approach to consultation in Section 4; and
- > The Applicant's view as to how this could be accommodated within the examination timetable in Section 5.

If you have any questions about this letter or the changes that we are intending to submit, please do not hesitate to contact the team.

Yours sincerely,

D Mailer

Diane Mailer
Project Lead, Five Estuaries Offshore Wind Farm Ltd



1 INTRODUCTION

- 1.1.1 The Development Consent Order Application for the Five Estuaries Offshore Wind Farm was accepted by the Secretary of State for examination on 22 April 2024. The Applicant has been engaging with Interested Parties, including landowners, to seek to resolve concerns or comments ahead of the examination commencing.
- 1.1.2 This engagement has resulted in the Applicant deciding to seek a number of changes to its application. This letter is to notify the ExA that the Applicant is intending to submit a change request and summarise the scope of the proposed changes.
- 1.1.3 The acceptability of any change is to be determined by the ExA. The proposed changes are minor in nature and taken alone or together would not materially change the nature of the project.
- 1.1.4 The Applicant has considered all the changes proposed within this document in relation to its Environmental Impact Assessment (EIA) in section 3 below. This is to ensure that the environmental impacts of those proposed changes have been appropriately assessed with any likely significant environmental effects identified, and to satisfy the requirements of the Infrastructure Planning (EIA) Regulations 2017 (as amended) (the 'EIA Regulations').
- 1.1.5 At this time, the conclusions of the assessments as set out in the submitted Environmental Statement (ES) are not considered by the Applicant to change, although minor amendments would be required to some documents.
- 1.1.6 In accordance with the advice note, the Applicant is engaging with affected land interest holders and seeking their agreement to the change proposals. However although there are no newly affected land interests engaged by the changes, given the number of interests and the timing proposed, the Applicant has assumed for the purposes of this notification that not all consents will be obtained. The Applicant anticipates that the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations) Regulation 4 will apply to the changes sought and consultation under those regulations will be required ('Regulation 4 consultation').
- 1.1.7 The Applicant has also identified areas where it plans to restrict the extent of the Project Parameters or Maximum Design Scenarios considered within the Environmental Statement within future revisions to the draft Development Consent Order (dDCO) [APP-024]. Whilst these do not form part of the Change Request, they are noted for transparency.



2 SUMMARY OF CHANGES

2.1 CHANGE 1: REDUCTION IN OFFSHORE ARRAY BOUNDARY

- 2.1.1 Two minor changes are proposed to the extent of the Offshore Order Limits (Works No.1 - Array Area and Works No. 2 – Offshore Export Cable Corridor) to remove overlap between the Five Estuaries Offshore Wind Farm The Crown Estate (TCE) Lease Area and the Galloper Offshore Wind Farm TCE Lease Area. These changes reduce the Order Limits by 0.16%.
- 2.1.2 This change is being made following discussions with TCE.
- 2.1.3 As set out in Section 3. This change has no impact on the assessments. This change would require amendment of the offshore plans and the co-ordinates schedule in the DCO.

2.2 CHANGE 2: CHANGE TO MEAN HIGH WATER SPRINGS (MHWS)

- 2.2.1 Ordnance Survey (OS) periodically update the Mean Low and Mean High water line. An OS update to the Mean Low and Mean High water line was introduced following submission of the application.
- 2.2.2 This impacts the extent of Works No. 2A and Works No. 3 on sheets 7 of 7 on the Works Plans – Offshore [APP-011] and Works No. 3 on sheets 1 and 2 of 20 on the Works Plans – Onshore [APP-010], which would need to be revised.
- 2.2.3 These changes would potentially have the effect of altering the areas subject to compulsory acquisition in 01-007 and 02-001.
- 2.2.4 The Applicant intends to update its plans and the areas of the works and plots which were drawn to align with these boundaries. This would have the effect of changing the areas in some plots and may (although this is to be confirmed) slightly increase the area of some plots subject to compulsory acquisition. It is therefore anticipated at this time that Regulation 4 consultation would be required for this change.

