



NORTH FALLS

Offshore Wind Farm

9.2 Applicant's Responses to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees

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1. INTRODUCTIONS

1.1 Introduction

- 1.1.1 This document has been prepared on behalf of North Falls Offshore Wind Farm Limited (the 'Applicant') to accompany a Development Consent Order (DCO) application for the North Falls Offshore Wind Farm project (hereafter 'North Falls' or the 'Project') to be located off the East Anglia coastline. North Falls is a proposed western extension to the existing southern array area of Greater Gabbard Offshore Wind Farm.

1.2 Purpose of Document

- 1.2.1 The DCO Application was accepted for Examination by the Planning Inspectorate on 22 August 2024 and Examination opened on 28 January 2025.
- 1.2.2 Registration of Interested Parties, through the submission of a Relevant Representation (RR) commenced on 11 September 2024 and closed on 18 October 2024.
- 1.2.3 During this period a total of 351 Relevant Representations were received by the Planning Inspectorate, from the following Interested Parties:
- Local Authorities;
 - parish and town councils;
 - statutory consultees and non-prescribed consultees; and
 - parties with land interests; and
 - members of the public and business.
- 1.2.4 All the RRs have been reviewed and considered by the Applicant. This document specifically sets out responses from the Applicant to the matters raised in the RRs made by **statutory consultees and non-prescribed consultees**.
- 1.2.5 The Applicant has responded to each RR received individually in section 2 of this document however some common themes in the representations were identified and have been responded to thematically in Section 2 of the Applicant's Response to Relevant Representations from members of the public **[9.5 (Rev 0)]** in order to avoid repetition. These have been referred to in the following format as **Applicant's Common Response – 001 to 009**.

- 1.2.6 In providing these responses, this report provides appropriate cross-referencing to where the issues have been addressed within the DCO Application.

2. APPLICANT'S RESPONSE TO RELEVANT REPRESENTATIONS

2.1 Applicant's Comments on Relevant Representations Received from Harwich Haven Authority [RR-126]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
HHA-01	Harwich Haven Authority		<p>Harwich Haven Authority acknowledges the importance of developing UK offshore renewable generation and is supportive of all initiatives that reduce carbon emissions and are aligned to net zero targets. As the Statutory Harbour Authority and Trust Port our core remit is to provide safety of navigation to vessels using the waters within our 150 square mile jurisdiction area. Our jurisdiction covers a 12-mile approach to Harwich Harbour, the River Stour, and parts of the River Orwell. We are responsible for the conservancy of the main navigation channel into the Haven, which requires an ongoing maintenance dredging programme to maintain the depth required to accommodate the very largest and deepest container vessels in operation. We operate a 24/7, 365 day a year service to provide pilotage services to five port operators in the Haven, Port of Felixstowe, Navyard, Harwich International Port, Port of Mistley and the Port of Ipswich. The continuous, and uninterrupted flow, of vessels into the Port of Felixstowe is critical to UK trade, with approximately 40% of all containerised goods entering the UK via this gateway. In the early Autumn, 2023 we completed a £130m large-scale project to deepen the navigational approach channel into Harwich Harbour to 16.0m below chart datum. The purpose of the project is to accommodate the ever-growing breed of Megamax vessels in operation that (400 metres with a draught of 17.3 metres) call at the Haven ports. With a deeper navigational channel, and new deeper berths at the Port of Felixstowe, we envisage the combined value proposition will attract many more shipping lines to use the Port of Felixstowe and therefore vessels arriving and departing the Haven will increase. The worldwide maritime industry trend for less ship movements but larger vessels carrying equivalent tonnage looks set to continue. The Haven trade gateway is critical to UK PLC and our pilotage services cannot be interrupted. Delayed or missed Megamax arrivals would cause significant cost implications to Harwich Haven Authority. The ports industry is highly competitive and dissatisfied shipping lines are highly likely to look for an alternative port, potentially in Europe, if they do not receive the service standards they require. As a Trust Port we operate commercially but we do not have shareholders, which allows us to reinvest a percentage of our surplus profits back into the Haven for the benefit of stakeholders. We define a</p>	<p>[APP-106, APP-107 and APP-108].</p> <p>The potential for future increases in vessel size and numbers was analysed and accounted for within the NRA [APP-106, APP-107 and APP-108].</p> <p>The NRA [APP-106, APP-107 and APP-108] identified the need for project procedures to be put in place during cable installation or maintenance to ensure the impact on pilot boarding operations is managed. The Applicant has therefore prepared an Outline Navigation Installation Plan (NIP) (APP-259) to set out what procedures will be in place. This plan will be finalised post consent in consultation with Interested Parties which include the Harwich Haven Authority as set out in the Outline NIP [APP-259]. Consultation is ongoing to ensure the NIP adequately meets stakeholder requirements including with the Harwich Haven Authority.</p>

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
			stakeholder as anyone that uses, or has an interest in, the Haven and/or our operations. Harwich Haven Authority acts as a custodian of the Haven, and we have responsibility to Protect, Conserve and Improve our area of jurisdiction.	
HHA-02	Harwich Haven Authority		<p>During development, construction and operation of the North Falls Offshore Wind Farm we wish to be registered as an Interested Party and consulted with, including with regard to the below specific points:</p> <p>Maintaining the safety of navigation and safe passage for ships in the Sunk area. Maintaining the safety of navigation and safe passage for ships within Harwich Haven Authority harbour limits. Maintaining the safety of navigation and safe passage for ships within the approaches Harwich Haven Authority harbour limits. Maintaining the safety of navigation and safe passage for ships within adjacent waters to Harwich Haven Authority harbour limits. Ensuring the safety and continued operability of pilot boarding and landing operations in the Sunk area.</p> <p>Requiring protective measures within the DCO to ensure that the cable route is at a suitable depth to ensure future deep draught vessels can navigate the Sunk area. The cable (and any covering material e.g. rock armour) must be at least 22 metres below Chart Datum to allow future vessel with a draught of 20 metres.</p> <p>Controlling development and project construction related marine operations to ensure that there are no concurrent Restricted Ability to Manoeuvrer (RAM) operations occurring in the Sunk area. This must include the other DCO cable projects in this arear; Five Estuaries project and the National Grid Sea Link project.</p> <p>Exclusion zone(s) must not be put in place in the Sunk area or channel that would restrict 24/7/365 vessel access requirements or pilot boarding operations etc. Safety zone(s) must not be able to impede vessel traffic movements within the Sunk area or normal operations such as pilot boarding. In the Sunk area, cable depth needs to consider that the world's largest vessels may anchor and dredge anchors in emergency scenario. It must be considered that should a serious incident occur, there may be a significant irreversible environmental harm.</p> <p>As the risk of the worst credible outcome is not precisely calculable in advance, the Precautionary Principle alongside the ALARP principle must be used when considering navigational risk assessment. All works within Harwich Haven Authority statutory harbour limits will require a Work License.</p>	<p>The Navigational Risk Assessment (NRA) [APP-106; APP-107; and APP-108] and ES Chapter 15 Shipping and Navigation [APP-029] demonstrate that risks associated with the development of the Project have been mitigated to As Low as Reasonably Practicable (ALARP) / not significant in Environmental Impact Assessment (EIA) terms. This includes mitigation to ensure that there are no long-term limitations on the nationally important routes into local major ports and pilot boarding through the NIP [APP-259]. Consultation is ongoing to ensure the NIP adequately meets stakeholder requirements including with the Harwich Haven Authority.</p> <p>Mitigation to ensure that there are no long-term limitations on the nationally important routes into local major ports is included through the NIP [APP-259] which includes maintaining safe navigation, passage and pilotage for vessels in the approaches and adjacent to the approaches to Harwich Haven. Consultation is ongoing to ensure the NIP adequately meets Harwich Haven Authority requirements including the continued operability of pilot boarding and landing in the Sunk area. The NIP identifies interested parties for the construction and operation of the Project, and this includes the Harwich Haven Authority.</p> <p>The Applicant is engaging with ports including the Harwich Haven Authority on cable burial depths and methodology, for the purpose of obtaining sufficient depths while also minimising impact on shipping during the installation process.</p> <p>There will be no formal restrictions to vessel transit other than through 500m safety zones during construction/decommissioning and major maintenance, and 50m safety zones for installed structures pre-commissioning. These are as per the Safety Zones outlines in the Safety Zone Statement [APP-258]. Safety zones will all be within the array area, and therefore outside of all Sunk TSS lanes and the precautionary areas. The impact of safety zones will be assessed further post-consent within a safety zone application, as referenced within the Safety Zone Statement [APP-258].</p> <p>Regarding the licence requirement for works within HHA statutory harbour limits, the Applicant notes that a licence cannot be applied for until the detailed design has been carried out, it is known what, if any, works would fall within the statutory limits and the timing and details of vessels for works is known.</p>

2.2 Applicant's Comments on Relevant Representations Received from Historic England [RR-130]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
HE-01	Historic England	Intro	The Historic Buildings and Monuments Commission for England (Historic England) is a statutory consultee in relation to the historic environment, the lead body for the heritage sector and the Government's principal adviser on the historic environment. We summarise our representation regarding this proposed project as follows.	Noted.
HE-02	Historic England	Offshore and Intertidal Archaeology and Cultural Heritage	1. We are aware that marine geophysical survey was undertaken in 2021, which was able to identify a range of potential archaeological anomalies within the proposed Order Limits. This coupled with the assessment of desk-based data sources have highlighted the clear potential for both known and unknown heritage assets to be present. As such, heritage assets could be impacted directly or indirectly by the proposed development.	Noted. Both direct and indirect impacts are assessed in Section 16.6 of ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage [APP-030] .
HE-03	Historic England	Offshore and Intertidal Archaeology and Cultural Heritage	2. Mitigation measures to avoid, minimise and mitigate these impacts have been proposed. Our focus will be on ensuring these are appropriately secured through the draft Development Consent Order (DCO) and draft Marine Licences. In particular, we are concerned with the spatial proximity of this proposed development to HMS E6 (subject to statutory protection under the Protection of Military Remains Act 1986), which is situated within the export cable corridor. It is disappointing that the sites status as a protected place is not discussed in Chapter 16 (Examination Ref. APP-030), and as such the statement made in paragraph 109 that there are no known sites with statutory protection is incorrect.	It is acknowledged that HMS E6 is a protected place under the Protection of Military Remains Act 1986 and that this was not reported in ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage [APP-030] nor in ES Appendix 16.1 Archaeological Assessment of Geophysical Data [APP-109] in error. It is therefore also acknowledged that the statement that there are no known sites with statutory protection is incorrect. The location of HMS E6 is known and will be avoided through the application of an Archaeological Exclusion Zones (AEZ). In accordance with the Protection of Military Remains Act 1986 no activities will take place at the location (or within the AEZ), the site will remain undisturbed, and nothing will be removed from the site. To this end, amendments to the recommended Archaeological Exclusion Zones (AEZs) to be implemented at the location, to ensure full avoidance of the wreck, and any potentially associated debris, have been agreed in consultation with the Ministry of Defence, as the competent authority for all responsibilities under the 1986 Act. These amendments are reflected in the updated Outline Offshore Written Scheme of Investigation (WSI) (Document reference [7.11, Rev1] , submitted at Deadline 1).
HE-04	Historic England	Offshore and Intertidal Archaeology and Cultural Heritage	3. We note a 50m Archaeological Exclusion Zone (AEZ) is proposed for the HMS E6. We hereby confirm that the Ministry of Defence is the competent authority for all responsibilities under the 1986 Act.	The suitability of the currently proposed 50m AEZ has been confirmed with the Ministry of Defence as the competent authority for all responsibilities under the 1986 Act.
HE-05	Historic England	Offshore and Intertidal Archaeology and Cultural Heritage	4. It is apparent that marine geotechnical survey work has not been conducted. It is therefore important the Outline Offshore Written Scheme of Investigation (WSI) provides for geoarchaeological analysis of geotechnical survey materials. Additionally, geoarchaeological investigations should be appropriate secured through the DCO and draft Marine Licences.	A commitment to geoarchaeological assessment is detailed in in Section 16.5.1.2.3 of ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage [APP-030] . The approach to geoarchaeological assessment and analysis is set out in the Outline WSI (Offshore) [APP-246] and the requirement for a final agreed, post-consent WSI is included as a condition of the dML in Draft DCO [APP-005] .
HE-06	Historic England	Offshore and Intertidal	5. We note the chapter on Offshore and Intertidal Archaeology and Cultural Heritage (Chapter 16) and the Outline Offshore	Noted.

