

Date: 12 November 2024
Our ref: Case: 27347 Consultation: 486671
Your ref: EN010115



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BY EMAIL ONLY

Dear Sir/Madam,

Five Estuaries Offshore Wind Farm

The following constitutes Natural England's formal statutory response for Examination Deadline 3.

1. Natural England's Deadline 3 Submissions

Natural England has reviewed the documents submitted by the Applicant at Deadline 2 (in addition to some documents submitted at Procedural Deadline D and 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 486671 Five Estuaries Appendix I3 – Natural England Comments on Seascape Landscape and Visual Assessment.pdf
- EN010115 486671 Five Estuaries Appendix L3 – Natural England's Risk and Issues Log DL3.xls (including our Principal Areas of Disagreement Summary Sheet)
- EN010115 486671 Five Estuaries Appendix M2 – Natural England's Response to ExQ1 Deadline 3.pdf

**2. Examining Authority's Written Question and Requests for Information (ExQ1)
[PD-011]**

Natural England provided a response [REP2-059] at Deadline 2 to the following Examining

Authority's Written Questions and Requests for Information (ExQ1):

- ME. 1.10
- ME. 1.12
- ME. 1.15

The outstanding ExQ1 within Natural England's remit from Deadline 1 are as follows:

- ME. 1.01
- ME. 1.14

Natural England's response to these outstanding ExQ1 can be found in EN010115 486671 Five Estuaries Appendix M2 – Natural England's Response to ExQ1 Deadline 3.pdf.

3. Examining Authority's Written Question and Requests for Information (ExQ2) [PD-014]

Natural England will provide a response to the ExQ2 questions at Deadline 4, as requested, with the exception of the following response (which is outstanding from Deadline 1):

PINS Ref No:	Question to:	Question	Natural England Response
ME.2.04	Natural England	<p>Seagrass habitat creation/restoration compensatory measure</p> <p>At F32 in [PD2-008] you have stated that you would submit further comment on the technical feasibility of the proposed seagrass habitat creation/restoration compensatory measure included within the Applicant's without prejudice derogations case at Deadline 1. This does not appear to have been provided to date. Natural England should therefore submit this information by Deadline 4.</p>	<p><i>Because no further evidence and/or information has become available in support of seagrass restoration as a benthic compensation measure; Natural England's advice on seagrass restoration only being considered as a modest part of a package of compensation measures remains unchanged. As does our advice included within in our Relevant/Written Representation [RR-081] on the uncertainties relating to the deliverability of the measure. However, as highlighted in our response on ExQ ME.1.10 this measure is not considered to be the preferred option from an ecological perspective, therefore we do not believe that there is merit in progressing and/or providing further advice on this project specific benthic compensation measure during the Five Estuaries Examination.</i></p>

4. Draft Development Consent Order

Natural England has reviewed the updated Development Consent Orders (DCOs) and the schedule of changes to the DCO submitted at Deadline 1 and submitted as part of their change request (Ref: REP1-002, REP1-008, AS-032 and AS-061). The changes proposed have resolved one outstanding issue and our Risk and Issues log, Annex L3, has been updated to note the issue has been resolved.

5. Marine Geology, Oceanography and Physical Processes Sediment Plume Modelling [REP1-057]

Natural England welcomes the additional sediment plume modelling carried out by the Applicant. This additional modelling provides a more detailed analysis of suspended sediment concentration (SSC) and sediment deposition patterns compared to the original spreadsheet-based methods carried out by the Applicant.

The modelling results show that some elevated suspended sediment concentration (SSC) levels and subsequent sediment deposition does extend background levels within the nearshore zone and Blackwater Crouch and Roach Estuaries Marine Conservation Zone (MCZ) due to pre-lay trenching works and sandwave clearance. However, it appears unlikely that these elevated SSCs and sediment deposition would impact the foreshore areas of Clacton Cliffs or any areas where Native Oyster beds are recorded. Moreover, the nature of the coast here is dynamic, and SSC levels are already highly variable. Consequently, we are content that our concerns for the Blackwater Crouch and Roach Estuaries MCZ have been resolved with regards to elevated SSCs and sediment deposition due to construction-related activities.

Construction-related elevated SSCs along the offshore export cable corridor (including at Margate and Long Sands Special Area of Conservation and Kentish Knock East MCZ) and within the array areas appear to dissipate quickly. However, coarser sand and gravel fractions deposited by construction-related activities, result in local average thicknesses of 50-500mm in the array area and 50-800mm within the export cable corridor, albeit within a relatively small footprint (up to 200m). Therefore, the thickness of subsequent sediment deposition within the array areas and at/near designated areas of seabed remains a concern, particularly in regard to impacts on sensitive receptors such as benthic habitats or fish spawning areas. We, therefore, advise that the worst-case scenario (WCS) for sediment deposition thickness due to multiple, adjacent, and/or simultaneous construction-related activities should be clarified.

We have updated our Risks and Issues log Annex L3 to reflect our updated position.

