



OUR REF S6152.23/CWI  
YOUR REF  
22 October 2024

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Dear Sir

**Five Estuaries Offshore Windfarm Project**  
**Application Ref: EN010115**  
**East Anglia Two Limited**

We refer to the above Examination and would confirm that we are instructed by East Anglia Two Limited (hereinafter referred to as "EA2 Ltd"). East Anglia Two Limited obtained consent for the development of the East Anglia Two Offshore Windfarm by the Secretary of State making a Development Consent Order on 31 March 2022 (the "EA2 DCO"). A further Correction Order was made by the Secretary of State on 21 December 2022. The East Anglia Two Offshore Windfarm was successful in being awarded a contract for difference in allocation round 6 earlier this year. The ExA can therefore have confidence that this project will be delivered and that should be reflected in the consideration of the matters raised below. EA2 Ltd wish to raise 4 matters in relation to the current examination. The written submission will be ordered under the following headings:-

1. Wake loss
2. Shipping and navigation risk
3. Lesser black-backed gull compensation
4. Mitigation of potential impact on red throated diver within the Outer Thames Estuary SPA ("OTE SPA")

## 1. Wake loss

The East Anglia Two project is located just over 5km north east of the application boundary. The turbines associated with the current application will inevitably cause wake loss in the context of the East Anglia Two project arrays. Given the proximity, it is likely that the losses will be material.

It is notable that the Applicant has not sought in the application material to acknowledge this effect. The National Policy Statement for Renewable Energy Infrastructure (EN-3) includes the policy that is relevant to the consideration of this issue. In terms of assessment, the policy section under "Other Offshore Infrastructure and Activities" commencing at 3.8.212 specifically identifies the potential for interaction between offshore wind

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developments and other offshore infrastructure and activities. There is express provision which advises that assessment of the potential effects on such existing or permitted infrastructure or activities should be undertaken. In terms of the section in mitigation, paragraph 3.8.278 specifically encourages the consideration and application of mitigation of such effects. Finally, in terms of decision making, paragraphs 3.8.359 to 3.8.366 provide a framework for considering the potential for impacts on other offshore infrastructure. The Secretary of State will require assessment in order to reach conclusions. Furthermore, the Applicant is expected to seek to “minimise negative impacts and reduce risks to as low as reasonably practicable” (3.8.362). The policy goes on to identify that the Secretary of State should be satisfied that the site selection and site design has been made with a view to avoiding or minimising disruption or economic loss or adverse effects on safety to other offshore industries.

National policy requires the potential for yield loss to be assessed and reported upon. This will be relevant to both the consideration of the overall balance in decision making and may also be relevant in the context of considering any derogation case under the Habitats Regulations. In particular, where there will be loss of energy yield in respect of other wind farms, it will be the net position that is produced by the Application that would have to be considered in the positive. This reinforces the need for assessment. Furthermore, policy is very clear about the obligation on the Applicant to demonstrate how mitigation is going to be considered and provided. The Applicant, in their Offshore Project Design Principles identifies that one of the key design considerations is “wind resource” (see APP-233, 9.3, page 13 of 17). In terms of the current consideration, the Applicant has only considered the issue of wind resource from the perspective of the project. There has been a lack of assessment or even acknowledgement of the impact that this proposal would have on East Anglia Two.

In order to model the potential wind yield impact, it will be necessary to have an understanding of the proposed layout of the Application site. In the circumstances, the Applicant is best placed to provide the initial wind yield impact assessment. We would invite the ExA to consider the current submission and invite the Applicant to submit the necessary information.

## **2. Shipping and navigation risk**

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EA2 Ltd is still evaluating the potential consequences of the navigational risk created by this project. In particular, a relatively narrow corridor would be created between the Application project and East Anglia Two. This has implications for increasing risk to both East Anglia Two as a project and also to vessels associated with the operation and maintenance. EA2 Ltd have yet to complete this analysis but wish to ensure that risks have been fully understood and for appropriate mitigation to be provided.

## **3. Lesser black-backed gull compensation**

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The EA2 DCO includes Schedule 18 which incorporates requirements for EA2 Ltd to implement offshore ornithology compensation. This includes measures in respect of the Alde-Ore Estuary SPA for lesser black-backed gull (Part 2 of Schedule 18). The Secretary of State approved the lesser black-backed gull plan of work in May 2023 and EA2 Ltd has implemented measures. The area for where this compensation has been carried out was originally included within the DCO order limits for this application. It is noted that a recent change request to alter boundaries in this general location and remove this land has been submitted. The Applicant is still proposing to include access rights in close proximity to the EA2 compensation area in order to access this Application’s compensation area located to the north.

EA2 Ltd suggest that the compensation/mitigation measures associated with this application should establish a post consent framework including a lesser black-backed gull compensation steering group. EA2 Ltd would wish to be a member of such a steering group in order to ensure that there was effective and proper liaison between those entities proposing compensation measures in this vicinity.

## **4. Mitigation of potential impact on red throated diver within the OTE SPA**

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The EA2 DCO includes Schedule 18 which incorporates requirements for EA2 Ltd to implement offshore ornithology compensation. Included within those measures is Part 3 of Schedule 18 which are compensation

measures relating to red throated diver within the OTE SPA. A range of compensation measures are proposed but, importantly, they include provisions regarding vessel routing through the OTE SPA in respect of not only East Anglia Two, but other existing projects as well. The Red Throated Diver Plan for Work was approved by the Secretary of State earlier this month.

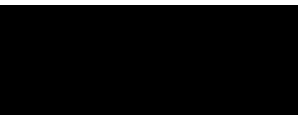
The Report to Inform Appropriate Assessment (APP-040) reaches a conclusion (paragraph 11.4.73) on the assessment of the potential impact that the Application project could have on red throated diver within the OTE SPA. The negative conclusion is based on mitigation measures being implemented. At paragraph 11.4.71 there are a series of best practice examples which have been included. The conclusion at paragraph 11.4.72 is that, with these mitigation measures in place, the impacts would be highly unlikely to occur.

EA2 Ltd have a very real interest in ensuring that disturbance within the OTE SPA is minimised and, in that regard, consider that it would be essential that there is appropriate co-ordination between various interests to seek to try and collectively deliver the mitigation measures identified in 11.4.71. In addition EA2 Ltd consider that mitigation measures should also apply during the operational and maintenance phase of the application project. The assessment to date has focussed on the construction and maintenance phases. The mitigation measures would have to ensure that this project did not undermine or prejudice the implementation of EA2 compensation measures.

EA2 Ltd would wish to ensure that there are appropriate provisions to secure the delivery of the mitigation identified in the RIAA as extended to the operation and maintenance phase and would also wish to be a consultee within the structure that would have to be established to ensure that the mitigation was effectively delivered. It is suggested that a red throated diver protocol may well be the appropriate means by which such measures/mitigation can be secured and also which can also provide the structure. EA2 Ltd is confident that if these measures are put in place, appropriate exchanges of information can be made to ensure the successful implementation of both EA2 Ltd's compensation and that of the Applicant's mitigation.

EA2 has already engaged with the Applicant and will continue to seek a resolution of the matters that have been raised.

Yours faithfully



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