		Archaeology and Cultural Heritage	WSI (Examination Ref: APP-246) have included changes based on our previous comments to the PEIR (dated 14th July 2023) and a draft Offshore WSI (dated 18th April 2024). These progress towards addressing our previous comments, and we will provide further detail on this in our Written Representation.	
HE-07	Historic England	Onshore Archaeology and Cultural Heritage	6. The proposal lies in a sensitive area for the historic environment and the Environmental Statement (ES) Chapter 25 (Examination Ref: APP-039) confirms the proposal will impact on a wide range of terrestrial heritage asset receptors both designated and undesignated, whether Option 1, 2 or 3 is pursued in a consented scheme.	Noted.
HE-08	Historic England	Onshore Archaeology and Cultural Heritage	7. The baseline and assessment is clearly set out in the accompanying desk-based archaeological assessment (DBA) and accompanying ES chapters. It was agreed during the scoping process that detailed assessment of the impact of the proposal upon the historic environment would be required.	Noted.
HE-09	Historic England	Onshore Archaeology and Cultural Heritage	8. Some archaeological evaluation work has been undertaken, for example geophysical survey, to determine the significance and therefore the degree of harm to those assets. We have however raised concerns during the pre-application process (See comments in Table 25.1) about the limited extent of many surveys, in the context of the large scale of the scheme. A key issue concerns whether the detailed magnetometry technique adopted is suitable for all of the diverse local topographies, pedologies, hydrologies, archaeologies and geologies along the route. This is an especial concern where upper masking deposits of alluvium and colluvium can obscure underlying evidence.	<p>The assessment presented within Section 25.6 of ES Chapter 25 Onshore Archaeology and Cultural Heritage [APP-039] was informed by an archaeological desk-based assessment, an assessment of aerial photography and Lidar data, a geoarchaeological desk-based assessment, archaeological and geoarchaeological monitoring of Ground Investigation works, geophysical survey and trial trench evaluation. Geophysical survey has been completed across 97% of the onshore project area. The exceptions to this were small areas unsuitable for survey or restricted by landowner access. Trial trenching and Palaeolithic test pitting within the onshore substation was also undertaken to assess the archaeological potential identified from the earlier non-intrusive work. This body of work is considered to form a proportionate basis on which to base the ES assessment to make an informed judgement on the impacts of the development upon the heritage significance of known and potential archaeological remains, and inform an effective mitigation strategy of the identified effects as detailed within the Outline Onshore Written Scheme of Investigation [APP-247].</p> <p>Detailed magnetometry was considered an appropriate survey technique to inform the assessment as it can quickly evaluate large areas and, under favourable conditions, identify a wide range of archaeological features. Alternative geophysical survey methodologies would be considered where the geoarchaeological assessment, or the results of the detailed magnetometry survey, identified the need for it, as was detailed within the WSI for Geophysical Survey approved by the Onshore Cultural Heritage Expert Topic Group, with Essex County Council and Historic England. The WSI for Geophysical Survey will be appended to the Outline Onshore Written Scheme of Investigation [APP-247], and an updated version of which will be submitted at a future deadline.</p>
HE-10	Historic England	Onshore Archaeology and Cultural Heritage	9. In order to provide an effective mitigation strategy for heritage, assets particularly non-designated archaeological sites within the construction corridor, need to be fully assessed so that the significance and value to be determined and assigned. This is best done via a range of techniques tailored to the specifics of each site, however in our view it should include intrusive field evaluation at agreed locations along the length of the proposed cable route corridor.	<p>Targeted intrusive field evaluation was undertaken within the onshore substation, an area of fixed permanent infrastructure. Areas where substantial archaeological remains were identified, through other non-intrusive evaluation techniques, have been avoided by the Project as far as reasonably possible.</p> <p>The baseline presented within Section 25.5 of ES Chapter 25 Onshore Archaeology and Cultural Heritage [APP-039] is considered to form a proportionate basis upon which to base the impact assessment and inform an effective mitigation strategy.</p>
HE-11	Historic England	Onshore Archaeology	10. At present the values set out in Chapter 25, Table 25.11 and assigned to individual heritage assets is, in our view, based on only a partial assessment because of the limited locations of the	The Applicant does not agree that the assessment is only partial.

		and Cultural Heritage	field evaluation undertaken. These heritage values are often therefore only interim or draft and present a risk to any implementation stage of the project.	The desk-based assessments, non-intrusive surveys and targeted intrusive evaluation is considered sufficient to inform the heritage values assigned to individual heritage assets and to make an informed judgement on the impacts of the development upon heritage significance, and inform an effective mitigation strategy.
HE-12	Historic England	Onshore Archaeology and Cultural Heritage	11. We acknowledge the applicant has set out mitigation and we appreciate there are factors that can limit opportunities for evaluation. However, further intrusive assessment provides clarity on significance and reduces project risk particularly when targeted at key construction areas such as cable landing and direct drilling sites.	The Outline Onshore Written Scheme of Investigation [APP-247] details the approach to further survey and evaluation work which will inform the detailed design stage of the project as well as any specific archaeological mitigation requirements at each site. The construction methodology and the width of the onshore cable route retain enough flexibility for the project to be able to avoid archaeological remains of high significance.
HE-13	Historic England	Onshore Archaeology and Cultural Heritage	12. It is important to identify any sites which are of equivalent value to a designated heritage asset as soon as possible, and prior to construction work commencing to ensure mitigation measures are effective and can be implemented. One such site – the Little Bromley henge, (see Table 25.11) has already been identified by the project team. Evaluation fieldwork is often the only reliable way to identify such sites before any direct impacts to them are consented.	<p>The Outline Onshore Written Scheme of Investigation [APP-247] sets out the approach to further survey and evaluation work which will confirm the presence/absence of archaeological remains and inform an appropriate approach to mitigation. Where archaeological remains are identified and considered to be of high significance, these can be avoided by design and preserved in situ. Appropriate mitigation will be implemented for archaeological remains considered to be of lower significance.</p> <p>To note, the Little Bromley Henge, identified through an assessment of aerial photography, is located beyond the Order Limits and has been avoided.</p>
HE-14	Historic England	Onshore Archaeology and Cultural Heritage	13. Geoarchaeological and geotechnical information provided appears to have been based on a low and uneven number of interventions located largely at the far ends of the route. This is challenging for assessing early prehistoric and environmental archaeological significance and further work and modelling will be required.	A commitment to undertake further geoarchaeological assessment is set out in the Outline Onshore Written Scheme of Investigation [APP-247].
HE-15	Historic England	Onshore Archaeology and Cultural Heritage	14. Although we welcome aspirations around avoidance and micro-siting to manage unexpected archaeological impacts, we consider that the evaluation work needs to be revisited and expanded by the applicant and more information provided in order to inform a decision.	The Outline Onshore Written Scheme of Investigation [APP-247] sets out the approach to further survey and evaluation work post-consent to inform the detailed design stage and subsequent mitigation technique, such as preservation in situ or preservation by record.
HE-16	Historic England	Onshore Archaeology and Cultural Heritage	15. The impacts of the proposals on the settings of selected heritage assets have been considered in ES Appendix 25.3 (Onshore Infrastructure Setting Assessment; Examination Ref: APP-148 and APP-149). We welcome that visualisations have been included but note that they are set against photographs taken in summer, with trees in full leaf.	Appendix 25.3 Onshore Infrastructure Setting Assessment [APP-148 and APP-149] presents visualisations taken during the summer and winter months. The Applicant acknowledges an error on some of the winter visualisations which show a summer date in the legend.
HE-17	Historic England	Onshore Archaeology and Cultural Heritage	16. The proposed onshore substation will have a less than substantial, but cumulative impact on the significance of nearby heritage assets in terms of their rural setting and their relationships to the wider landscape, including the setting of the scheduled cropmarks south of Ardleigh (Essex). We encourage further steps to assess and mitigate this impact.	<p>ES Appendix 25.3 Onshore Infrastructure Setting Assessment [APP-148 and APP-149] considers how the rural landscape setting contributes to the heritage significance of the assets assessed and includes visualisations of the cumulative onshore substations.</p> <p>The cumulative effects are presented in Section 25.8 of ES Chapter 25 Onshore Archaeology and Cultural Heritage [APP-039]. The CEA concluded that where changes to the setting of the identified heritage assets may occur, the cumulative effect would not substantially impact the asset's heritage significance.</p> <p>Section 5.5 of the Design Vision [APP-234] sets out the outline landscape strategy for the onshore substation, considering the historic landscape structure (Section 5.5.6) within and surrounding the onshore substation. This includes historic field boundaries and footpaths to inform the location of new boundaries. The Outline Landscape Mitigation Plan (Section 5.5.10) shows how new planting of woodland shelter belts,</p>

				hedgerows and hedgerow trees will interconnect with perimeter features to reduce the landscape character and visual effects.
HE-18	Historic England	Onshore Archaeology and Cultural Heritage	17. We note an Outline Onshore WSI (Examination Ref: APP-247) has been prepared in consultation with the statutory consultees, which sets out details of post-consent assessment and mitigation measures and we will provide further comments in our Written Representation. We advise that these comments will include, but not be limited to, the Protocol for Archaeological discoveries (PAD), curatorial and science adviser liaison, the scope and detail of the outreach and engagement aspects of the project, the post-excavation work as well as publication, dissemination and archiving including how the Essex HER will be updated with the substantial volume of expected results.	Noted.
HE-19	Historic England	Onshore Archaeology and Cultural Heritage	18. The Outline Code of Construction Practice (Examination Ref: APP-248) does not address archaeology except to cite the Onshore WSI as a document to read alongside. We therefore recommend that the CoCP is updated to include a section on archaeology, so that headline principles around its role in site inductions, the timings, scope and implementation of fieldwork, as well as protocols for unexpected discoveries, public engagement, County Archaeologist sign-off of investigations, and the monitoring and maintenance of no dig areas are highlighted in this key control document.	The Applicant has updated the Outline Code of Construction Practice (CoCP) [APP-248] to include a section about the archaeological works and the procedures to be followed by all contractors. The updated Outline CoCP (Document Reference 7.13) will be submitted at Deadline 1.
HE-20	Historic England	Onshore Archaeology and Cultural Heritage	19. The Draft Development Consent Order (Examination Ref: APP-005), Schedule 1, Part 3, Requirement 11(1) – Onshore Archaeology, states: “No stage of the onshore works may commence until for that stage an [sic] written scheme of archaeological investigation in accordance with the outline onshore written scheme of investigation as appropriate for the relevant stage has been submitted to and approved by the relevant planning authority.”	Noted.
HE-21	Historic England	Onshore Archaeology and Cultural Heritage	20. We request that this requirement is amended to include Historic England and the County Council archaeological service (Essex Place Services), as advisers to the LPA, with whom consultation is to be conducted prior to approval.	The Applicant will amend the wording of the draft DCO to include Historic England as a consultee.
HE-22	Historic England	Onshore Archaeology and Cultural Heritage	21. We recommend that if granted on current understanding, any DCO condition explicitly allows for a first, evaluation stage of archaeological work in each stage, before securing a detailed investigation stage to follow.	The Applicant will amend the wording of the draft DCO [AS-022] to allow for an evaluation stage of archaeological work before securing the archaeological mitigation stage of work.

2.3 Applicant's Comments on Relevant Representations Received from National Highways [RR-240]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
NH-01	National Highways	Intro	This letter consists of National Highways' Relevant Representation in respect of the Development Consent Order (DCO) application by North Falls Offshore Wind Farm Limited (the Applicant) for consent to construct an offshore Wind Farm. National Highways is the government owned company which operates, maintains and improves the Strategic Road Network (SRN) as the strategic highway company appointed under the provisions of the Infrastructure Act (2015) and in accordance with the Licence ¹ issued by the Secretary of State for Transport.	Noted.
NH-02	National Highways		National Highways is a statutory consultee to the planning process. It has a specific obligation to deliver economic growth through the provision of a safe and reliable SRN, in line with the provisions set out in DfT Circular 01/2022: The strategic road network and the delivery of sustainable development ² . The Circular sets out how National Highways will work with developers to ensure that specific tests are met when promoting a scheme. This includes ensuring the transport impact is understood, any mitigation (or other infrastructure) is designed in accordance with the relevant standards and that environmental impacts are appraised and mitigated accordingly.	Section 27.4.1.2.2 of the ES Chapter 27 Traffic and Transport [APP-041] includes a review of the DfT Circular 01/2022 and confirms that the requirements have been discussed with National Highways and are addressed within the ES Chapter 27 Traffic and Transport [APP-041] and ES Appendix 27.1 Transport Assessment [APP-165].
NH-03	National Highways		National Highways has met with the Applicant and its consultants on several occasions during the pre-application period and has reviewed the application documents. This has enabled National Highways to form a general understanding of the impacts of the proposed Development on the SRN. Issues of potential concern to National Highways are summarised in the attached Relevant Representation, although it should be noted that further, more detailed analysis will be undertaken over the next few weeks, in advance of the anticipated Preliminary Meeting, to enable a more detailed assessment of the potential implications. National Highways' requirements are highlighted in bold in the attachment and will need to be addressed to enable the Representation to be withdrawn.	<p>The Applicant welcomes the recognition from National Highways of the engagement to date, which is summarised within the ES Appendix 27.4 Traffic and Transport Consultation [APP-168]. The Applicant has provided an initial response to the comments raised by National Highways below and has also met with National Highways to discuss these matters further on the 26 November 2024 and 7 February 2025.</p> <p>The meetings were productive and it was agreed by both parties to use the 'Agreement Log' developed during pre-application engagement as a basis for a Statement of Common Ground and further engagement with National Highways will continue to seek to close out any residual matters.</p> <p>Responses to the specific points raised in Annex A are provided below.</p>
NH-04	National Highways		<p>In summary, the principal concerns to National Highways relate to impacts on the SRN during construction and can be summarised as follows:</p> <ol style="list-style-type: none"> 1. Traffic modelling issues, on which we expect to have a clearer position in advance of the Preliminary Meeting. 2. Demonstration of the adequacy of mitigation works proposed at the junction of the A120 and Bentley Road. 3. Outstanding risks associated with the Abnormal Indivisible Loads proposals. 	

