

Date: 22 October 2024
Our ref: Case: 27347 Consultation: 486670
Your ref: EN010115



National Infrastructure Planning
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Hornbeam House
Crewe Business
Park Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Sir/Madam,

Five Estuaries Offshore Wind Farm Project

The following constitutes Natural England's formal statutory response for Examination Deadline 2.

1. Natural England's Deadline 2 Submissions

Natural England has reviewed the documents submitted by the Applicant up to and at Deadline 1. An update of Natural England's position regarding documents relevant to our remit is provided in Annex 1, including anticipated timing of responses. Natural England is also submitting the following detailed responses, signposted from Annex 1:

- EN010115 486770 Five Estuaries Appendix L2 – Natural England's Risk and Issues Log DL2.xls (which includes our Principal Areas of Disagreement Summary Statement)
- EN010115 486770 Five Estuaries Appendix M1 – Natural England's Response to ExQ1 Deadline 2.pdf

2. Natural England's Risk and Issues Log (including our Principal Areas of Disagreement Summary Statement)

Natural England is submitting its Risk and Issues Log including our Principal Areas of Disagreement (PADSS). Please note that the Risk and Issues Log and its RAG status remain unchanged since Deadline 1, similarly, the PADSS also remains unchanged since our Relevant Representations. This is as a result of either issues not being adequately addressed or because we remain in the process of reviewing the Applicant's updated documents provided

at and prior to Deadline 1.

3. The Examining Authority's Written Questions 1 and Requests for Information (Issued on 08 October 2024)

Natural England welcomes the Examining Authority's Written Questions 1 provided on 08 October 2024. We have responded to those questions directed at Natural England and commented on some questions addressed to other recipients where we have deemed those questions relevant to Natural England's remit (please see EN010115 486770 Five Estuaries Appendix M1 – Natural England's Response to ExQ1 Deadline 2.pdf).

4. The Applicant's Request for Changes to the Application on 10 October 2024

We note from the PINS website that on 10 October 2024 that the Applicant submitted a request for changes to their application and that forty-eight supporting documents have been provided in support of the change request. This follows the Applicant's submission at Procedural Deadline D [PD4-009] of a Notification of Intention to Submit a Change Request.

Natural England is unclear on the next steps in regard to the change request. We note that the Examining Authority has yet to make their decision on whether they will consider the Applicant's proposed changes. We are, therefore, unsure whether to proceed with reviewing and, if necessary, responding to these additional documents. We would be grateful if the ExA could please confirmation if and when they wish interested parties to consider these new submissions.

However, we kindly request sufficient time be allowed for Natural England to triage, and review these additional change request documents, including assessment of any changes to the HRA/EIA conclusions for the Project. After which, we will respond accordingly at the next appropriate deadline. This is consistent with our proposed approach provided to the ExA for [Dogger Bank South NSIP on 16th October 2024](#).

For any queries relating to the content of this letter please contact me using the details provided below.

Yours faithfully,

Yolanda Foote
Marine Senior Adviser - Sussex and Kent Area Team
E-mail: [REDACTED]@naturalengland.org.uk

Annex 1: Natural England's Response to the Applicant's (and Other Relevant) Documents Submitted at Deadline 1 Relevant to our Remit.

PINS Document Reference	Document Name	Natural England's Response/Position Summary
Procedural Decisions and Notifications from the Examining Authority		
PD-001	Examining Authority's Written Questions (ExQ1)	Please refer to our response in EN010115 486670 Five Estuaries Appendix M1 - Natural England's Response to ExQ1 Deadline 2.pdf
Documents Submitted by the Applicant		
REP1-002	Five Estuaries OWF Schedule of Changes to the Draft Development Consent Order (To Revision B, Deadline 1)	Natural England will provide a response on this at Deadline 3.
REP1-004	Five Estuaries OWF 1.3 Guide to the Application (and Glossary) (Tracked)	Natural England has reviewed this document and has no nature conservation concerns.
REP1-006	Five Estuaries OWF 2.6 Works Plan – Offshore – Revision B	Natural England has reviewed this document and has no nature conservation concerns.
REP1-009	Five Estuaries OWF 3.1 Draft Development Consent Order (Tracked)	Natural England will provide a response on this at Deadline 3.
REP1-017	Five Estuaries OWF 5.4 Report to Inform Appropriate Assessment Revision B (Tracked)	Natural England will provide a response on this at Deadline 3.
REP1-021	Five Estuaries OWF 6.5.4.15 Environmental Statement Annex 4.15 – Apportioning Note – Revision B (Tracked)	Natural England will provide a response on this at Deadline 3.
REP1-023	Five Estuaries OWF 6.5.4.16 Environmental Statement Annex 4.16 Population Viability Analysis (Tracked)	Natural England will provide a response on this at Deadline 3.
REP1-025	Five Estuaries OWF 6.5.6.4 Environmental Statement Annex Herring Seasonal Restriction Note (Tracked)	Natural England will provide a response on this at Deadline 3.
REP1-034	Five Estuaries OWF 9.14.1 Outline Marine Mammal Mitigation Protocol – Piling (Tracked)	Natural England will provide a response on this at Deadline 3.
REP1-036	Five Estuaries OWF 9.14.2 Outline Marine Mammal Mitigation Protocol	Natural England will provide a response on this at

PINS Document Reference	Document Name	Natural England's Response/Position Summary
	– UXO (Tracked)	Deadline 3.
REP1-045	Five Estuaries OWF 9.32 Offshore In Principle Monitoring Plan Revision B (Tracked)	Natural England will provide a response on this at Deadline 3.
REP1-050	Five Estuaries OWF 10.4 Applicant's Response to Relevant Representations	Natural England has no comments to make on this document at this stage.
REP1-051	Five Estuaries OWF 10.4.1 Applicant's Response to Natural England's Relevant Representation	Natural England has no comments to make on this document at this stage.
REP1-054	Five Estuaries OWF 10.11 Guillemot and Razorbill - Survey Reports	Natural England will provide a response on this at Deadline 3.
REP1-056	Five Estuaries OWF 10.13 Marine Mammal iPCoD Modelling for Project Alone	Natural England will provide a response on this at Deadline 3.
REP1-057	Five Estuaries OWF 10.14 Marine Geology, Oceanography and Physical Processes Sediment Plume Modelling	Natural England will provide a response on this at Deadline 3.
REP1-058	Five Estuaries OWF 10.15 Revised International Herring Larval Survey Heat Map Figures	Natural England will provide a response on this at Deadline 3.
REP1-059	Five Estuaries OWF 10.16 Applicant's Summaries of Oral Submissions	Natural England has no comments to make on this document at this stage.
REP1-060	Five Estuaries OWF 10.17 Applicant's Responses to Action Points	Natural England has no comments to make on this document at this stage.
REP1-064	Marine Management Organisation Comments on any Submissions Received at Pre-examination Procedural Deadlines A, B, C and D	Natural England has no comments to make on this document at this stage.
REP1-070	Royal Society for the Protection of Birds (RSPB) Responses to RRs (if not Provided at the Pre-examination Procedural Deadline D)	Natural England has no comments to make on this document at this stage.