2.3 CHANGE 3: MINOR REDUCTIONS TO THE ORDER LIMITS

- 2.3.1 The minor removals of land are proposed from the order limits for the onshore infrastructure. These are as follows:
- > Sliver of land (approx. 35.0 m x 0.01 m) removed to north east of the substation area in plot 17-025. This land was erroneously included as a result of a drawing error and is not required.
 - > Sliver of land (approx. 1.3 m x 0.01 m). removed from Work No. 9F (plot 08-024). This land was erroneously included as a result of a drawing error and is not required.



2.4 CHANGE 4: MINOR ADDITIONS TO THE ORDER LIMITS FOR OFFROUTE HAUL ROADS

- 2.4.1 The Applicant proposes to widen Works No. 7E, an off route haul road to the south of the railway crossing. This addition (approx. 195 m x 8.8 m) is proposed to provide additional flexibility for reducing interactions and locating any off route haul road in this location as far away as possible from the proposed Thorpe Park Solar Farm, which is proposed in this area . It would also allow the Applicant to minimise the impact on farming activities in the event the solar farm does not proceed. This does not alter where the project is seeking rights to install the export cables.
- 2.4.2 The Applicant proposes to lengthen Works No. 9C an off route haul road to the west of Damant's Farm Lane and adjacent to existing reservoirs. This addition (approx. 200 m x 39 m) is proposed to provide additional flexibility in minimising the impact of the project on the landowners' farming operations, and their aspirations for future residential development in this area, by allowing for the haul road to be constructed as close to the field edge as possible. This does not alter where the project is seeking rights to install the export cables.
- 2.4.3 These changes would have the effect of increasing the areas subject to compulsory acquisition of plots 05-008 and 07-002 It is therefore anticipated that Regulation 4 consultation would be required for these changes.

2.5 CHANGE 5: CHANGES TO BENTLEY ROAD ORDER LIMITS

- 2.5.1 The Applicant has reviewed the extent of the Bentley Road / A120 Order Limits Works Nos.13 and 13A) and proposes to make four minor additions of slivers of lands to the Order Limits along Bentley road and the associated TCC (Work No. 13) to align Order Limits to OS mastermap and correct drawing errors. The largest of these additions is approx. 6m x 0.04 m. This change would have the effect of increasing the area subject to compulsory acquisition of plots 14-035, 14-036, 15-002 and 15-010. It is therefore anticipated that Regulation 4 consultation will be required for this change.
- 2.5.2 A small sliver of land (Approx. 46 m x 0.7 m) adjacent to the A120 / Bentley Road junction within Works No. 13A (plot 15-013) is proposed to be removed. This land was included erroneously as a result of a drawing error and is not required.

2.6 CHANGE 6: ADDITIONAL CONSTRUCTION ACCESS

- 2.6.1 A new construction access point is proposed to be added to access Works No. 15D to the south of Ardleigh Road by the Applicant to support the construction of the operational drainage connection.
- 2.6.2 This access was not included in the original design and although not specifically covered in the existing Traffic and Transport Assessment is covered by the general assessment for traffic accessing the substation. No additional traffic numbers are proposed. Traffic would turn left from AC-12A or right from AC-12 along Ardleigh road to AC-13.
- 2.6.3 A minor sliver of land (Approx. 8 m x 1.3 m) is proposed to be added to the Order Limits at the location of AC-13, where the current Order Limits meet Ardleigh Road. This is to align with OS mastermap. This addition would also help to facilitate the new construction access.



2.6.4 Revisions would also be included in future updates to the Traffic & Transport Chapter [APP-090] and the Traffic and Transport Baseline Report [APP-172 and APP-173]. The Outline Construction Traffic Management Plan [APP-257] would also be revised to incorporate these changes and any additional temporary traffic management measures that may be required.

2.6.5 This change would have the effect of increasing the areas subject to compulsory acquisition in plot 17-008. It is therefore anticipated that Regulation 4 consultation will be required for these changes.