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
			4. Protective Provisions. These issues are set out in more detail in Annex A to this letter.	
NH-05	National Highways	Conclusion	In conclusion, several matters require resolution before National Highways can support the proposals submitted in the application. However, we are keen to resolve the concerns raised within this Relevant Representation to enable the development to proceed, whilst safeguarding the safe operation of the SRN.	
NH-06	National Highways	Annex A 1. Introduction	1.1 This note summarises the issues identified by National Highways from an initial review of the application documentation.	Noted.
NH-07	National Highways	Annex A 1. Introduction	1.2 National Highways' concerns currently relate to the construction impacts on the Strategic Road Network (SRN) of the proposed development only. It is not anticipated that the development will have any adverse effects on the SRN during its operation once constructed.	The Applicant welcomes confirmation from National Highways that the Project's operational traffic is not anticipated to have an adverse effect upon the SRN. This accords with previous agreements with National Highways at an expert topic group meeting on the 7 June 2022 where it was agreed that operational effects can be scoped out of the assessment (as detailed in ES Appendix 27.4 Traffic and Transport Consultation [APP-168]).
NH-08	National Highways	Annex A 1. Introduction	1.3 The sections of the SRN which are potentially affected by the proposed development are the A120 to the east of A12 Junction 29 in Colchester, where the A120 meets the A12, through to and including the roundabout of the A120 with Parkeston Road in Harwich, where the SRN ends. The A120 is a key east to west route in the East of England, running between M11 Junction 8 in the west to Harwich Port in Essex to the east.	Noted, please refer to the Applicants' detailed response to NH-13 below which confirms agreement of the traffic and transport study area.
NH-09	National Highways	Annex A 1. Introduction	1.4 The proposed onshore substation for the Wind Farm will be in the Ardleigh area. Construction access to this site will be via Bentley Road, which connects to the SRN at the A120. Right-hand turns from the Harwich direction of the A120 onto Bentley Road are not permissible due to the existence of a Vehicle Restraint System, which was implemented on the central reserve in recent years, as a road traffic safety measure. Therefore, vehicles travelling from Harwich, would need to undertake a 360 degree turn at the next roundabout to access Bentley Road, except Abnormal Indivisible Loads (AILs), which would be unable to make this manoeuvre. Instead, the Applicant's proposed arrangements are for AILs to switch at Horsely Cross roundabout to the eastbound carriageway under a road closure, and then turn right into Bentley Road.	Noted, please refer to the Applicant's detailed response to NH-28 below which confirms that National Highways have provided agreement in principle to the proposed routing of abnormal indivisible loads.
NH-10	National Highways	Annex A 1. Introduction	1.5 The principal areas of concern to National Highways are summarised in this note. Further technical assessment of the application documents may reveal further issues that will need to be resolved.	The Applicant has provided a detailed response to all matters raised below.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
NH-11	National Highways	Annex A 2. Environmental Statement (ES) – Appendix 27.1: Transport Assessment	2.1 National Highways' technical consultants, AECOM, reviewed this document at a high level and provided initial advice to National Highways in respect of the traffic modelling documented in the Transport Assessment (TA). A more thorough review will be undertaken in the next few weeks.	Noted.
NH-12	National Highways	Annex A 2. Environmental Statement (ES) – Appendix 27.1: Transport Assessment Transport Assessment Scope	2.2 The TA states that meetings on 9 July 2021 with Essex County Council (ECC) and on 7 June 2022 with National Highways agreed that the TA will constitute an abridged document providing the technical input information for the ES. This includes establishing baseline traffic flows, baseline highway safety data, the derivation and distribution of construction traffic and the access strategy.	Noted.
NH-13	National Highways	Annex A 2. Environmental Statement (ES) – Appendix 27.1: Transport Assessment Transport Assessment Scope	2.3 The scope of study area is described in the ES and, as this element is key to determining the adequacy of the traffic modelling in assessing the impacts on the highway network, a further, more detailed review is required and will be completed before the Preliminary Meeting.	The Applicant would clarify that the extent of the traffic and transport study area presented within the ES Chapter 27 Traffic and Transport [APP-041] was agreed with National Highways at an expert topic group meeting on the 5 September 2023 (see ES Appendix 27.4 Traffic and Transport Consultation [APP-168]). Subsequent to the receipt of this relevant representation, the Applicant has also discussed this matter with National Highways at a meeting on the 26 November 2024, during this meeting National Highways confirmed that they were in agreement with the extent of the TTSA presented in the ES Chapter 27 Traffic and Transport [APP-041].
NH-14	National Highways	Annex A 2. Environmental Statement (ES) –	2.4 Traffic counts were commissioned by the Applicant, full details of which are provided within the TA. Department for Transport (DfT) and ECC sourced traffic flow information has also been used to inform the assessment. This appears to be in line with standard practice, but the information will be reviewed in detail before the Preliminary Meeting.	Noted.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		Appendix 27.1: Transport Assessment Baseline traffic data collection		
NH-15	National Highways	Annex A 2. Environmental Statement (ES) – Appendix 27.1: Transport Assessment Baseline traffic data collection	2.5 The baseline flows have been factored to the future year (2027) baseline demand using Trip End Model Presentation Programme (TEMPro) version 8. National Highways understands that use of TEMPro v8 is not currently accepted by ECC. This will require resolution, and any changes will need to be agreed with National Highways.	<p>The Overarching National Policy Statement for Energy EN-1 notes that if a project is likely to have significant transport implications, the applicant's ES should include a transport appraisal and the Department for Transport's Transport Analysis Guidance (TAG) provides guidance on modelling and assessing the impacts of transport schemes.</p> <p>TAG is provided by the Department for Transport (DfT) for projects or studies that require government approval and these projects are expected to make use of this guidance in a manner appropriate for that project or study. For projects or studies that do not require government approval, TAG should serve as a best practice guide. TAG identifies the use of TEMPro for forecasting traffic growth.</p> <p>At the time of the DCO application, TEMPro 8.1 (latest release of the software) with NTEM dataset 80 (released August 2022) was the most current version provided by the DfT and therefore in accordance with TAG best practice was adopted for the purposes of forecasting future year traffic flows. This remains the most current version.</p> <p>The alternative would be to use an older NTEM dataset 72 (released in August 2017). This dataset is over seven years old.</p> <p>The Applicant would also note that it has discussed this matter with National Highways and Essex County Council through the development of the DCO application. Environmental Statement Appendix 27.4 Traffic and Transport Consultation [APP-168] identifies that it was agreed with National Highways and Essex County Council at an Expert Topic Group meeting on the 5 September 2023 (a year after the release of dataset 80 in August 2022) that use of TEMPro was acceptable. No issues were raised by either party regarding the use of dataset 80.</p> <p>The Applicant has also undertaken a comparison of the background flows that would be generated through the use of Dataset 72 as opposed to Dataset 80. This highlights that dataset 72 would result in higher background flows, therefore the use of Dataset 80 is considered to represent a worst-case as lower background flows would result in a greater magnitude of change. The difference between the two datasets is also noted to be approximately 1.7%, which would be within day-to-day fluctuations in background traffic.</p> <p>Subsequent to the receipt of this relevant representation, the Applicant has also discussed this matter with National Highways at a meeting on the 26 November 2024, during this meeting National Highways confirmed that they accept the use of TEMPro dataset 80 for their network.</p>
NH-16	National Highways	Annex A 2. Environmental Statement (ES) – Appendix	2.6 National Highways notes that the TEMPro growth factors are presented in the TA for weekday averages only, which is likely to present an underestimate in comparison to the worst case. Therefore, National Highways requires that TEMPro growth factors are produced for both the AM and PM peak using NTEM growth factors for the appropriate road types.	For the assessment of the impacts of severance, amenity and highway safety (outlined in the Environmental Statement Chapter 27 Traffic and Transport [APP-041]) the assessment methodology considers the changes in daily traffic flows, rather than peak hour flows. This follows the salient Environmental Assessment of Traffic

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		27.1: Transport Assessment Baseline traffic data collection		and Movement guidance (EATM) ¹ . Daily TEMPro growth factors are therefore used to growth the observed daily flows to future year daily traffic flows. In contrast to other environmental impacts, EATM notes that the assessment of driver delay should typically be informed by considering changes in peak hour flows (e.g. AM and PM peak hours). However, as set out in the Applicant's response to NH-24 below, it was agreed with National Highways that junction capacity assessment would not be required. Consequently, TEMPro growth factors for AM and PM peaks were not provided.
NH-17	National Highways	Annex A 2. Environmental Statement (ES) – Appendix 27.1: Transport Assessment Baseline traffic data collection	2.7. Annex 27.1.3 of the ES provides a summary of forecast future traffic flows (2027), including HGV flows. National Highways will review the methodology adopted for obtaining the growth rates in detail in advance of the Preliminary Meeting. However, it is expected that all allocated and permitted development will be captured within the traffic growth calculations.	Noted.
NH-18	National Highways	Annex A 2. Environmental Statement (ES) – Appendix 27.1: Transport Assessment Baseline Highway Safety	2.8 At a meeting with National Highways, ECC and the Applicant on 5 September 2023, it was agreed that collision data from 2020 and 2021 should not be used due to the Covid-19 pandemic and the abnormally low traffic flows during that period. However, it appears that the TA includes collision data covering an 8- year period (2015-2023) includes the two Covid-19 pandemic years.	It is typically accepted practice to consider collision data for the latest five-year period for which data is available as there can be significant variations in data year-to-year. However, due to National and Regional 'lockdowns' imposed due to Covid-19 and lower overall traffic flows, the approach to data collection was discussed with both National Highways and Essex County Council. At the time of commencing data collection, there was limited data to clarify if reduced traffic flows had resulted in fewer collisions. It was therefore agreed with National Highways that data should be collected for the latest five-year period (i.e. inclusive of periods where there were Covid-19 lockdowns). This agreement is reflected in ES Appendix 27.4 Traffic and Transport Consultation [APP-168]. Following the publication of the Preliminary Environmental Information Report, National Highways requested an update to this agreed approach. It was agreed during a meeting with National Highways on the 5 September 2023 to review 5 years (pre-Covid-19) plus 18 months of Covid-19 (including 1 year post-Covid-19). Further collision data was therefore obtained for an eight-year period (the study period) covering the 01 August 2015 to 31 July 2023 inclusive. The ES Chapter 27 Traffic and Transport [APP-041] therefore includes a comprehensive and detailed analysis of this baseline collision data.
NH-19	National Highways	Annex A 2. Environmental Statement (ES) –	2.9 National Highways requests that the two Covid-19 years are excluded from the reported data.	Notwithstanding, the Applicant has reviewed the numbers of collisions along the A120 for the eight years during which data was collected, this demonstrates that: <ul style="list-style-type: none"> there was an average of 21 collisions per year from 2015 to 2023; during 2020 and 2021 (when there was Covid-19 lockdowns) there was 19 and 21 collisions respectively; and

¹ Institute of Environmental Management and Assessment, 2023. Institute of Environmental Management and Assessment Guidelines: Environmental Assessment of Traffic and Movement. July 2023.

Applicant’s Ref	IP Name	Issue	Issue raised	Applicant’s Response														
		Appendix 27.1: Transport Assessment Baseline Highway Safety		<ul style="list-style-type: none">the number of collisions on the SRN was not materially impacted by Covid-19 lockdowns. <p>Subsequent to the receipt of this relevant representation, the Applicant has discussed this matter with National Highways at a meeting on 26 November 2024, during this meeting National Highways confirmed that they are now able to agree with the inclusion of the two ‘Covid-19 years’ within the data.</p>														
NH-20	National Highways	Annex A 2. Environment al Statement (ES) – Appendix 27.1: Transport Assessment Baseline Highway Safety	<p>2.10 Section 3.2 of the TA includes collision analysis for links on the SRN and the local road network. Links of particular interest to National Highways are shown in the table below.</p> <p>Table 1 - Collision Links of interest to National Highways</p> <table><tr><th>Links</th><th>Link Description</th></tr><tr><td>1, 2</td><td>A120 from A12 Junction 29 to Harwich Road Roundabout</td></tr><tr><td>3, 15, 16</td><td>A120 from Harwich Road Roundabout to Colchester Road</td></tr><tr><td>4, 5, 7, 8</td><td>Bentley Road (alter Bromley Road) from A120 to Lawford Village centre</td></tr><tr><td>13, 14</td><td>B1035 / Clacton Road from A120 Roundabout to B1352</td></tr><tr><td>18, 19, 47</td><td>A120 from Colchester Road to Parkeston Roundabout, Harwich</td></tr><tr><td>20, 21a, 21b</td><td>A133 from A120 Junction to B1033 Roundabout</td></tr></table>	Links	Link Description	1, 2	A120 from A12 Junction 29 to Harwich Road Roundabout	3, 15, 16	A120 from Harwich Road Roundabout to Colchester Road	4, 5, 7, 8	Bentley Road (alter Bromley Road) from A120 to Lawford Village centre	13, 14	B1035 / Clacton Road from A120 Roundabout to B1352	18, 19, 47	A120 from Colchester Road to Parkeston Roundabout, Harwich	20, 21a, 21b	A133 from A120 Junction to B1033 Roundabout	The ES Chapter 27 Traffic and Transport [APP-041] and ES Appendix 27.1 Transport Assessment [APP-198] includes a comprehensive and detailed analysis of highway safety and concludes that there would be no significant effects upon users of the SRN.
Links	Link Description																	
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18, 19, 47	A120 from Colchester Road to Parkeston Roundabout, Harwich																	
20, 21a, 21b	A133 from A120 Junction to B1033 Roundabout																	
NH-21	National Highways	Annex A 2. Environment al Statement (ES) – Appendix 27.1: Transport Assessment Baseline Highway Safety	<p>2.11 These links include collision analysis of not only the junctions, but also of the connecting road links between junctions, which is helpful. From discussions with ECC and National Highways on 9 June 2021 and 7 June 2022 it was agreed that the highway safety review should examine the baseline collision data to identify areas where there is a concentration of collisions. The agreed definition of a collision cluster would be an area where there are four or more collisions in four years. The relevant locations are included in the TA and are summarised in Table 2 below.</p> <p>Table 2 - Collision clusters identified within the TA</p>															

