

Date: 18 February 2025
Our ref: Case: 27843 Consultation: 501978
Your ref: EN010119



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,

North Falls Offshore Wind Farm Project

The following constitutes Natural England's formal statutory response for Examination Deadline 1.

1. Natural England's Deadline 1 Submissions

Natural England has reviewed the documents submitted by the Applicant prior to Deadline 1 (namely their response to the Section 51 Advice). 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:

- EN010119 North Falls NE Relevant and Written Representations Appendix I2 Seascape, Landscape and Visual Impact Assessment.pdf
- EN010119 501978 North Falls K1 – Natural England's Risk and Issues Log DL1.xls

2. Relevant and Written Representations

In the interests of issue resolution Natural England combined our Relevant Representations and Written Representations which were submitted on 18 October 2024 (with the exception of our full advice on Seascape, which is provided as part of this Deadline 1 submission). This combined approach aims to provide the detail on all issues as early as possible to allow more time for discussion and resolution. As advised in the cover letter of our Relevant Representations, Natural England will, if required and appropriate, develop these points

through further Written Representations or in response to Examiner's questions.

3. Natural England's Risk and Issues Log

Natural England has submitted a Risk and Issues Log, password protected in Excel format to allow ease of use. We highlight within the Log where assessments can be improved upon, and commitments made by the Applicant to help inform the ExA and SoS in their determinations. It is anticipated that the Risk and Issues Log will be updated and submitted alongside our submissions during Examination at each deadline to reflect any progress in issue resolution during examination.

Natural England wishes to highlight that the focus of our engagement during Examination will be on reviewing relevant updated documents/outline plans or thematic clarification notes submitted by the Applicant only. We will not be responding to commentary on our representations, other Interested Parties' representations or to comments from the Applicants or other stakeholders on the Risk and Issues Log, unless the ExA questions direct us to do so. The Risk and Issues Log will be used to track issue progress, and we will signpost to our advice where applicable. Likewise, if the Applicant wishes to provide a signposting document that directs us and the ExA to where they address our concerns in the various plans/docs/assessments, then that would be most welcomed.

4. Principal Areas of Disagreement Summary Statement (PADSS)

Natural England will provide updates to our PADSS from Deadline 2 onwards, this will address the request in the Examining Authority's Procedural Decision letter (28 November 2024). This will be captured within our Risk and Issues Log. Thereafter, we will work on the basis that the PADSS will be updated at each subsequent Examination deadline. We hope this will be of assistance to the ExA in understanding Natural England's current outstanding issues and on demonstrating progress on issue resolution.

5. Issue Specific Hearings (ISHs)

As set out in Natural England's Rule 6 response letter (16 December 2024), we will only attend hearings by exception, targeting those ISHs that have the greatest likelihood of resolving significant environmental risks. In such instances our attendance will be virtual. Our non-attendance at hearings should not be construed as a lack of concern on outstanding issues, or a lack of willingness to engage. As detailed above we are committed to proactively engaging with parties on this project and to gaining the best possible outcome. Natural England would be pleased to respond to any questions from the ExA that arise from the hearings at a subsequent deadline.

Natural England's advice for all hearings is that we request a detailed agenda be provided by the Planning Inspectorate at least 7 days in advance, with timing, themes, and specific aspects of those themes for discussion. Based on our experience from other NSIPs, it would be helpful to Natural England and our specialists if the ISH agendas could be focused on specific questions from the ExA.

6. Strategic Compensation Measures for Offshore Wind Farm Activities

Natural England draws the attention of the ExA and the Applicant to the Ministerial Statement issued on 29th January 2025 which confirmed Defra's support for delivery of strategic benthic compensation, making wider compensation measures available and delivery of compensation through the Marine Recovery Fund.

[Written statements - Written questions, answers and statements - UK Parliament](#)

DESNZ also issued interim guidance on the Marine Recovery Fund. The guidance will provide developers a means to access MPA designation as a compensation measure, prior to the launch of the MRF. The interim guidance also provides advice to developers in planning who are developing their own avian compensation packages on how to ensure that their consent documents include the option to switch to sourcing their avian compensation through the Marine Recovery Fund when it is in place.

[Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance - GOV.UK](#)

Natural England will provide further, more detailed advice, on an ongoing basis for this project during Examination.

7. Defra Marine Noise Package

Natural England wishes to provide an update to the ExA on the Defra Marine Noise Policy paper.

Defra have recently published their Marine Noise package, which provides a suite of new and updated policy and guidance relating to the reduction and mitigation of underwater noise. This package includes the following documents;

- Marine Noise Policy paper, which can be found here - [Reducing marine noise - GOV.UK](#).
- An updated Unexploded Ordnance (UXO) Joint Position Statement, which can be found here - [Marine environment: unexploded ordnance clearance Joint Position Statement - GOV.UK](#)
- UXO clearance supporting guidance providing more detail for [Supporting minimising environmental impacts from unexploded ordnance clearance - GOV.UK](#)

Alongside these documents, JNCC have also published new mitigation guidelines for UXO clearance, which can be found here - [JNCC guidelines for minimising the risk of injury to marine mammals from unexploded ordnance \(UXO\) clearance in the marine environment | JNCC Resource Hub](#), and a joint statement from science and nature conservation advisors (Cefas, JNCC and NE) on the use of noise reduction methods when piling, which can be found here - [JNCC, Natural England and Cefas position on the use of quieter piling methods and noise abatement systems when installing offshore wind turbine foundations | JNCC](#)

[Resource Hub](#). The statement is supported by a CEFAS evidence review of noise reduction methods, which can be viewed here - [Evidence on the efficacy of underwater noise abatement](#).