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

Yours faithfully,

Yolanda Foote
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REFERENCES

Pearce, B. 2014. The ecology of *Sabellaria spinulosa* reefs. Plymouth University

Limpenny, D.S., Foster-Smith, R.L., Edwards, T.M., Hendrick, V.J., Diesing, M., Eggleton, J.D., Meadows, W.J., Crutchfield, Z., Pfeifer, S. & Reach, I.S., 2010. Best methods for identifying and evaluating *Sabellaria spinulosa* and cobble reef. Aggregate Levy Sustainability Fund (ALSF) Project Ref No MAL0008:149, Peterborough

Fariñas-Franco, J.M., Pearce, B., Porter, J.S., Harries, D.B., Mair, J.M., Woolmer, A.S. & Sanderson, W.G. 2014. Marine Strategy Framework Directive Indicators for Biogenic Reefs formed by *Modiolus modiolus*, *Mytilus edulis* and *Sabellaria spinulosa* Part 1 : Defining and validating the indicators

Annex 1: Natural England's Response to the Applicant's Documents Submitted at Deadline 3 Relevant to our Remit.

PINS Document Reference	Document Name	Natural England's Response/Position Summary
Procedural Deadline D		
PD4-010	10.8.1 SLVIA Wireline Figures 10.47-10.53	Natural England's response to this document is provided in Appendix I3.
PD4-011	10.8.2 SLVIA Wireline Figures 10.54-10.60	Natural England's response to this document is provided in Appendix I3.
PD4-012	10.8.3 SLVIA Wireline Figures 10.61-10.67	Natural England's response to this document is provided in Appendix I3.
Deadline 1		
REP1-002	Schedule of Changes to the draft DCO (Deadline 1)	Please refer to Section 4 of this cover letter.
REP1-008	3.1 Draft Development Consent Order (Tracked)	Please refer to Section 4 of the cover letter.
REP1-017	5.4 Report to Inform Appropriate Assessment – Revision B (Tracked)	Natural England will provide a response on this document at Deadline 4.
REP1-021	6.5.4.15: Environmental Statement Annex 4.15 – Apportioning Note –	Natural England's response to this document is

PINS Document Reference	Document Name	Natural England's Response/Position Summary
	Revision B (Tracked)	provided in Appendix M2.
REP1-023	6.5.4.16 Environmental Statement Annex showing the Population Viability Analysis (Tracked)	Natural England's response to this document is provided in Appendix M2.
REP1-025	6.5.6.4 Environmental Statement Annex Herring Seasonal Restriction Note (Tracked)	Natural England will provide a response on this document at Deadline 4.
REP1-034	9.14.1 Outline Marine Mammal Mitigation Protocol – Piling (Tracked)	Natural England has provided an update in our Risks and Issues Log in relation to this document.
REP1-036	9.14.2 Outline Marine Mammal Mitigation Protocol – UXO – Revision B (Tracked)	Natural England has provided an update in our Risks and Issues Log in relation to this document.
REP1-042	9.21 Code of Construction Practice – Revision B (Tracked)	Natural England has no comments to make on this document.
REP1-046	9.32 Offshore In Principle Monitoring Plan – Revision B (Tracked)	Natural England will provide a response on this document at Deadline 4.
REP1-050	10.4 Applicant's Response to Relevant Representations (Tracked)	As advised in our Relevant Representation [RR-081], Natural England will not respond to the Applicant's response to our Relevant representation unless the ExA request we respond to specific points.
REP1-051	10.4.1 Applicant's Response to Natural England's Relevant Representation	As advised in our Relevant Representation [RR-081], Natural England will not respond to the Applicant's response to our Relevant representation unless the ExA request we respond to specific points.
REP1-054	10.11 Guillemot and Razorbill – Survey Reports	Natural England's response to this document is provided in Appendix M2.
REP1-056	10.13 Marine Mammal iPCoD Modelling for Project Alone	Natural England intends to provide a response on this document at Deadline 4.
REP1-057	10.14 Marine Geology, Oceanography and Physical Processes Sediment Plume Modelling	Please refer to Section 5 of this cover letter.

PINS Document Reference	Document Name	Natural England's Response/Position Summary
REP1-058	10.15 Revised International Herring Larval Survey Heat Map Figures	Natural England will provide a response on this document at Deadline 4.
REP1-059	10.16 Applicant's Summaries of Oral Submissions	Natural England has no comments to make on this document.
REP1-060	10.17 Applicant's Response to Action Points	Natural England has no comments to make on this document.
Deadline 2		
REP2-005	5.4.1 Habitats Regulations Assessment Site Integrity Matrices – Revision B (Tracked)	Natural England will provide a response on this document at Deadline 4.
REP2-007	5.5.3 Lesser Black Backed Gull Compensation – Evidence, Site Selection and Roadmap – Revision B (Tracked)	Natural England will provide a response on this document at Deadline 4.
REP2-009	5.5.4 Kittiwake – Evidence, Site Selection and Roadmap – Revision B (Tracked)	Natural England will provide a response on this document at Deadline 4.
REP2-011	5.5.5 Guillemot and Razorbill – Evidence, Site Selection and Roadmap – Revision B (Tracked)	Natural England will provide a response on this document at Deadline 4.
REP2-013	5.5.6 Lesser Black Backed Gull Implementation and Monitoring Plans – Revision B (Tracked)	Natural England will provide a response on this document at Deadline 4.
REP2-015	5.5.7 Kittiwake Implementation and Monitoring Plans – Revision B (Tracked)	Natural England will provide a response on this document at Deadline 4.
REP2-017	5.5.8 Guillemot and Razorbill Implementation and Monitoring Plans – Revision B (Tracked)	Natural England will provide a response on this document at Deadline 4.
REP2-019	6.5.6.2 Underwater Noise Technical Report – Revision B (Tracked)	Natural England will provide a response on this document at Deadline 4.
REP2-021	9.13 Margate and Long Sands Benthic Mitigation Plan – Revision B (Tracked)	Natural England has done an initial triage and note that our R&I have not been fully addressed. We will provide a response on this document at Deadline 4 and include options to resolve issues.