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response															
			<table><tr><th>Cluster ID</th><th>Location of cluster</th><th>Number/severity of collisions</th></tr><tr><td>1</td><td>A12 Junction 29 (Ardleigh Crown Interchange)</td><td>22 collisions: 0 fatal, 5 serious, 17 slight</td></tr><tr><td>2</td><td>A120 / A133 junction</td><td>14 collisions: 2 fatal, 4 serious, 8 slight</td></tr><tr><td>12</td><td>A120 / Harwich Road (Hare Green Roundabout)</td><td>9 collisions: 0 fatal, 1 serious, 8 slight <i>*Prior to 2019 the junction was a priority junction</i></td></tr><tr><td>13</td><td>A120 / Parkeston Road / Station Road / Europa Way (Parkeston Roundabout)</td><td>9 collisions: 0 fatal, 4 serious, 5 slight</td></tr></table>	Cluster ID	Location of cluster	Number/severity of collisions	1	A12 Junction 29 (Ardleigh Crown Interchange)	22 collisions: 0 fatal, 5 serious, 17 slight	2	A120 / A133 junction	14 collisions: 2 fatal, 4 serious, 8 slight	12	A120 / Harwich Road (Hare Green Roundabout)	9 collisions: 0 fatal, 1 serious, 8 slight <i>*Prior to 2019 the junction was a priority junction</i>	13	A120 / Parkeston Road / Station Road / Europa Way (Parkeston Roundabout)	9 collisions: 0 fatal, 4 serious, 5 slight	
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NH-22	National Highways	Annex A 2. Environmental Statement (ES) – Appendix 27.1: Transport Assessment Baseline Highway Safety	2.12 These locations are of particular concern to National Highways and a comprehensive analysis of this information will be undertaken in advance of the Preliminary Meeting to enable a view to be formed as to the adequacy of the Applicant's assessment.																
NH-23	National Highways	Annex A 2. Environmental Statement (ES) – Appendix 27.1: Transport Assessment Traffic Impact	2.13 The TA states that detailed forecast quantities of materials/ plant movements and associated Heavy Goods Vehicle (HGV)/ Light Vehicle (LV) trips expected for each of the construction activities for North Falls Option 1 and North Falls / Five Estuaries Scenario 1 are contained within the Appendix. National Highways and AECOM will review this in more detail in advance of the Preliminary Meeting. However, the following issues have been identified at this stage which require resolution.: 																

Applicant's Ref	IP Name	Issue	Issue raised						Applicant's Response
				Area	North Falls		Five Estuaries & North Falls		<p>The assessment assumes all employee trips have been reduced by a factor of 1.5 at the entry point to the traffic and transport study area. This approach simulates multi pick-up of employees prior to entering the study area, typically by minibus, crew-van or car-share syndicates.</p> <p>It should be noted in real terms the overall ratio of 1.5 employees per vehicle would be made up of some essential single occupancy trips and multi-occupancy vehicles in excess of the average 1.5 employees per vehicle. The employee-to-vehicle ratio is secured through the commitments and measures set out within Section 3 of the Outline Construction Traffic Management Plan [APP-251] which is secured by a Requirement of the Draft DCO [AS-022].</p> <p>The Applicant also notes that the Outline Construction Traffic Management Plan [APP-251] sets out a commitment to monitor employees' method of travel and report this to National Highways as part of monthly Monitoring Reports. Furthermore, the Outline Construction Traffic Management Plan [APP-251] also defines an exceedance of the daily vehicle targets as a non-compliance whereby corrective action would be required.</p> <p>The primary metric that will inform compliance with the EIA assessment is the number of daily construction traffic movements generated. It is by this metric that compliance of the contractor and Applicant will be assessed. Car-share ratio is one of a number of options available to the contractor to the achieve compliance. The final CTMP will contain an agreed suite of measures to manage traffic generation.</p> <p>The Applicant would note that it has subsequently discussed this matter with National Highways at a meeting on the 7 February 2025. During this meeting the Applicant provided the above clarifications and National Highways who confirmed these were helpful and that they would review the Outline Construction Traffic Management Plan [APP-251] to audit the adequacy of controls.</p>
					Maximum	Average	Maximum	Average	
			Section 1	Landfall to Railway	195	146	327	194	
			Section 2	Railway to B1033 Thorpe Road	107	64	141	81	
			Section 3	B1033 Thorpe Road to B1035 Tendring Road	200	127	236	175	
			Section 4A	B1035 to Tendring Brook	120	57	116	76	
			Section 4B	Tendring Brook to A120	175	107	198	146	
			Section 5	A120 to Bentley Road	148	86	183	115	
			Section 6 and 7	Bentley Road to Ardleigh Road (A12 J29)	167	116	195	138	
			<p>Given the flows anticipated, and especially in the cumulative scenario with the Five Estuaries project, National Highways requires that the net increase in peak hour movements at each of the SRN junctions are provided.</p> <p>(ii) The employee movements have been converted to LV trips by applying an average employee to vehicle ratio of 1.5 employees per vehicle.</p> <p>National Highways requests that evidence/ justification is provided that supports using a car occupancy rate of 1.5 employees per car.</p>						
NH-24	National Highways	Annex A 2. Environmental Statement (ES) – Appendix 27.1: Transport Assessment Traffic Impact	2.14 National Highways also requests that Junction capacity assessments are undertaken at any Strategic Road Network junctions that experience an increase of more than 30 vehicles in a peak hour. To avoid abortive work, the number of peak hour trips expected at each junction should be agreed with National Highways prior to undertaking the junction capacity assessments.						<p>The Applicant would clarify that it has discussed this matter with National Highways during the development of the DCO application. ES Appendix 27.4 Traffic and Transport Consultation [APP-168] identifies that it was agreed with National Highways and Essex County Council at an Expert Topic Group meeting on the 5 September 2023 that no detailed assessment of driver delay (capacity) would be required. The rationale for this agreement was a commitment by the Applicant to ensuring that 80% of employees arrive prior to the morning network peak hour (07:15 to 08:15) and depart before or after the evening peak hour (16:30 to 17:45). In support of this agreed approach ES Appendix 27.1 Transport Assessment [APP-198] provides details of hourly traffic flows.</p> <p>The commitment to ensuring that 80% of employees arrive prior to the morning network peak hour and depart before or after the evening peak hour is captured within the Outline Construction Traffic Management Plan [APP-238] which is secured by a Requirement of the Draft DCO [AS-022].</p> <p>Subsequent to the receipt of this relevant representation, the Applicant has discussed this matter with National Highways at a meeting on 26 November 2024. During this meeting National Highways agreed with the historic position outlined above but have requested capacity modelling to ensure that the residual trips (i.e. the 20% of employees that could travel in the peak hour) do not lead to significant effects. The Applicant has agreed to undertake initial capacity modelling at two critical junctions along the A120 for the consideration of National Highways.</p>
NH-25	National Highways	Annex A	3.1 National Highways acknowledges the work undertaken by the Applicant to develop mitigation proposals at the junction of						Subsequent to this comment, the Applicant and Five Estuaries Offshore Wind Farm Limited have agreed the Road Safety Audit brief with National Highways and the Stage 1 Road Safety Audit has been completed.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		3. Proposed Mitigation at the A120 Junction with Bentley Road	Bentley Road with the A120. Whilst the general approach to widening to enable HGVs, especially Abnormal Loads, to turn into Bentley Road, the precise scope is yet to be mutually agreed.	The Applicant and Five Estuaries Offshore Wind Farm Limited will submit this to National Highways for their consideration.
NH-26	National Highways	Annex A 3. Proposed Mitigation at the A120 Junction with Bentley Road	3.2 The Applicant is required to complete a Road Safety Audit (RSA) 1 and must agree the Safety Brief with National Highways in advance. The RSA will need to consider matters pertaining to the SRN, including the ability of the design to accommodate HGV swept paths and the capacity of the design to enable movements without blocking back on the A120 mainline.	
NH-27	National Highways	Annex A 3. Proposed Mitigation at the A120 Junction with Bentley Road	3.3 As noted in paragraph 2.14 above National Highways also requires that this junction is modelled, assuming an increase in at least 30 vehicles in the peak hour are forecast to use it.	Please refer to the Applicants response to NH-24.
NH-28	National Highways	Annex A 4. Environmental Statement – Appendix 27.2 Abnormal Indivisible Load (AIL) Access Report	4.1 The Applicant proposes that the largest and heaviest equipment and components required for the transmission facility at Ardleigh will be brought by sea to the Port of Harwich and from there, via the A120 and Bentley Road, to the site.	<p>The Applicant welcomes confirmation from National Highways that it supports the proposed strategy to transport transformers from the Port of Harwich along the A120 and via Bentley Road.</p> <p>The Applicant would clarify that an earlier version of the ES Appendix 27.2 Abnormal Indivisible Load Access Report [APP-166] was included within the DCO application and the most current version will be provided at Deadline 1 (Document Reference 3.3.65, Rev 1). The Applicant has also shared a copy of the most recent Abnormal Indivisible Load Access Report with National Highways. This report clarifies that in terms of structures that:</p> <p><i>“There are several structures on the A120 trunk road, and a response has been received 17.07.24 from National Highways East in terms of their suitability for the proposed loads. The most significant structure would appear to be Bradfield Road (ID 13511) at Wix. The 24 and 28 axle girder frame trailers proposed have both been accepted without restrictions following the Abnormal Load Appraisal report provided by NH East Regions consulting engineers Atkins.”</i></p>
NH-29	National Highways	Annex A 4. Environmental Statement – Appendix 27.2 Abnormal Indivisible Load (AIL) Access Report	4.2 The report in the ES states that National Highways' Abnormal Loads Team has provided an Agreement in Principle for Special Order deliveries (transformers) from Harwich Port via the A120.	<p>The report also clarifies in terms of the new roundabout that:</p> <p><i>“Wynns are of the view following a dimensional check of the proposed new roundabout as shown in Persimmon Homes Drawing Number 830_010_WLD_XX_XX_DR_CH_0001 (A07). General Arrangement that it would be negotiable for the trailers considered with the appropriate street furniture removal”</i></p> <p>The Applicant wishes to clarify, that National Highways' abnormal loads team (responsible for approving abnormal load movements on behalf of the Secretary of State for Transport) have provided agreement in principle to the proposed route and no concerns had been raised regarding the matter.</p> <p>However, subsequent to providing this agreement (on 17 July 2024) the team providing the Relevant Representation for National Highways have raised further concerns in regard to the concrete road at the A120 Wix bypass (the A120 between Colchester Road and Harwich Road to the north of the village of Wix).</p> <p>The Applicant and Five Estuaries Offshore Wind Farm Limited are in ongoing dialogue with National Highways to understand if this matter is material (noting the agreement in principle from National Highways</p>

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
NH-30	National Highways	Annex A 4. Environmental Statement – Appendix 27.2 Abnormal Indivisible Load (AIL) Access Report	4.3 National Highways supports this proposal in principle as it complies with its policy of delivering abnormal loads to the nearest port to the site, thereby minimising movements on the SRN. The proposal involves switching carriageways at Horsley Cross Roundabout, to the east of Bentley Road, due to the VRS on the A120 prohibiting right-hand turns. This will require the temporary closure of the A120 during each AIL movement. Again, National Highways agrees to this in principle.	abnormal load team) and if so, how this matter can be resolved by all three parties. The Applicant and National Highways will provide an update to the ExA in due course.
NH-31	National Highways	Annex A 4. Environmental Statement – Appendix 27.2 Abnormal Indivisible Load (AIL) Access Report	4.4 It is stated that there are several structures on the A120 and a response to enquiries remains outstanding from the National Highways East Region on the suitability of the proposed loads. The structures are being assessed. However, there are added complexities with the route regarding the condition of the road, which need to be considered first.	
NH-32	National Highways	Annex A 4. Environmental Statement – Appendix 27.2 Abnormal Indivisible Load (AIL) Access Report	4.5 The most serious risk is the future condition of the concrete road surface on the A120, which has reached the end of its design life. Full replacement of the carriageway in the Wix area is required. It is not confirmed to be undertaken during RIS3 (by the end of the decade) and is currently thought unlikely to have been completed in advance of the Applicant's requirement for AILs to use the A120, due to affordability constraints and construction difficulties, with only minimal maintenance interventions expected during RIS3. Whilst these works will maintain the road to minimum standards to ensure the safe passage of vehicles, including HGVs, there is a risk that the road surface will not be able to accommodate particularly large AILs above 300 tonnes, which are being considered for use on this project. National Highways is therefore concerned about the potential risk to users of the SRN if there are particularly large AILs above 300 tonnes using the A120 and causing significant damage to the A120 road surface.	
NH-33	National Highways	Annex A 4. Environment	4.6 National Highways is currently reviewing information provided by the Five Estuaries Applicant in respect of vehicle sizes and axle loading to assess the risk to the SRN. It would be helpful to National Highways if the Applicant for North Falls	

