



OUR REF S6152.23/CBW/CWI

YOUR REF

3 March 2025

National Infrastructure Planning
Temple Quay House
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Dear Sir, Madam

Five Estuaries Offshore Windfarm Project (the “Project”)**Application Ref: EN010115****East Anglia TWO Limited’s Deadline 7 Submission – Response to Applicant’s Written Summary of Oral Case for Issue Specific Hearing 6 (REP6-045)**

We refer to the above Examination and confirm we are instructed by East Anglia TWO Limited. This submission is in relation to wake effects and is in response to the Applicant’s Written Summary of Oral Case for Issue Specific Hearing 6 (REP6-045).

1. Policy

- 1.1 The Applicant’s argument that wake effects should not be considered in this Project is essentially that the interpretation of the sub-section of National Policy Statement EN-3 titled “Other offshore infrastructure and activities”, under the wider section 2.8 titled “Offshore Wind”, does not include existing offshore windfarms and as such the impact on existing offshore windfarms are outside the ambit of that section and wake effects need not be considered (REP6-045). They claim that the Secretary of State mis-interpreted EN-3 when deciding Awel Y Môr Offshore Windfarm’s Development Consent Order and as such the Examining Authority (“**ExA**”) and the Secretary of State (“**SoS**”) should ignore the precedent set by Awel Y Môr. This is incorrect for a number of reasons, many of which we have already submitted into this Examination at previous deadlines (REP2-079, REP4-072 and REP6-079). However, we have set out others below.
- 1.2 Firstly, the Applicant’s above argument that “other offshore infrastructure” does not include existing windfarms and if this section of EN-3 intended to cover other offshore windfarms then this would have been expressly stated was what the applicant for Awel y Môr tried running during their Examination (see paragraphs 5.14.48 to 5.14.52 of the ExA’s Report for Awel y Môr (Annex 3 of REP6-079). Here, the ExA concluded that “*NPS EN-3 does apply to offshore wind farm effects on other windfarms. Also, that the existing RFWF does fall within the definition of existing operational infrastructure, as referenced in NPS EN-3*” (paragraph 5.14.77 of the ExA’s Report) and “[a]s such ... an assessment should have been undertaken by the Applicant” (paragraph 5.14.78). The SoS agreed with the ExA’s findings where they stated in their decision letter “[t]he Secretary of State considers the matter of wake effects and agrees with the ExA’s view that a wake assessment should be carried out” (paragraph 4.178 – see Annex 3 of

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REP6-079). This is an argument RWE have previously tried to make to which the ExA and SoS have expressly disagreed with.

- 1.3 This sub-section of EN-3 governs relationships of the project to “Other offshore Infrastructure and activities” The use of other “activities” is a reference to activities which are not offshore wind. It is therefore not surprising that there is text under the headings discussing how offshore wind interacts with such other activities. That does not mean that other offshore wind farms are not included by the term other offshore infrastructure. If the Applicant’s interpretation is adopted, it would mean that that any impact on another offshore windfarm’s offshore connection cables would not be covered by the policy. That is clearly wrong.
- 1.4 In addition, the SoS has a duty under section 104(2)(d) of the Planning Act 2008 to have regard to any other matters which the SoS thinks are both important and relevant to the SoS’ decision. The Clean Power 2030 Action Plan confirms that the issue of wake loss is an important matter that is of concern to the industry and the SoS (see Annex 6 of East Anglia TWO’s Deadline 6 submission (REP6-079)).
- 1.5 The consideration of wake loss is required not only in relation to the negative impact they will have on East Anglia TWO, but also because it is the net effect of the Project as a whole on greenhouse gas emissions that should be assessed in the EIAR and the Project’s contributions to climate change would also have to be considered as part of any IROPI (imperative reasons of overriding public interest) argument. Therefore, the Project’s wake effects need to be assessed and reported on so they can be taken into account by the SoS when considering these.

2. Mitigation

- 2.1 Preliminary internal assessments performed by EA2 show that by increasing the distance between the wind farm boundaries to about 8km, the wake losses would be reduced by about 0.2%, i.e. from 1.3% to about 1.1% if considering the central estimated values by DNV. Although this assessment is preliminary and the sensitivities study is still ongoing, it is considered sufficient to provide an idea of the relevance of the impact on the East Anglia TWO Offshore Wind Farm wake losses of the Five Estuaries wind turbine generators (“**WTGs**”) in closer proximity to the northern border of the wind farm, particularly considering the prevailing winds in the region.
- 2.2 The Applicant has failed to engage with the issues raised by wake loss in any meaningful way. Policy requires that the Applicant should seek to minimise impacts on other marine infrastructure. It is regrettable that the ExA and the SoS do not have detailed evidence on this matter. That is a direct consequence of the Applicant’s approach. The consequence is that the assessment process in the respect of the application for the Project is incomplete.

3. Recommendation

- 3.1 As identified in this submission and above in terms of mitigation, there is a prospect that the Applicant could provide a WTG layout that has a higher impact than that assessed by DNV in the wake loss assessment submitted by EA2 at Deadline 6 (Annex 8 of REP6-079). Mitigation could reduce the wake loss effects and as such East Anglia TWO invites the ExA to recommend a requirement similar to that in Awel y Môr to the SoS in respect of this Project.

Yours faithfully



For and on behalf of Shepherd and Wedderburn LLP