THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

FIVE ESTUARIES OFFSHORE WINDFARM

Appendix O4 Natural England's comments on 10.20.2 Technical Note - Offshore Decommissioning [REP2-028]

For:

The construction and operation of Five Estuaries Offshore Wind Farm located approximately 57 km from the Essex Coast in the Southern North Sea.

Planning Inspectorate Reference EN010115

03 December 2024

Natural England's Advice on 10.20.2 Technical Note - Offshore Decommissioning [REP2-028]

1. Summary

Natural England notes that the Applicant has submitted into examination a technical note on offshore decommissioning [REP2-028]. However, this is not an Outline Decommissioning Plan as requested by Natural England in our Relevant/Written Representations [RR-X] because its primary focus is on noise impacts during decommissioning of turbines. It is also too high level to advise with confidence that the impacts at the time of decommissioning will be less than construction.

Therefore, as written, the technical note doesn't address concerns raised by Natural England in our Relevant and Written Representations. But, we believe that many of these are readably resolvable through the provision of an Outline Decommissioning Plan, adoption of appropriate project design changes and commitment to implementing mitigation measures.

2. Detailed comments

i) Outline Decommissioning Plan

We draw the Examining Authority's (ExA) attention to the pre-construction requirement under S105 (2) of the Electricity Act 1989, where offshore windfarm developers are required to provide a Decommissioning Programme **prior to construction**. Therefore, we advise that there is a requirement to consider project decommissioning prior to decommissioning as suggested by the Applicant in the offshore decommissioning technical note [REP2-028].

The purpose of the programme is to provide preliminary information on the methods and approaches to the offshore components which will be decommissioned at the end of the operational lifetime of the Project. Therefore, we suggest that an Outline Offshore Decommissioning Plan provided during the consenting phase could provide the foundations of the Decommissioning Programme and consider all potential impacts to environmental receptors.

ii) Scour/Cable protection

Natural England notes that the offshore decommissioning technical note does not consider the removal of scour/cable protection at the end of the project lifetime citing *'...the approach will be based on an assessment of relative net environmental benefit taking into consideration the in situ ecological value of offshore components alongside other factors...'*, which indicates an intension to leave cable protection in situ, including within Margate and Long Sands Special Area of Conservation (MLS SAC). The leaving in situ of cable protection within MLS SAC is of particular concern to Natural England.

Natural England's current advice is that we do not agree with the Applicant's conclusion of no Adverse Effect on Integrity (AEoI) in relation to MLS SAC from lasting habitat loss/change resulting from the placement of cable protection over the lifetime of the project, even with an

expectation that it will be removed at the time of decommissioning. This advice is consistent with the advice provided on all offshore windfarms since Hornsea Project Three, where cable protection within Annex I sandbanks has been proposed. The Secretary of State (SoS) decision for Hornsea Project Three, Norfolk Boreas, Norfolk Vanguard and Sheringham Shoal and Dudgeon Extensions Projects (DEP and SEP) supports this position; and has placed a requirement on those projects to provide compensation measures.

Natural England therefore advises that without a commitment to remove cable protection at the time of decommissioning, impacts can no longer be considered to be 'lasting' for the duration of the project and will be a permanent impact within MLS SAC.

Therefore, while we agree that the present HRA/EIA may not be sufficient to fully determine decommissioning impacts at the end of the OWF lifespan every effort should be made at the consenting phase to ensure that decommissioning impacts can and will be minimised as much as possible through project design commitments (e.g., only using appropriate cable protection that is readily removable).