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		al Statement – Appendix 27.2 Abnormal Indivisible Load (AIL) Access Report	could confirm that its proposed AILs conform with those for Five Estuaries. National Highways expects to understand the level of risk in respect of the use of heavy AILs on the A120 from Harwich in advance of the Preliminary meeting.	
NH-34	National Highways	Annex A 4. Environment al Statement – Appendix 27.2 Abnormal Indivisible Load (AIL) Access Report	4.7 If National Highways is unable to confirm that the road will be able to support the vehicles proposed for use by the Applicant, there may be a requirement for additional mitigation to be provided, or for an alternative AIL route to be pursued.	
NH-35	National Highways	Annex A 4. Environment al Statement – Appendix 27.2 Abnormal Indivisible Load (AIL) Access Report	4.8 In addition, the report states there are plans for a new housing development on the A120 that will involve construction of a new roundabout. The Applicant noted some slight issues with the proposed roundabout, but this will be confirmed by checking the final design drawings. The Applicant is required to demonstrate that the AILs will be able to negotiate several roundabouts with tight geometry between Harwich and Bentley Road, including the new one associated with the housing development, although it is thought that this is likely to be manageable.	
NH-36	National Highways	Annex A 5. Protective Provisions	5.1 The Applicant's legal team met with National Highways' lawyers alongside lawyers representing the Five Estuaries DC) on 16 September to discuss Protective Provisions to be incorporated into the DCO. National Highways had previously provided a copy of its standard Protective Provisions to the Applicant. The Applicant had also provided a set of draft Protective Provisions to National Highways for review.	Noted.
NH-37	National Highways	Annex A 5. Protective Provisions	5.2 There were a small number of areas of disagreement between the Applicant and National Highways, which would require further discussion before they could be resolved. However, the majority of clauses were agreed.	Noted.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
NH-38	National Highways	Annex A 5. Protective Provisions	5.3 It was agreed that the Applicants would make a number of amendments to the National Highways standard Protective Provisions and that the draft version would be submitted to National Highways for consideration. This was received today, 18 October 2024 and will now be reviewed.	Noted. An updated draft version of the Protective Provisions was provided to National Highways on 13 December 2024 for review. Discussions have been ongoing with National Highways since then and the Protective Provisions and associate side agreement are nearly agreed.
NH-39	National Highways	Annex A 5. Protective Provisions	5.4 Further meetings will be required with the Applicants to discuss any remaining areas of disagreement, following National Highways' review of this draft version of the document.	Noted. The Applicant will continue to engage with National Highways to work closely in relation to the relevant Protective Provisions following National Highways' review.
NH-40	National Highways	Annex A 6. Land Acquisition	6.1. The Applicant's proposals to temporarily acquire National Highways land, including the A120 verge, for construction access are considered acceptable, as is any conversion of National Highways non-operational land into highway at the Bentley Road Junction for the purposes of widening.	Noted.
NH-41	National Highways	Annex A 6. Land Acquisition	6.2 However, National Highways does not support the compulsory acquisition of land in its ownership for other purposes and has a specific concern relating to the trenchless cable crossing underneath the A120. The construction of this cable duct at a depth of 9m is considered acceptable by National Highways, subject to approval of the detailed design and construction methodology, which will be covered under the Protective Provisions.	The Applicant refers to Statement of Reasons [APP-009] which explains why it is necessary, proportionate and justifiable to seek powers of compulsory acquisition and why there is a compelling case in the public interest for the Applicant to be granted these powers, in accordance with section 122 of the Planning Act 2008.
NH-42	National Highways	Annex A 6. Land Acquisition	6.3 However, the subsoil beneath the A120 is owned by National Highways and has not been included in the Book of Reference. National Highways considers it essential to retain ownership of all subsoil rights as its assets are of long-term strategic importance and it is not possible to foresee any changes to the SRN that may need to be made in the future. National Highways is not prepared to consent to the compulsory acquisition of the subsoil of the SRN. Further discussion is required with the Applicant to resolve this matter. This principle also applies to the compulsory acquisition of any other land which is in National Highways ownership.	The Applicant notes the respondent's representation regarding subsoil rights beneath the A120 and acknowledges the respondent's position on the strategic importance of retaining ownership of subsoil rights beneath the Strategic Road Network (SRN). The Book of Reference [AS-026] and Land Plans [AS-018] identifies the Respondent as the owner or reputed owner of plot 11-004, comprising public highway and verges of the A120. As the identified owner or reputed owner of this plot the Applicant acknowledges the respondent's claim of subsoil rights. The Applicant's Statement of Reasons [APP-009] sets out in detail the justification and need for seeking powers of compulsory acquisition in respect of these and other land interests.
NH-43	National Highways	Annex A 7. Statement of Common Ground (SOCG)	7.1 The Applicant has not yet shared a draft SOCG with National Highways.	The Applicant has met with National Highways to discuss the Relevant Representation comments on 26 November 2024 and 7 February 2025. During the first of these meetings it was agreed between both parties to commence drafting of the Statement of Common Ground (SoCG) and that the SoCG should reflect extensive engagement between both parties to date (approximately five meetings dating back to 2021) which is summarised within the ES Appendix 27.4 Traffic and Transport Consultation [APP-168] .

2.4 Applicant's Comments on Relevant Representations Received from Network Rail Infrastructure Limited [RR-244]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
NRIL-01	Network Rail Infrastructure Limited		1. We act for Network Rail Infrastructure Limited (Network Rail) and have been instructed to submit relevant representations on its behalf. As a statutory undertaker affected by the proposed DCO we respectfully request the Examiner exercise its discretion and accept Network Rail as an interested party for the purposes of the Examination process.	Noted.
NRIL-02	Network Rail Infrastructure Limited		2. Network Rail is continuing to review the application material, with the intention that further detail will be provided at the written representation stage.	Noted.
NRIL-03	Network Rail Infrastructure Limited		3. We also note that the draft DCO currently does include protective provisions for the protection of the railway however, it is a version which has not been agreed with the Network Rail and therefore Network Rail wish to use their standard protective provisions, on the face of the draft DCO, which will be necessary given the proximate location of the works to the railway.	Noted. The Applicant has engaged with Network Rail and continues to work closely in negotiating the relevant Protective Provisions.
NRIL-04	Network Rail Infrastructure Limited		4. The draft DCO proposes to include the power to compulsory acquire new rights over Plots 4-010, 4-011, 4-013 and 4-014 as set out in Schedule 5 of the draft DCO. Network Rail will require their existing rights to be retained, as well any existing rights yet to be determined.	The Applicant has engaged with Network Rail, and will continue to work closely in negotiating acquisition of the necessary land rights by voluntary agreement(s) with Network Rail in respect of the plots owned by Network Rail, and with the landowners of plots over which Network Rail possess other rights, as sought for the onshore cable elements. Once Business and Technical Clearance are obtained the landowner will be issued with populated Heads of Terms in respect of the required land rights, which will inform any such agreement, please refer to Schedule of Negotiations [APP-010] . Any compulsory acquisition of rights and imposition of restrictions will be minimised as far as possible, please refer to the Statement of Reasons [APP-009] .
NRIL-05	Network Rail Infrastructure Limited		5. Network Rail will therefore require North Falls Offshore Wind Farm Ltd to; A) Include Network Rail's standard protective provisions for inclusion in the DCO; B) Potentially enter into a property agreement (easement) to govern the installation, operation and maintenance of any cable (subject to Network Rail's asset protection process); and C) Enter into a framework agreement that describes and attaches the documents referred to above, the protective provisions, clearance conditions and any necessary basic asset protection agreement, asset protection agreement, structures agreement or other engineering documents required for the benefit and protection of Network Rail's assets.	Noted. In respect of A) and B), please see response to NRIL-03 and NRIL-04. The Applicant notes C) and will continue to engage in discussion with Network Rail, including in relation to any agreement required alongside the land agreement(s) and protective provision(s).
NRIL-06	Network Rail Infrastructure		6. Without those agreements and satisfactory protective provisions being in place Network Rail considers the proposed development, if carried out in relation to the aforementioned	Noted.

	ure Limited		plots, would have serious detrimental impact on the operation of the railway and would prevent Network Rail from operating the railway safely and efficiently and in accordance with its Network Licence. Until such agreements are in place, Network Rail is unable to withdraw its objection to the DCO.	Please see response to NRIL-03 to NRIL-05.
NRIL-07	Network Rail Infrastructure Limited		7. We reserve our client's position to expand on this representation.	Noted.

2.5 Applicant's Comments on Relevant Representations Received from UK Health Security Agency [RR-344]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
UKHSA-01	UK Health Security Agency		Thank you for your consultation regarding the above development. The UK Health Security Agency (UKHSA) welcomes the opportunity to comment on your proposals at this stage of the project. Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided is sent on behalf of both UKHSA and OHID. We can confirm that: We have assessed the submitted documentation and wish to register an interest based on the below question relating to electromagnetic fields. Please show the calculations for the onshore 275 kV and 400 kV cables (and other associated equipment), as evidence of compliance with exposure guidelines is required, in line with the UK Government's Code of Practice on EMF compliance. We can confirm that we have registered an interest on the Planning Inspectorate Website. Please do not hesitate to contact us if you have any questions or concerns.	The Applicant acknowledges and thanks the UK Health Security Agency for its Relevant Representation. The Applicant intends to provide the calculations confirming the electromagnetic fields predicted to occur at ground level during operation of the onshore 275kV and 400kV buried electrical cables as evidence of compliance with the exposure guidelines, as cited in ES Chapter 28 Human Health [APP-042]. These will be provided at an appropriate deadline during the Examination.

2.6 Applicant's Comments on Relevant Representations Received from The Crown Estate [RR-332]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
TCE-01	The Crown Estate		The Crown Estate requests to be registered as an Interested Party in the examination of the North Falls Offshore Wind Farm. Our interest in the project is that North Falls Offshore Wind Farm Ltd holds an Agreement for Lease from The Crown Estate.	Noted.

2.7 Applicant's Comments on Relevant Representations Received from Suffolk and North East Essex Integrated Care Board [RR-317]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
SNEEICB-01	Suffolk and North East Essex Integrated Care Board		Having spent a considerable amount of time working with the team on the project through previous consultations and having meetings to discuss matters, I feel confident that we are aware of any impacts likely to occur on NHS services and are mitigating them as we proceed.	The Applicant acknowledges and thanks the Suffolk and North East Essex Integrated Care Board for its Relevant Representation.

2.8 Applicant's Comments on Relevant Representations Received from Ministry of Defence [RR-237]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
MOD-01	Ministry of Defence	Intro	Thank you for consulting the Ministry of Defence (MOD) in relation to the application for an order granting development consent for the North Falls Offshore Wind Farm through your communication dated 30 August 2024.	The Applicant acknowledges and thanks the Ministry of Defence (MOD) for its Relevant Representation.
MOD-02	Ministry of Defence	Intro	The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.	
MOD-03	Ministry of Defence	Intro	I write to advise the safeguarding position of the MOD in relation to the above applications to construct and operate the North Falls Offshore Wind Farm.	
MOD-04	Ministry of Defence		This scheme will comprise of up to 57 wind turbines, with a maximum height to blade tip of up to 377.9 metres above Mean High Water Springs (MHWS) that will be located approximately 40km off the East Anglian coastline. In addition to the wind turbine structures there will be offshore substation platform(s), offshore converter platform (if required), platform interconnector cable and array cables. The onshore part will comprise onshore cable route, substation works area, national grid substation connection and Bentley Road widening works.	Noted.
MOD-05	Ministry of Defence		The principal concerns of the MOD with respect to this proposed wind farm relate to the potential to create a physical obstruction to air traffic movements.	As noted in MOD-06, potential impacts on air traffic are assessed in ES Chapter 17 Aviation and Radar of the applicant's Environmental Statement [APP-031].

MOD-06	Ministry of Defence		Chapter 17 Aviation and Radar of the applicant's Environmental Statement (document reference: 3.1.19, Vol. 3.1, Rev. 0, dated July 2024) addresses Military Aviation within section 17.5.3. Within that section a number of MOD's technical assets including both Air Defence (AD) and Air Traffic Control (ATC) Radars.	Noted.
MOD-07	Ministry of Defence	Air Defence Radar	Paragraphs 69 to 71 within section 17.5.3 identify the potential for this proposed wind farm development to impact on the operation and capability of MOD Air Defence Radar (AD) located at Remote Radar Head (RRH) Neatishead and acknowledges that a previous MOD consultation response identified that the wind farm would be detectable. At paragraph 71, the applicant highlights that this potential harm may have been addressed by reducing the array area and wind turbine generator (WTG) size of the wind farm proposed	The Applicant's welcome agreement that there would be no impact to the AD radar at RRH Neatishead.
MOD-08	Ministry of Defence	Air Defence Radar	The MOD has carried out assessments using the currently proposed wind farm array area (as provided by the applicant by email dated 24 September 2024) and turbine dimensions (Chapter 5 Project Description of the applicant's Environmental Statement (document reference: 3.1.7, Vol. 3.1, Rev. 0, dated July 2024)) and can confirm that the wind turbines at this location and height will cause no impact to the AD Radar mentioned.	
MOD-09	Ministry of Defence	Air Traffic Control	Paragraphs 66 to 68 within section 17.5.3 identify the potential for the development to impact the operation and capability of MOD Air Traffic Control (ATC) Radars.	Noted.
MOD-10	Ministry of Defence	Air Traffic Control	At paragraph 67 the applicant identifies that the proposed wind farm would be visible to the Primary Surveillance Radar sited at Wattisham Station. The MOD assessments of the potential impacts has identified that the proposed development would have no operational impact on this radar.	
MOD-11	Ministry of Defence	Physical Obstruction	In this case the development falls within Low Flying Area 5 (LFA 5). Within these areas fixed wing aircraft may operate as low as 250 feet or 76.2 metres above sea level to conduct low level flight training. The addition of turbines in this location would introduce a physical obstruction to low flying aircraft operating in the area.	Noted.
MOD-12	Ministry of Defence	Physical Obstruction	The applicant has sought to address the potential for the development to form an obstruction by adding the requirement at Schedule 1, Part 3, Requirement 3 of the draft Development Consent Order (document reference 6.1, Vol. 6, Rev. 0 dated July 2024). Requirement 3 sets out that the wind farm will be lit to meet MOD aviation safety requirements and stipulates that sufficient information will be provided to ensure the development is appropriately charted.	
MOD-13	Ministry of Defence	Landfall and Onshore	It is proposed that the export cables will make landfall at Kirby Brook, and onshore export cables would then transport the	Noted.