Together, these documents set out the expectation that from January 2025., '***all offshore wind pile driving activity across all English waters will be required to demonstrate that they have utilised best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods in the first instance***' and that low-order UXO clearance should now be the default clearance method, with high-order detonations restricted to extraordinary circumstances. They also provide updated advice regarding mitigation of UXO clearance activities. Natural England advises that the Applicant should review the content of these documents and ensure their assessment and mitigation measures are aligned. Natural England will provide further, more detailed advice as required.

8. In-Principle Monitoring Plan (IPMP) [APP-245]

Natural England will review the IPMP at Deadline 2, by which time we hope to have received further information from the Applicant on their proposed monitoring.

9. Co-ordination Report [AS-006]

We note [AS-042] that the Applicant will update the Co-ordination Report at an appropriate Deadline to reflect the Applicant's updated position on maintaining its offshore connection point. Natural England looks forward to reviewing the updated Co-ordination Report.

10. Seabird compensatory measures calculations

Identifying a robust and proportionate approach to quantifying the compensation requirements for offshore windfarms impacting seabird SPAs has proved challenging. Multiple methods have been used but there is no clear consensus on the most appropriate method to use. On behalf of Collaboration on Offshore Wind Strategic Compensation (COWSC), Natural England has commissioned the British Trust for Ornithology (BTO) to carry out an independent review both existing and alternative approaches to compensation calculations, to help resolve the issue and establish a level playing field for projects. If possible, the BTO will provide recommendations to COWSC regarding the most appropriate method to use for black-legged kittiwake. The BTO review will also consider whether the recommendations are relevant to other seabird species. A final report to COWSC is scheduled for March 2025. Natural England will endeavour to keep the Examination updated on timescales.

11. Duplicate numbering within Natural England Relevant Representations Onshore Ecology Appendix

Natural England has noted that within Appendix H (Onshore Ecology) of our Relevant Representations [RR-243], two issue numbers were accidentally duplicated, namely H29 and H30. Within our Risks and Issues Log (this Deadline 1 submission), we have renumbered the additional H29 and H30 as H38 and H39, respectively and will reference these issues as H38 and H39 in all future responses.

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

Yours faithfully,

[REDACTED]
Marine Senior Officer – Sussex and Kent Area Team
[REDACTED]@naturalengland.org.uk
[REDACTED]

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

PINS Document Reference	Document Name	Natural England's Response/Position Summary
Applicant's Response to the S51 Advice		
AS-003	1.3.1 Guide to the Application (Tracked)	Natural England has no comments to make on this document.
AS-005	2.2.1 Planning Statement (Tracked)	Natural England has no comments to make on this document.
AS-007	2.5.1 Co-ordination Report (Tracked)	Natural England has no comments to make on this document.
AS-009	3.1.1.1 ES Non-Technical Summary (Tracked)	Natural England has no comments to make on this document.
AS-011	3.1.33.1 ES Chapter 31 Socio-Economics (Tracked)	Natural England has no comments to make on this document.
AS-013	3.1.36.1 ES Chapter 34 Major Accidents and Disasters (Tracked)	Natural England has no comments to make on this document.
AS-014	4.1.3.3.1 Consultation Report Appendix F.15 to F.30 (Part 3) (Clean)	Natural England has no comments to make on this document.
AS-016	4.2 Consultation Report (Tracked)	Natural England has no comments to make on this document.
AS-017	5.17.1 Habitats of Protected Species Plans	Natural England has no comments to make on this document.
AS-018	5.3.1 Land Plans	Natural England has no comments to make on this document.
AS-019	5.6.1 Works Plans (Onshore)	Natural England has no comments to make on this document.
AS-020	5.7.1 Works Plans (Offshore)	Natural England has no comments to make on this document.

PINS Document Reference	Document Name	Natural England's Response/Position Summary
AS-021	5.9.1 Access to Works Plan	Natural England has no comments to make on this document.
AS-023	6.1.1 Draft Development Consent Order (Tracked)	Natural England has no comments to make on this document.
AS-025	6.2.1 Explanatory Memorandum (Tracked)	Natural England has no comments to make on this document.
AS-027	6.3.1 Book of Reference (Tracked)	Natural England has no comments to make on this document.
AS-029	6.5.1 Statement of Reasons (Tracked)	Natural England has no comments to make on this document.
AS-031	7.28.1 Consents and Licences Statement (Tracked)	Natural England has no comments to make on this document.
AS-032	7.30 Schedule of Changes to the draft DCO	Natural England has no comments to make on this document.
AS-033	8.1 Applicant's Response to S51 Advice	Natural England has no comments to make on this document.
Procedural Decision Responses		
AS-041	1.3 Guide to the Application (Rev 2) (Tracked)	Natural England has no comments to make on this document.
AS-042	8.2 Applicant's Response to Procedural Decisions Following the Application's Acceptance for Examination and the Submission of Relevant Representations by Interested Parties	Please refer to Section 9 of this Cover Letter.
AS-043	8.3 Applicant's Commentary on Land Rights Tracker Template	Natural England has no comments to make on this document.
AS-044	8.4 Applicant's Land Rights Tracker Template	Natural England has no comments to make on this document.

