



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES  
2010

FIVE ESTUARIES OFFSHORE WIND FARM

**Appendix M5 to the Natural England Deadline 7 Submission  
Natural England's Comments on the Examining Authority's Written Questions 3 [PD-026]**

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

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03 March 2025

Table 1. Natural England's Comments on the Examining Authority's Written Questions 3 [PD-026]

Marine Ecology (ME)			Natural England's Response
<b>Protected Species - Bats</b>			
ME.3.03	Natural England (NE)	<p><b>Migratory bats</b></p> <p>Can you advise as to whether or not a license would be required in relation to any disturbance or harm to migratory bats that might be associated with the Proposed Development. If a licence would be required, would such a license be likely to be issue?</p>	<p>Currently there is a significant evidence gap in our understanding of how migratory bats interact and overlap spatially with offshore wind projects. Natural England advises that this evidence gap needs to be addressed to inform any licensing process. It would be very difficult to robustly assess against the required tests needed if a licence application was received. In this event, we would expect the MMO to assess and decide on any licence applications given the offshore marine location of any turbines. However, Natural England's Wildlife Licensing Team could support on aspects of the technical assessment, particularly where/if there are commonalities with terrestrial bat licensing and ecology.</p>
Ecology Onshore (EO)			Natural England's Response
EO.3.01	Applicant Natural England	<p><b>Habitat Classification</b></p> <p>"Obstacle OOX-31" has been classified as a "Lowland Meadow Habitat", a Section 41 habitat of "principal importance" in the Technical Note [REP4-036] and during ISH6 the ExA's attention was drawn to section 3.1.2 of the PEIR [APP-156] which identifies the habitat of Obstacle OOX-31 as</p> <p><i>"The second lowland meadow (Photograph 3.9) species included: ... fairy flax <i>Linum catharticum</i> ..... and oxeye daisy"</i>. However, the ExA notes that the "Aerial Photography and Limited Ground Truthing" appears to be a superficial survey methodology. In section 5.1.1 of [APP-156] a link is provided to the lowland meadow</p>	<p>Natural England has not previously made any representations relating to "Obstacle OOX-31". We recognise that use of aerial photography and drone technology are emerging and improving tools for the purpose of ecological data collection and management, but also that it may be of variable quality in identifying grassland habitats and that more traditional [pre construction] field survey may be required for acceptable accuracy and precision for many Priority Habitats and to inform on the appropriateness of any mitigation measures.</p>

		<p>habitat description in the <i>“UK Biodiversity Action Plan Priority Habitat Descriptions”</i> (UKBAP). The ExA, however, notes that the species identified as being present for obstacle OOX-31 do not appear to reflect the UKBAP description for a Section 41 habitat insofar as it does not <i>“... have a specialist group of scarce and declining plant species”</i>. The UKBAP descriptions also include an entry for <i>“Lolium perenne”</i> and <i>“Lolium – Cynosurus”</i> grasslands, which appear to more accurately reflect the habitat/species identified for Obstacle OOX-31, with the latter grassland type being described as having <i>“... few uncommon species and is generally of low botanical value”</i>.</p> <p>a) <b>For Applicant</b> - Has any empirical data been obtained to support the statement that Obstacle OOX-31 is <i>“a Section 41 habitat of principal importance”</i>?</p> <p>b) <b>For Natural England</b> – Based on the information provided by the Applicant are you satisfied that sufficient evidence has been obtained to identify Obstacle OOX-31 as <i>“a Section 41 habitat of principal importance”</i>?</p>	
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