		Export Cables	electricity to the onshore substation located near Ardleigh within the Tendring district of Essex.	
MOD-14	Ministry of Defence	Landfall and Onshore Export Cables	Chapter 5 Figures of the applicant's Environmental Statement (document reference: 3.2.3, Vol. 3.2, Rev. 0, dated July 2024) provides at Figure 5.2a the proposed Onshore Project Components.	Noted.
MOD-15	Ministry of Defence	Landfall and Onshore Export Cables	The MOD has identified that the Onshore Cable Route will pass through a Statutory Safeguarding Zone associated with a technical asset which contributes to Air Traffic Management designated East 2 Wide Area Multilateration (WAM) Network.	The Applicant has consulted with the Ministry of Defence (MOD) regarding the onshore SSZ and reached agreement that the proposed onshore cable route and construction equipment will have no detrimental impact on the East WAM Network.
MOD-16	Ministry of Defence	Landfall and Onshore Export Cables	Whilst it is acknowledged that onshore cables are to be routed through underground ducts, the potential exists for works to install the ducts to impact on the operation and capability of the statutorily safeguarded technical asset. As such the MOD should be consulted on the specific implementation method and machinery/equipment/plant that will be used to install the proposed underground ducts. The submission and approval of this information should form the subject of a requirement in any future draft Development Consent Order.	See Applicant response MOD-15.
MOD-17	Ministry of Defence	Conclusion	I trust this adequately explains our position on this matter.	Noted.

2.9 Applicant's Comments on Relevant Representations Received from NATS [RR-242]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
NATS-02	NATS		The proposed development has been examined by our technical safeguarding teams and some of the turbines conflict with our safeguarding criteria. Accordingly, NATS (En Route) plc objects to the proposal. The reasons for NATS's objection relate to the impact on the air traffic radars at Cromer and Debden.	The Applicant understands that this objection related to the former array boundary submitted at PEIR stage, in particular the former Northern Array Area which was removed from the order limits in response to PEIR feedback. The Applicant has engaged with NATS and the objection has been removed (see response from NATS Safeguarding below).

2.10 Applicant's Comments on Relevant Representations Received from NATS Safeguarding [RR-242]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
NATS-02	NATS Safeguarding		Following further discussions with the developer and refinement of our modelling based on the latest proposal NATS would like to withdraw our objection to the proposed development. Regards, Alasdair NATS Safeguarding	Noted.

2.11 Applicant's Comments on Relevant Representations Received from Anglian Water Services [RR-018]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
AWS-01	Anglian Water Services	Intro	Anglian Water is the statutory sewerage undertaker for the proposed onshore project area for the cable corridor between landfall and the onshore, which is located within the Tendring District Council area.	Noted.
AWS-02	Anglian Water Services		Previously, we have supplied written comments to the formal statutory consultation on the proposed Development Consent Order (DCO) application and the Preliminary Environmental Information Report (PEIR). Some engagement with the project team has also taken place.	Noted.
AWS-03	Anglian Water Services		A copy of Anglian Water's template Protective Provisions was supplied on 18th April 2024. Anglian Water would welcome further discussions regarding these as they have not been included in the draft DCO under Schedule 14 Part 1 (document reference: 6.1). We would wish to continue this dialogue with the project team.	Noted. Schedule 14 Part 1 of the draft DCO [AS-022] currently makes provision for utility undertakers, which include Anglian Water, further to which the Applicant will continue to engage with Anglian Water in negotiating the relevant Protective Provisions.
AWS-04	Anglian Water Services		The submission of an agreed Statement of Common Ground (SoCG) would also be beneficial. If no connections or interfaces with our assets are identified, then it would be helpful to log this in an SoCG and that specific Protective Provisions are not required for Anglian Water. The Environmental Statement - Table 21.1 'Consultation Responses' of 'Environmental Statement Chapter 21 Water Resources and Flood Risk' (document reference: 3.1.23), states that it is not expected to make any connections into existing infrastructure. A septic tank would be used at the onshore substation, as it is not anticipated that a sewerage connection will be required. The Outline Operational Drainage Strategy (document reference: 7.19) confirms it does not require the use of the public sewer network to manage additional surface water flows. As a result, we would want to ensure that there should be no right to connect powers included within the draft DCO on a temporary or permanent basis. We welcome the submission the framework documents Code of Construction Practice (document reference: 7.13) and Construction Traffic Management Plan (document reference: 7.16). Whilst Protective Provisions should address those interactions with our assets, Anglian Water would seek to ensure that 24 hours /7-day access to our assets is not compromised, and therefore would welcome further discussion with the Applicant regarding such matters and their inclusion in the final versions of these documents. These documents should include	Noted in relation to suggestion of a Statement of Common Ground (SoCG). The Applicant will continue to engage in discussions with Anglian Water, and by engaging Anglian Water via the Applicant's Expert Topic Group. It is not anticipated that any connection to existing infrastructure will be required (based on Anglian Water sewer records), and it is correct that a septic tank at the onshore substation is being proposed. Please refer to the responses by the Applicant to consultation responses in Chapter 21 [APP-035] and the Outline Operational Drainage Strategy [APP-254] . In terms of interactions with Anglian Water assets and Protective Provisions, please see response to AWS-03.

			steps to remove the risk of damage to Anglian Water assets from plant and machinery (compaction and vibration during the construction phase) including any haul and access roads and crossings. Further advice on minimising and then relocating (where feasible) Anglian Water existing assets can be obtained from: connections@anglianwater.co.uk	
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2.12 Applicant's Comments on Relevant Representations Received from Cadent Gas Limited [RR-039]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
CGL-01	Cadent Gas Limited	Intro	Representation by Cadent Gas Limited (Cadent) to the North Falls Offshore Wind Development Consent Order (DCO) Cadent is a licensed gas transporter under the Gas Act 1986, with a statutory responsibility to operate and maintain the gas distribution networks in North London, Central, East Anglian and North West England. Cadent's primary duties are to operate, maintain and develop its networks in an economic, efficient, and coordinated way.	Noted.
CGL-02	Cadent Gas Limited		Cadent wishes to make a relevant representation to the North Falls Offshore Wind DCO in order to protect its position in light of infrastructure which is within or in close proximity to the proposed DCO boundary.	Noted.
CGL-03	Cadent Gas Limited		Cadent's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the order limits including should be maintained at all times and access to inspect such apparatus must not be restricted. The documentation and plans submitted for the above proposed scheme have been reviewed in relation to impacts on Cadent's existing apparatus located within this area, and Cadent has identified that it will require adequate protective provisions to be included within the DCO to ensure that its apparatus and land interests are adequately protected and to include compliance with relevant safety standards.	Noted. Schedule 14 Part 1 of the draft DCO [AS-022] currently makes provision for utility undertakers, which include Cadent Gas. The Applicant working jointly with Five Estuaries will continue to engage with Cadent Gas and in negotiating the bespoke Protective Provisions.
CGL-04	Cadent Gas Limited		Cadent engaged with the Promoter in respect of its requirement for its bespoke protective provisions to be secured in 2023. Cadent was informed that the onshore transmission infrastructure for the Project is being developed in a coordinated manner with the onshore transmission infrastructure for the Five Estuaries scheme, and that one set of protective provisions would be agreed across both projects. Cadent agreed to this request, and issued its bespoke form of protective provisions to the promoter of the Five Estuaries scheme (as the forerunner in the DCO process) in February 2024. Cadent is aware that the Promoter and the promoter of the Five Estuaries scheme are in	Noted in relation to concerns surrounding Order Limits. The Applicant, jointly with Five Estuaries, will continue to engage with Cadent Gas and work closely in negotiating the bespoke Protective Provisions.

			discussions over Cadent's bespoke form of protective provisions. However, Cadent has not received a substantive response from either the Promoter or the promoter of the Five Estuaries scheme in respect of its bespoke form of protective provisions and Cadent's bespoke form of protective provisions have not been included in the draft DCO that has been submitted as part of the Application. Cadent will require its bespoke form of protective provisions to be included in the DCO in its standard form and without amendment. Cadent has low and intermediate pressure gas pipelines and associated apparatus located within the order limits which are affected by works proposed, the extent to which is still being assessed and which may require diversions subject to the impact. Proposed diversions have not yet reached detailed design stage and so the positioning, land rights and consents required for these gas diversions are not confirmed. At this stage, Cadent is not satisfied that the DCO includes all land and rights required to accommodate such diversions as design studies will need to influence these requirements. Cadent will not decommission its existing apparatus and/or commission new apparatus until it has sufficient land and rights in land (to its satisfaction) to do so, whether pursuant to the DCO or otherwise. This is a fundamental matter of health and safety. At this stage, Cadent is not satisfied that the tests under section 127 of the PA 2008 can be met. Cadent has experience of promoters securing insufficient rights in land within DCOs for necessary diversions of its apparatus or securing rights for the benefit of incorrect entities. It is important that sufficient rights are granted to Cadent to allow Cadent to maintain its gas distribution network in accordance with its statutory obligations.	
CGL-05	Cadent Gas Limited		As a responsible statutory undertaker, Cadent's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. Adequate protective provisions for the protection of Cadent's statutory undertaking have not yet been agreed but are in discussion between parties. Cadent wishes to reserve the right to make further representations as part of the examination process but will seek to engage with the promoter to reach a satisfactory agreement.	Noted. See response to CGL-03.

2.13 Applicant's Comments on Relevant Representations Received from Environment Agency [RR-091]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
EA-01	Environment Agency		Our ref: AE/2024/129917/01 Your ref: EN010119 Date: 18 October 2024 Submitted via portal APPLICATION BY NORTH	Noted.

			<p>FALLS OFFSHORE WIND FARM LTD FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE NORTH FALLS OFFSHORE WIND FARM</p> <p>Please find enclosed our relevant representation for the North Falls Offshore Wind Farm project. The Role of the Environment Agency The Environment Agency is a statutory consultee on all applications for development consent orders. We have a responsibility for protecting and improving the environment, as well as contributing to sustainable development.</p>	
EA-02	Environment Agency		<p>We have three main roles:</p> <p>(i) We are an environmental regulator – we take a risk-based approach and target our effort to maintain and improve environmental standards and to minimise unnecessary burdens on business. We issue a range of permits and consents.</p> <p>(ii) We are an environmental operator – we are a national organisation that operates locally. We work with people and communities across England to protect and improve the environment in an integrated way. We provide a vital incident response capability.</p> <p>(iii) We are an environmental advisor – we compile and assess the best available evidence and use this to report on the state of the environment. We use our own monitoring information and that of others to inform this activity. We provide technical information and advice to national and local governments to support their roles in policy and decision-making.</p> <p>One of our specific functions is as a Flood Risk Management Authority. We have a general supervisory duty relating to specific flood risk management matters in respect of flood risk arising from Main Rivers or the sea, and other watercourses.</p>	Noted.
EA-03	Environment Agency		<p>Overview and issues of concern Our relevant representation outlines where we consider further work, clarification or mitigation is required to ensure that the proposal has no detrimental impact on the environment including flood risk. In other instances, it may be acceptable for additional information to be provided later, either during the examination period or by Requirement.</p>	Noted.
EA-04	Environment Agency		<p>Our Relevant Representations cover the following:</p> <ul style="list-style-type: none"> -Draft Development Consent Order -Flood Risk including Landfall - Groundwater and contaminated land <p>Please do not hesitate to contact me if you require any further information. We look forward to continuing to work with the Applicant to resolve the matters outlined within our relevant representation to ensure the best environmental outcome for the project.</p>	Noted – likewise we look forward to continuing to work together to reach agreement in relation to the points raised below.