2.7 CHANGE 7: ADDITIONAL TEMPORARY SPEED REDUCTIONS

2.7.1 Following a review by the Applicant and in discussion with Essex County Council (Highways) a number of additional Temporary Speed Restrictions are planned be included as follows:

- > Extending Bentley Road temporary speed restriction to align with existing 40 mph signage to the north of the existing Order Limits.
- > Including 40 mph speed limit along Golden Lane, which had been omitted (but was required by the Road Safety Audit for that crossing point).
- > Including Thorpe Road 40 mph Speed Limit to extend existing restriction to cover the AC-3A and AC-3B.
- > Extending the 40 mph restriction on Clacton Road to cover AC-8A and AC-8B.

2.7.2 These amendments would require an update to 2.18 Temporary Speed Reduction Plan [APP-023] and amendments to the Schedule 4, Part 4 in the dDCO [APP-024]

2.7.3 Revisions would also be included in future updates to the Traffic & Transport Chapter [APP-090], the Traffic and Transport Baseline Report [APP-172 and APP-173] and the Outline Construction Traffic Management Plan [APP-257].

2.8 CHANGE 8: ADDITIONAL POWERS TO IMPACT TREES WITH EXISTING TREE PRESERVATION ORDERS

2.8.1 The powers to impact trees with existing Tree Preservations Orders (TPO) were not included in the dDCO [APP-024]. The TPOs are shown on 2.10 Tree Preservation Order and Hedgerow Plan [APP-015] Sheet 12 of 20.

2.8.2 The impact to these trees was included within section 5 of 9.22.1 Arboricultural Report [APP-255].

2.8.3 The dDCO will be updated to include amended wording to cover the need to authorise works to protected trees and a new part in the schedule listing the relevant orders and trees affected.

2.9 CHANGE 9: ORDER LIMIT CHANGES TO THE LESSER BLACK BACKED GULL (LBBG) COMPENSATION AREA AT ORFORD NESS

2.9.1 Following additional surveys and discussions with landowners and stakeholders it is proposed to amend the extent of the LBBG Compensation Area Works No. 18B shown on sheet 20 of 20 on the Works Plans – Onshore [APP-010] . This has been done to ensure that only the land required for implementing the LBBG compensation measure and the associated access are included within the Order Limits.



- 2.9.2 These amendments include removing the following areas from the Order Limits:
- > Norfolk Projects / Scottish Power Renewables LBBG compensation area as it is not considered viable to adjoin the VE LBBG compensation area as this would sever access to parts of Orford Ness and potentially impede ongoing delivery of the compensation measure.
 - > The large shingle bank on the eastern edge of Orford Ness which is not suitable LBBG habitat or practical for installing the predator proof fence.
 - > Further, the Applicant plans to refine the remaining Order Limits to a single compensation area of approximately 6 ha (plus land for access and implementation).
- 2.9.3 This would require the inclusion of a small area of land immediately adjacent to the current Order Limits and as such these changes may have the effect of creating a new plot subject to compulsory acquisition. It is therefore anticipated that Regulation 4 consultation could be required for these changes.

2.10 CHANGE 10: CHANGES TO THE OPERATIONAL ACCESS

- 2.10.1 Following ongoing discussions with landowners the Applicant proposes to amend a number of the Operational accesses connecting to the public highways (Works No.17).
- 2.10.2 The Applicant proposes to remove the operational access connecting Works 10 to the public highway (Swan Road), Works No. 17 shown on sheet 9 of 20 on the Works Plans – Onshore [APP-010], and replace it with an adjacent route at the request of ongoing discussions with the landowner.
- 2.10.3 The Applicant proposes to remove the operational access connecting Works 12 to the public highway (Clacton Road), Works No. 17 shown on sheets 13 and 14 of 20 on the Works Plans – Onshore [APP-010]. There is an established access from Clacton Road within the Order Limits which negates the need for an additional operational access to access and maintain the export cable. This change would remove land plot 13-021 from the Order.
- 2.10.4 The Applicant proposes to remove the operational access connecting different field parcels within 12, Works No. 17 shown on sheet 14 of 20 on the Works Plans – Onshore [APP-010]. From discussions with the landowner this existing route is not usable and the project would be less impactful moving between the field parcels within the existing Order Limits to maintain the export cables during operation. This change would remove land plots 13-024 and 14-002 from the Order.
- 2.10.5 These changes will have the effect of creating new plots subject to compulsory acquisition. It is therefore anticipated that Regulation 4 consultation will be required for these changes.