PINS Document Reference	Document Name	Natural England's Response/Position Summary
REP2-023	9.22 Outline Landscape and Ecological Management Plan – Revision C (Tracked)	Natural England will provide a response on this document at Deadline 4.
REP2-027	10.20.1 Technical Note – Methodology for Determining the MDS (Offshore)	Natural England will provide a response on this document at Deadline 4.
REP2-028	10.20.2 Technical Note – Offshore Decommissioning	Natural England will provide a response on this document at Deadline 4.
REP2-031	10.21.2 Updated SLVIA Viewpoint 1 (Figure 10.26) – 370m Tip Height	Natural England's response to this document is provided in Appendix I3.
REP2-032	10.21.2 Updated SLVIA Viewpoint 2 (Figure 10.27) – 370m Tip Height	Natural England's response to this document is provided in Appendix I3.
REP2-033	10.21.2 Updated SLVIA Viewpoint 3 (Figure 10.28) – 370m Tip Height	Natural England's response to this document is provided in Appendix I3.
REP2-034	10.21.2 Updated SLVIA Viewpoint 4 (Figure 10.29) – 370m Tip Height	Natural England's response to this document is provided in Appendix I3.
REP2-035	10.21.2 Updated SLVIA Viewpoint 5 (Figure 10.30) – 370m Tip Height	Natural England's response to this document is provided in Appendix I3.
REP2-036	10.21.2 Updated SLVIA Viewpoint 6 (Figure 10.31) – 370m Tip Height	Natural England's response to this document is provided in Appendix I3.
REP2-037	10.21.2 Updated SLVIA Viewpoint 9 (Figure 10.34) – 370m Tip Height	Natural England's response to this document is provided in Appendix I3.
REP2-038	10.21.2 Updated SLVIA Viewpoint 10 (Figure 10.35) – 370m Tip Height	Natural England's response to this document is provided in Appendix I3.
REP2-039	10.22 Applicant's Response to EXQ1	Natural England has no comments to make on this document.
Applicant's Change Request Dated 10 October 2024		
AS-017	2.1 DCO Location Plan – Onshore – Revision B	Please refer to Section 4 of the cover letter.
AS-018	2.2 DCO Location Plan – Offshore – Revision B	Please refer to Section 4 of the cover letter.

PINS Document Reference	Document Name	Natural England's Response/Position Summary
AS-019	2.3 Land Plans – Onshore Revision C	Natural England has no comments to make on this document.
AS-021	2.5 Works Plan – Onshore Revision B	Natural England has no comments to make on this document.
AS-025	2.10 Tree Preservation Order and Hedgerow Plan – Revision B	Natural England will provide a response on this document at Deadline 4.
AS-027	2.13 Statutory or Non-Statutory Sites and Features of Nature Conservation – Onshore – Revision B	Natural England will provide a response on this document at Deadline 4.
AS-032	3.1 Draft Development Consent Order – Revision C (Tracked)	Please refer to Section 4 of the cover letter.
AS-040	5.4.5 Lesser Black Backed Gull Habitats Regulations Assessment – Revision B (Tracked)	Natural England will provide a response on this document at Deadline 4.
AS-042	6.3.1 Onshore Project Description – Revision C (Tracked)	Natural England will provide a response on this document at Deadline 4.
AS-048	6.8.1 Lesser Black Backed Gull Compensatory Areas Environmental Impact Assessment Revision B (Tracked)	Natural England will provide a response on this document at Deadline 4.
AS-050	6.8.1.1 Lesser Black Backed Gull Flood Risk Assessment – Revision B (Tracked)	Natural England will provide a response on this document at Deadline 4.
AS-052	6.8.1.2 Lesser Black Backed Gull Landscape and Visual Impact Assessment Revision B (Tracked)	Natural England will provide a response on this document at Deadline 4.
AS-054	6.8.1.3 Lesser Black Backed Gull Ecological Impact Assessment – Revision B (Tracked)	Natural England will provide a response on this document at Deadline 4.
AS-057	10.18 Report on Proposed Changes	Natural England will provide a response on this document at Deadline 4.
AS-058	10.18.1 Figures for Report on Proposed Changes	Natural England will provide a response on this document at Deadline 4.
AS-061	Schedule of Changes to the dDCO (Change Request)	Please refer to Section 4 of the cover letter.