EA-05	Environment Agency		<p>Draft Development Consent Order (dDCO) Protective Provisions (Part 3 Schedule 14)</p> <p>The Applicant has included the Environment Agency in the Protective Provisions but to date has not engaged with us regarding the content of these nor an in principle agreement to disapply the provisions of the Environmental Permitting Regulations in respect of flood risk activity permits required for the crossings of main rivers. This matter was raised in our response to the Applicant's statutory consultation of 14 July 2023. We would expect to enter discussion regarding disapplication prior to submission for examination. This is because we must assess the likely complexity of the activity that the Protective Provisions seek to disapply and whether this is suitable for that mechanism. We would not seek to unreasonably withhold agreement to disapplication and have passed this matter to our legal and flood risk specialists for their consideration. We hope that this matter can be resolved during the examination period but currently we are not able to consent to disapplication nor the wording in the dDCO. It should also be noted that the Environment Agency will not consent to disapplication of the Environmental Permitting Regulations in respect of abstraction and dewatering activities.</p> <p>Part 3 – Requirements A significant number of the issues of concern to the Environment Agency are addressed through embedded mitigation in post consent processes and approvals. We are content that those environmental concerns can be managed in this way. The Environment Agency does not wish to host any Requirement, but we believe that we should be listed as name consultees because these processes fall under our remit. We request that we are named consultees for the following Requirements:</p> <p>Requirement 8: Code of Construction Practice.</p> <p>Requirement 12: Ecological Management Plan</p> <p>Requirement 14: European Protected Species; onshore</p> <p>Requirement 15: Groundwater Monitoring</p> <p>Requirement 22: Operational Drainage Strategy</p> <p>Requirement 23: Horizontal Directional Drilling Method Statement</p>	<p>Noted.</p> <p>The Applicant engaged with the Environment Agency as part of consultation for the Preliminary Environmental Information Report, please refer to Table 21.1 of ES Chapter 21 Water Resources and Flood Risk [APP-035].</p> <p>The Applicant has confirmed that activities will be undertaken in line with the Flood Risk Assessment which assesses flood risk from all sources. The Applicant has also undertaken a Water Environment Regulations Compliance Assessment [APP-120], confirming that development is compliant with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.</p> <p>The Applicant continues to seek to engage with the Environment Agency in relation to relevant Protective Provisions.</p>
EA-06	Environment Agency		<p>Flood Risk Chapter 21: Water Resources and Flood Risk Appendix 21.3 We are pleased to note that all main rivers and the majority of ordinary watercourses will be crossed using HDD methods as set out in Appendix 5.1 Crossing Schedule, this is a mitigation of flood risk at the construction stage. However, at paragraphs 111 and 113 the Applicant confirms that haul road crossing and its associated flood risk will not be considered until the detailed design stage post consent. Similarly, at paragraphs 382 and 383 the Applicant advises that the flood risk for the</p>	<p>The Applicant is currently in ongoing discussions with the Environment Agency in relation to this point within their Relevant Representation.</p> <p>In Paragraph 111 of ES Appendix 21.3 Flood Risk Assessment [APP-121], the Applicant notes that the approach to the haul road crossing of the Tendring Brook Main River at crossing WX22-A is not intended to be considered until the detailed design stage post-consent.</p>

			<p>remaining trenched crossings will be assessed post consent. As well as its responsibilities for Main Rivers the Environment Agency does have an interest in ordinary watercourses where there is associated fluvial Flood Zones 2 and 3a. We do not agree with the Applicant's approach. Trenched crossings and haul road crossings due to the potential to interfere with the flow of flood water can increase the risk of flooding to third parties. As advised to the Applicant in response to their statutory consultation on 14 July 2023 the impacts on third parties should be presented to the Examining Authority for consideration to inform their role of assessing the principle of development and the acceptability of associated risks.</p>	<p>Furthermore, in Paragraph 113 the Applicant notes there may need to be a haul road crossing over other Ordinary Watercourses (i.e. WX-23). It is correct that the details of these haul road crossings will not be confirmed until detailed design has been undertaken.</p> <p>At crossing WX-22 where the onshore cable route is required to cross a Main River (Tendring Brook), the Applicant has committed to using trenchless techniques, as shown in ES Appendix 5.1 Crossing Schedule [APP-092].</p> <p>In Chapter 5 Project Description [APP-019], paragraph 220, the Applicant has confirmed that measures will be in place to ensure that any haul road crossing does not restrict flow i.e. that if the haul road crossings are needed the culverts will be sized accordingly to ensure continued conveyance of flow.</p> <p>However, the Applicant would like to clarify the flood risk assessment has been undertaken on a worst-case assumption that these potential haul road crossings <u>are</u> required, and therefore the appointed Contractor will be required to adopt the appropriate mitigation measures as outlined in Section 1.8.1.3 of the Outline Code of Construction Practice (OCoCP) [APP-248], so as to ensure that the flood risk associated with the haul road crossings of WX-22A and WX-23 is appropriately mitigated. This is to ensure there is no increase in flood risk as a result of the Project.</p> <p>In Paragraph 382 and 383 of ES Appendix 21.3 Flood Risk Assessment [APP-121], the text refers to the reinstatement of temporary construction compounds, temporary access tracks and existing land drains and does not refer to the trenched crossings. Therefore, it is not clear which paragraphs or documents this is referring to.</p>
EA-07	Environment Agency		<p>Groundwater and contaminated land Chapter 19 - Ground Conditions and Contamination Table 19 We note that the Code of Construction Practice is mentioned and is a mitigation and so we again, request that we are a named consultee. We also note that a Piling Risk Assessment is an embedded mitigation for which we wish to be consulted due to the potential impacts on groundwater and the source protection zone.</p>	<p>The Piling Risk Assessment is not intended to be submitted to Essex County Council for discharge, but rather the Code of Construction Practice will include a commitment to produce one, should it be determined through detailed design that piling is required for the onshore substation foundations. The Applicant will engage with the Environment Agency during the drafting of the Piling Risk Assessment with regards impacts upon groundwater.</p>
EA-08	Environment Agency		<p>Landfall The export makes landfall at a point where drawings for the defence pre-date the formation of the Environment Agency and therefore there may be some variation to what is shown on the drawings that we hold. There are several complexities to crossing the defences without causing harm and recognising potential future works, which we are content can be agreed post consent. Our discussions with the partner project of Five Estuaries are more advanced but we would welcome agreeing and approach to take this forward in parallel.</p>	<p>Noted.</p> <p>North Falls are working closely with Five Estuaries, and both projects are jointly engaging in design work based on historical drawings provided previously. Engagement will continue moving forward as design work develops, post consent.</p>

2.14 Applicant's Comments on Relevant Representations Received from Essex Wildlife Trust [RR-095]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
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EWT-01	Essex Wildlife Trust		<p>Essex Wildlife Trust is the county's leading conservation charity, committed to protecting wildlife and inspiring a lifelong love of nature. Founded in 1959 by volunteers, we protect over 8,400 acres of land across 88 sites and are supported by 39,000 members. We are an evidence-based organisation, applying relevant legislation and policy in tandem with our specialist expertise to assess the impacts of development on wildlife and habitats. We manage several nature reserves bordering and within the following statutory designated sites, all of which have undergone an assessment of Likely Significant Effects (LSE) as part of the scheme's HRA process:</p> <ul style="list-style-type: none"> • Outer Thames Estuary SPA • Essex Estuaries SAC • Colne Estuary SPA/Ramsar • Hamford Water SAC/SPA/Ramsar • Abberton Reservoir SPA/Ramsar • Stour and Orwell Estuaries SPA/Ramsar • Blackwater Estuary SPA/Ramsar <p>We also have an interest in the state of the marine environment in the inshore and offshore zones of the North Sea off the Essex Coast, including the Southern North Sea SAC, with an aspiration for 30% of our land and seas to be well managed for nature by 2030. While currently there are 178 Marine Protected Areas (MPAs) in English waters, covering 51% of inshore and 37% of offshore waters, few of these are subject to positive management measures.</p>	Noted.
EWT-02	Essex Wildlife Trust		<p>The world is experiencing a climate and biodiversity emergency. Wildlife, habitats and ecosystem functions are under ever-increasing stress and destruction from development, land use changes and the climate emergency. In the UK alone, 41% of species are in decline, 15% are under threat of extinction and there has been a 13% fall in the abundance of nature since 1970. It is therefore vital that development plays its part in mitigating its own impact and contributing positively to nature's sustained recovery. We support action to tackle climate change and recognise the serious threat to nature if action is not taken. However, fulfilling UK ambitions for green energy infrastructure as a major decarbonisation pathway to limit climate change will fail if they do not achieve environmental protection, recovery, and enhancement of marine and terrestrial habitats, species, and carbon stores. The scale of OWF planned in the North Sea makes it one of the most significant activities with the potential to impact on wildlife and ecology in our coastal waters and the wider North Sea, arguably second only to fishing. To realise the potential contribution of OWF to decarbonising the energy sector and helping to mitigate the worst impacts of climate change on society and nature, it must protect and support nature's recovery on land and at sea.</p>	Noted.

EWT-03	Essex Wildlife Trust		<p>The Wildlife Trusts (TWT), of which Essex Wildlife Trust is a member, have long advocated for greater strategic coordination in the planning, design, and delivery of offshore electricity generation together with the offshore and onshore electricity transmission infrastructure needed to distribute electricity generated offshore to where it is needed, to reduce environmental and consenting risks. To this end TWT was represented on the Offshore Transmission Network Review (OTNR) Expert Advisory Group and participated in strategic forums such as the Offshore Wind Evidence and Change (OWEC) Programme. SSE Renewables, RWE and North Falls should have regard to the findings of the OTNR and other relevant strategic forums and where possible incorporate their recommendations on reducing adverse impacts on marine and terrestrial ecology. Better coordination of offshore energy generation and transmission infrastructure will reduce the consenting risks and delays that have faced recent OWFs. Strategically planned offshore energy generation and electricity transmission infrastructure (including onshore elements) provides the opportunity for strategic approaches to compensating for residual environmental impacts that cannot be avoided or adequately mitigated. There is significant potential for such measures to have a greater overall positive impact on the environment and biodiversity and take compensation beyond the level of no net loss into achieving net positive effects. Whilst we recognise that Biodiversity Net Gain policies and delivery frameworks are more developed for terrestrial and intertidal habitats than they are for the marine environment, we would still expect North Falls to aim to achieve an overall net positive impact on biodiversity and ecology in the marine environment. We will be examining the Developer's application to determine whether, in our view, SSE Renewables, RWE and North Falls have fully explored opportunities for strategic compensation and enhancement approaches and measures to contribute to realising this aim.</p>	<p>The East Anglia Connection Node (EACN) is the point of connection to the national grid, offered to the Applicant as the output of the Connection and Infrastructure Options Note ('CION') process for North Falls. The CION process defines where a generating project such as an offshore wind farm connect. It is a process owned and administered by National Grid Electricity Transmission. North Falls has limited influence in the location of the EACN.</p> <p>The project has undertaken an extensive site selection process based on developing a viable option to connect into the National Grid at the location provided. The site selection process is reported on in full in ES Chapter 4 Site Selection and Assessment of Alternatives [APP-018].</p> <p>In respect of co-ordination offshore, please refer to the Applicant's Common Response – 001. Please also refer to the Co-ordination Report [AS-006] which sets out the Applicant's position with respect to co-ordination with other projects and how North Falls, in conjunction with Five Estuaries, has sought to reduce impacts on communities and the local environment, including through its Biodiversity Net Gain Strategy [APP-257] developed in consultation with Five Estuaries and their proposals. North Falls and Five Estuaries will continue to work together on their BNG proposals and how these will be delivered.</p> <p>The Applicant's compensation proposals also include collaboration with a number of offshore wind farms, including Five Estuaries, Rampion 2 and Dogger Bank South, and the potential to contribute to strategic compensation, should a mechanism for this be established by HM Government in an appropriate timescale for North Falls. Please see Section 3.4 – 3.5 of the Compensatory Measures Overview [APP-184].</p>
EWT-04	Essex Wildlife Trust		<p>The areas of concern we wish to address through the DCO process are:</p> <ul style="list-style-type: none"> • Impacts on Margate and Long Sands SAC • Impacts on the Southern North Sea SAC • Impacts on the Outer Thames Estuary SPA • Impacts on the Essex Estuaries SAC • Impacts on the Colne Estuary SPA/Ramsar • Impacts on Hamford Water SAC/SPA/Ramsar • Impacts on Abberton Reservoir SPA/Ramsar • Impacts on the Stour and Orwell Estuaries SPA/Ramsar • Impacts on the Blackwater Estuary SPA/Ramsar 	<p>Impacts on SACs, SPAs and Ramsar sites are assessed in the Report to Inform Appropriate Assessment Parts 1 to 6 [APP-173 to APP-182].</p> <p>Impacts on terrestrial habitats; terrestrial mammals; reptiles and amphibians; and Fisher's Estuarine moth are assessed in ES Chapter Onshore Ecology [APP-037].</p> <p>Impacts on benthic and intertidal ecology are assessed in ES Chapter 10 [APP-024].</p> <p>Impacts on fish and shellfish are assessed in ES Chapter 11 [APP-025].</p> <p>Impacts on marine mammals are assessed in ES Chapter 12 [APP-026].</p>