2.10.6 Following further reviews by the Applicant of the Order Limits, the Applicant is proposing a minor amendment to the length of the operational access connecting Works 11 to the public highway (Colchester Road), Works No. 17 shown on sheet 12 of 20 on the Works Plans – Onshore [APP-010] to ensure the access reaches the highway boundary (This addition is approx. 3.5 m x 0.01 m). This is a result of a drawing error. This change will have the effect of increasing the area subject to compulsory acquisition in plot 12-005. It is therefore anticipated that Regulation 4 consultation will be required for this change.

2.11 LIMITING THE PROJECT PARAMETERS / MAXIMUM DESIGN SCENARIOS

2.11.1 The Applicant would like to note to the ExA that it plans to restrict the project parameters within a future revision to the dDCO [APP-024] in a number of areas following further design work and discussions with IPs.

2.11.2 The Applicant is proposing to restrict the following:

- > Maximum Height of WTG, this is proposed to be reduced from 399m to 370m above LAT. This is further to discussions with the Ministry of Defence in relation to the removal of potential effects on air defence radar systems.
- > Removal of Gravity Base Structures (GBS) as a foundation option following comments from the MMO and Natural England in their relevant representations and in line with good practice. Upon further reflection following the application it has been concluded that GBS are not a realistic option for VE and they represent the maximum design scenario (MDS) for various parameters including seabed preparation and footprint. Restricting the MDS for these parameters will reduce the potential impact on receptors including benthic habitats and fish.

2.11.3 The Applicant would like to note that whilst the above would not constitute a change, it would be helpful for the ExA to be aware of that these restrictions would be proposed. It should be noted that this is not an exhaustive list and additional restrictions would be considered as discussions with IP's and discussions on SoCG continue.



3 ENVIRONMENTAL IMPACT ASSESSMENT

3.1 OVERVIEW

- 3.1.1 The Applicant highlights that in general, the proposed changes to the Order Limits will have no material effect on the assessments and conclusions of the ES.
- 3.1.2 The maximum design parameters for the project remain within the original Rochdale Envelope described in the ES.

3.2 EFFECTS ON ASSESSMENTS

OFFSHORE CHANGES

- 3.2.1 The proposed offshore array boundary changes represent a very minor reduction of the array areas. Details of the changes are provided in Section 2.1:
- > Change 1: Reduction in Offshore Array Boundary
- 3.2.2 It is considered that they will have no effect on assessments or conclusions of the ES, or required the revision of any ES chapters or figures.

ONSHORE CHANGES

- 3.2.3 The following onshore changes are within areas covered by existing datasets and surveyed areas:
- > Change 2: Change to Mean High Water Springs (MHWS)
 - > Change 3: Minor Reductions to the Order Limits
 - > Change 4: Minor Additions to the Order Limits for Off route Haul Roads
 - > Change 5: Changes to Bentley Road Order Limits
 - > Change 6: Additional Construction Access
 - > Change 7: Additional Temporary Speed Reductions Added
 - > Change 8: Additional Powers to Impact Trees with Existing Tree Preservation Orders Added
 - > Change 10: Changes to the Operational Access.
- 3.2.4 The proposed changes may need to be reflected in the habitat extents quoted in the ecology or ornithology chapters, and may require amendments in respect of dormouse impact assessment, this would be set out in the change request. It is considered that the changes will have no effect on assessments or conclusions of the ES.

ORFORD NESS LESSER BLACK BACKED GULL COMPENSATION AREA

- 3.2.5 The boundary changes proposed for LBBG compensation site at Orford Ness, will be assessed through ongoing and planned surveys of vegetation and invertebrates, alongside the ecological walkover survey undertaken earlier in the year. Details of the changes are provided in Section 2.9:
- > Change 9: Order Limit Changes to the Lesser Black Backed Gull Compensation Area at Orford Ness.
- 3.2.6 The survey data will be used to inform updates to 6.8.1 Lesser Black Backed Gull Compensatory Areas Environmental Impact Assessment [APP-225].



4 CONSULTATION

- 4.1.1 Applicants are recommended to consider whether consultation is required to enable affected persons to make representations on the changes to the application. The changes proposed have arisen following consultation on the DCO application and having regard to the feedback from stakeholders, a number of minor drawing errors have also been included. The Applicant therefore considers that consultation on the proposed changes in advance of submission is unnecessary as the changes requested are a result of the responses provided to previous consultation and subsequent engagement with interested parties.
- 4.1.2 The changes proposed do not result in any changes to the EIA which require the production of Supplementary Environmental Information. A number of minor changes to ES would be required but can be addressed as errata as they have no impact on the overall assessment or conclusions reached. For example, the amendment of MHWS and MLWS and the 'slivers' on the red line boundary change plans but do not alter the assessment.
- 4.1.3 In the case of proposed change 9: Order Limit Changes to the Lesser Black Backed Gull Compensation Area at Orford Ness, 6.8.1 Lesser Black Backed Gull Compensatory Areas Environmental Impact Assessment [APP-225] will be updated to take into account data acquired from the ongoing surveys, however it is not expected that the conclusions of the assessment will change as a result of the amendments to Order Limits.
- 4.1.4 It is however anticipated as noted above that Regulation 4 consultation may be required. Therefore, should the ExA consider that consultation on the changes for EIA purposes is required or desirable, the Applicant suggests that this could be undertaken at the same time as the compulsory acquisition consultation.



5 PROPOSED TIMETABLE

- 5.1.1 In light of the above, the Applicant has been considering the appropriate approach to bringing forward the Proposed Changes in the context of the requirements of CA Regulations, the Planning Act 2008: Guidance for the examination of applications for development consent (DCLG), and Planning Inspectorate Advice Note Sixteen.
- 5.1.2 As required by the guidance the Applicant has set out an explanation of how this request can be accommodated within the draft examination timetable.
- 5.1.3 While the Applicant has assumed that the Examining Authority uses the maximum of 28 days to consider whether to accept this request, the Applicant would hope that, given that many of these are being brought forward in response to ongoing discussion with the affected landowners and at their request, the full period for consideration of acceptance would not be necessary.
- 5.1.4 The Applicant acknowledges that the acceptance of any proposed change is ultimately a decision for the ExA. The Applicant proposes the following next steps and programme, subject to ensuring that all the associated documents are ready for submission and assuming the need to engage Regulation 4 consultation:
- > Change request to be submitted on 3rd October 2024 (draft Deadline 1) ;
 - > ExA has 28 days to decide whether to accept: decision by 1st November 2024. An early decision (e.g. within two weeks) would however be much appreciated, which may allow the remaining timetable to set out below to be accelerated;
 - > If accepted, Applicant would carry out a 6-week consultation 13th December 2024 (assuming newspaper publication dates can be made for week commencing 4th November 2024), consultation would run until 13th December (to allow for two consecutive weeks of newspaper notices as required by the Infrastructure Planning (Compulsory Acquisition) Regulations 2010);
 - > Consultation report prepared and submitted on 23rd December 2024 (between deadlines 4 and 5), and
 - > Issues could be raised by Interested Parties on the changes in hearings programmed for week commencing 13th January 2025.

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 smaller, grey, sans-serif font. At the bottom is the phrase "OFFSHORE WIND FARM" in an even smaller, grey, sans-serif font.

FIVE
ESTUARIES
OFFSHORE WIND FARM

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