			<ul style="list-style-type: none"> • Impacts on terrestrial habitats and protected species, including the Great Holland Pits Local Wildlife Site (LoWS) and EWT nature reserve Topics that we wish to comment on include: <ul style="list-style-type: none"> • Physical habitat loss and/or disturbance • Marine mammals, including Harbour Porpoise (underwater noise, collision risk, changes to prey distribution and abundance) • Ornithological impacts both offshore and onshore • Impacts on terrestrial mammals, including Bats, Hazel Dormice, Otters, Water Voles and Badgers • Impacts on Reptiles and Amphibians • Impacts on benthic and intertidal ecology • Impacts on fish and shellfish • Impacts on Fisher's Estuarine Moth • Offshore mitigation and compensation proposals • Onshore Biodiversity Net Gain (BNG) proposals <p>Our initial comments and observations are as follows:</p> <p>Biodiversity net gain (BNG) We note the Applicant's commitment to delivering a minimum of 10% BNG and advise that this should be secured by requirement in the DCO. Everything within the Red Line Boundary (Order Limits) should be included in the BNG baseline calculations, including any retained habitats. Any deviation from BNG best practice and principles should continue to be justified and clearly reported. We would also advise that North Falls are consistent with the approach taken by the Five Estuaries project. With regards to replaced hedgerow management. we advise that they should be maintained for a minimum of 30 years in line with BNG regulations. If the long-term management of hedgerows for this period cannot be secured, they should be treated as "habitat loss" within the BNG metric.</p>	<p>Mitigation is listed in the Schedule of Mitigation [APP-012, Rev 1] and an overview of the compensation proposals is provided in Appendix² 1 Compensatory Measures Overview [7.2.1, Rev 1], with further detail provided in the following documents:</p> <ul style="list-style-type: none"> • Annex 1A Habitats Regulations Assessment Compensation Consultation [APP-185] • Annex 1B Compensation Funding Statement [APP-186] • Annex 1C In Principle Letter of Agreement from Dogger Bank South East and West [APP-187] • Appendix 2 Lesser Black-backed Gull Compensation Document [7.2.2, Rev 1] • Annex 2A Outline Lesser Black-backed Gull Compensation Implementation and Monitoring Plan [7.2.2.1, Rev 1] • Appendix 3 Red Throated Diver Compensation Document [7.2.3, Rev 1] • Annex 3A Outline Red Throated Diver Compensation Implementation and Monitoring Plan [7.2.3.1, Rev 1] • Appendix 4 Kittiwake Compensation Document [APP-192] • Annex 4A Outline Kittiwake Compensation Implementation and Monitoring Plan [7.2.4.1, Rev 1] • Appendix 5 Guillemot and Razorbill Compensation Document [7.2.5, Rev 1] • Annex 5A Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan [7.2.5.1, Rev 1] <p>Onshore Biodiversity Net Gain</p> <p>In response to this request, the Applicant is currently preparing an BNG calculations for an additional option in line with Five Estuaries' 'Option 2', i.e. with inclusion of all 'retained' habitats. The outcomes of this additional option will be set out in two further Statutory Biodiversity Metrics (one for North Falls Alone, one for a North Falls – Five Estuaries joint build), and accompanying Technical Note. This Biodiversity Net Gain Technical note will be submitted into the Examination at an appropriate deadline.</p> <p>Habitats within the Project's DCO Order Limits, but not included in the Applicant's original BNG calculations due to being retained during the project's construction, will not result in a requirement for additional units, so their inclusion does not fundamentally change the outcomes of the BNG assessment reported in the Biodiversity Net Gain Strategy [APP-257].</p> <p>It remains the Applicant's position that treating hedgerows as 'habitat loss' for a project of this nature is not proportionate. This is because a large linear scheme such as North Falls impacts a number of hedgerows for a short period of time, but then reinstates these to an improved standard, leading to improved habitat outcomes in the long term. The reinstatement of hedgerows to an improved standard is secured through the Outline Landscape and Ecological Management Strategy [APP-249]. It is not appropriate for the Applicant to commit to 30 years of management and maintenance for the hedgerows because as part of land agreements they are returned to the landowner to manage following the completion of construction.</p>
EWT-05	Essex Wildlife Trust	Marine mammals	<p>Marine mammals</p> <p>A key mitigation for marine mammals that should be included in the condition wording of the marine licence is that piling activity must cease in the event the monitoring highlights the noise impact is in excess of the predicted impacts. The production and implementation of a Marine Mammal Mitigation Protocol (MMMP) will minimise the impacts of piling and unexploded ordnance clearance (if required). The Applicant should commit to specific mitigation measures, particularly Noise Abatement</p>	<p>The finalisation of the SIP and MMMP for piling will consider the latest policy on NAS at the time. The Applicant notes that potential mitigation options, including NAS, are proposed within the Outline SIP [APP-243] which would be finalised as a SIP post-consent in line with the final design of the Project. As secured by condition to the proposed deemed marine licences in the draft DCO [AS-022] in the event that piling is required. It is recognised that upon assessment of more developed design information, any need for the implementation of NAS will be decided in consultation with the licencing authority. The Applicant is planning appropriately for the potential requirement for NAS but maintains the position that the effects may be suitably mitigated through further design refinement and embedded mitigation. The Applicant has already committed to only pile at one monopile location in any one day during the winter season, unless NAS is</p>

² Appendix to the Habitats Regulations Derogation Provision of Evidence

			Systems (NAS), in the MMMP. This should sit alongside a Working in Proximity to Wildlife Plan to reduce the risk of disturbance from ships, boats and other vessels and the risk of them colliding with marine mammals. GCN An EPSL from NE will be required for temporary works affecting terrestrial habitat used by GCN along the route RR-125.	utilised. The Applicant is also considering the option of no piling during the winter season (October – March inclusive), as detailed in the Outline SIP at section 1.7.2 [APP-243].
EWT-06	Essex Wildlife Trust		<p>The project proposes to enter the District Level Licensing (DLL) scheme, based on current survey data and available scheme details. The DLL differs from the traditional EPSL route in that any impacts to GCN are offset at a district or county-level rather than site-level and uses a conservation fee from developers that is used to create and maintain new ponds and habitat in locations that will benefit the species for the foreseeable future.</p> <p>Dormouse The measures which are pertinent include use of HDD beneath all woodlands (rather than trenching through the woodland), and retention of trees and hedgerows wherever practicable. One hedge (reference 5EHE_38) with dormouse presence confirmed (one old nest on one occasion, at the southern end of the hedgerow) may be affected. The option of trenchless crossing and an off-route haul road should be adopted at this location, such that if dormouse are present in future impacts to the species can be avoided, and there would be no requirement for an EPSL. Two 10m wide hedgerow breaches to enable haul route access from the B1035 Thorpe Road to the onshore ECC are proposed. Current field survey data does not include records for dormouse in the hedges, but the species is present directly adjacent and so its potential future presence cannot be ruled out. The requirement for an EPSL should be re-assessed based upon pre-commencement/ pre-construction survey results and final scheme design. In the event an EPSL is required, the EPSL application should be submitted to NE in advance of work. The conditions of the EPSL would be specified to ensure that construction and temporary presence of the haul road does not result in significant adverse impacts to the local population. This should include:</p> <ul style="list-style-type: none"> • creation of temporary compensation/ mitigation habitats for use by dormice in immediately adjacent areas. • scheduling of certain work to avoid sensitive periods of the dormouse life cycle; standard practice involves a two stage removal. Top growth of the hedgerow to be removed in the winter months (November – February) when dormouse are hibernating, avoiding ground disturbance. Clearance of stumps, roots and other vegetation to be undertaken from May – September thereafter. 	<p>Great crested newt District Level Licensing</p> <p>This is correct, the Applicant proposes to enter the District Level Licensing (DLL) scheme, as outlined in Paragraph 103 of the Outline Landscape and Ecological Management Strategy [APP-249].</p> <p>Dormice</p> <p>Paragraph 27 of the Outline Landscape and Ecological Management Strategy [APP-249] states the pre-application survey effort will be repeated pre-construction, where necessary, in accordance with industry guidance and methodology (i.e. following the approach used during pre-application surveys, or updated best practice at that time). The Outline Landscape and Ecological Management Strategy [APP-249] also outlines proposed timing of vegetation removal, to minimise the potential impact on protected and notable species.</p>
EWT-07	Essex Wildlife Trust	Bats	<p>Bats</p> <p>The measures which are pertinent include use of HDD beneath all woodlands (rather than trenching through the woodland), and</p>	Paragraph 103 of the Outline Landscape and Ecological Management Strategy [APP-249] states that based on the baseline data collected to date, the only protected species licence required by the Project is a great

			<p>retention of trees and hedgerows wherever practicable. Reduction in corridor width at hedgerow crossings. The scheme should deliver no net loss of potential roost resource. The construction phase may result in the loss of a number of mature trees, including some which have moderate or high potential to support bats. None have been found to support roosting bats to date, but since tree roosting bats utilise a range of locations over any given season, an EPSL may later prove necessary pending the findings of pre-commencement surveys. In the event an EPSL is needed, it should cover work at all trees with potential roost features that may be affected by the project. All work undertaken under an EPSL and which could result in disturbance of bats should be overseen by the Named Ecologist, or his/ her Accredited Agent (such as a suitably skilled and experienced Ecological Clerk of Works (ECOW).</p>	<p>crested newt District Level Licence (DLL). Licensing requirements for all protected species will be revisited following the completion of pre-construction surveys to account for any changes in the ecological baseline.</p> <p>Paragraph 27 of the Outline Landscape and Ecological Management Strategy [APP-249] states the pre-application survey effort will be repeated pre-construction, where necessary, in accordance with industry guidance and methodology (i.e. following the approach used during pre-application surveys, or updated good practice at that time).</p>
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2.15 Applicant's Comments on Relevant Representations Received from Arcadis on behalf of National Grid Electricity Transmission Plc [RR-239]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
NGET-01	Arcadis on behalf of National Grid Electricity Transmission Plc	Intro & Norwich to Tilbury	<p>This relevant representation is submitted on behalf of National Grid Electricity Transmission Plc ("NGET") in respect of the Project, and in particular NGET's proposed infrastructure and land interests which will be located within and in close proximity to the proposed Order Limits. At the moment NGET do not have any existing apparatus within or in close proximity to the proposed Order Limits for the Project. However NGET requests that all future assets are given due consideration given their criticality to distribution of energy across the UK. There are two future NGET projects which interact with the Project to a greater or lesser degree.</p> <p>Norwich to Tilbury: The Norwich to Tilbury project comprises the construction of around 159km new overhead line and around 25km of underground cabling over a total route of 184km between the existing National Grid Norwich Main Sub-Station and Bramford substations in the North East Anglia (NEA) region, continuing from Bramford down to Tilbury substation in the South East Anglia (SEA) region, via a New East Anglia Connection Node Substation located in the Tendring District, east of Ardleigh. The East Anglia Connection Node (EACN) Substation will be the point of operational interface where the connection between the Project and the National Grid Electricity Transmission System will be established. NGET held their Section 42 Statutory Consultation between 10th April and 26th July 2024 and intends to submit an application to the Planning</p>	Noted.

			Inspectorate on behalf of the Secretary of State, for a Development Consent Order for the Norwich to Tilbury project in summer 2025.	
NGET-02	Arcadis on behalf of National Grid Electricity Transmission Plc	Sea Link	<p>Sea Link: Sea Link involves the installation of a new 2 gigawatt (GW) high voltage direct current (HVDC) cable link between Suffolk and Kent, approximately 145 kilometres (km) long and predominantly offshore. Currently the Project has an offshore interaction in the form of cable crossing with the Sea Link project. NGET intends to submit an Application to the Planning Inspectorate on behalf of the Secretary of State for a Development Consent Order for the Sea Link project in Q1 2025. NGET's proposals are part of The Great Grid Upgrade – the largest overhaul of the grid in generations, we are in the middle of a transformation, with the energy we use increasingly coming from cleaner greener sources. NGET's infrastructure projects across England and Wales are helping to connect more renewable energy to homes and businesses. To find out more about NGET's current projects please refer to NGET's network and infrastructure webpage.</p> <p>https://www.nationalgrid.com/electricity-transmission/network-and-infrastructure/infrastructure-projects. NGET needs to ensure adequate protection for their future projects both in terms of protection for future assets and future land and rights for the delivery of these project.</p>	<p>Noted.</p> <p>The Applicant is in contact with Sealink with regards to the potential cable crossing offshore.</p>
NGET-03	Arcadis on behalf of National Grid Electricity Transmission Plc	Co-operation with Norwich to Tilbury Project	Co-operation with Norwich to Tilbury Project: In line with good practice and the new policy considerations in the updated Energy NPS', particularly EN-5, which requires that "2.14.2 the construction planning for the proposals has been co-ordinated with that for other similar projects in the area on a similar timeline;", the parties will continue to co-operate on co-ordination. NGET, Five Estuaries and the North Falls Offshore Wind Farm project have been co-operating since the announcement of the grid connection points in 2022 with the objectives of minimising cumulative impacts particularly in relation to Traffic and Transport (including construction traffic and site access), Landscape and Visual and Operational Noise. Further information is provided in the Tripartite Position Statement Document included within the Application.	Noted.
NGET-04	Arcadis on behalf of National Grid Electricity Transmission Plc	Co-operation with Sea Link	Co-operation with Sea Link: The parties will continue to engage during pre-construction and construction with other cable installation projects in the vicinity of the Sunk pilot boarding station. The purpose of this engagement will be to coordinate as far as practicable marine activities which may overlap in time, in order to minimise the impact on shipping and the North Falls construction programme and the construction programme for Five Estuaries Offshore Wind Farm and Sea Link. This will also include, where appropriate, joint engagement with relevant stakeholders (HHA, PLA, Sunk VTS) to help inform and plan construction activities.	<p>Noted.</p> <p>North Falls, Five Estuaries and Sealink are engaged in discussions with stakeholders to understand the cumulative impacts.</p>

NGET-05	Arcadis on behalf of National Grid Electricity Transmission Plc	Protection of NGET Assets	<p>Protection of NGET Assets: As a responsible statutory undertaker, NGET's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. As such, NGET has a duty to protect its position in relation to infrastructure and land which is within or in close proximity to the draft Order Limits or proposed to be so located in future. As noted, NGET's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the Order Limits (or which will be so located) should be maintained at all times and access to inspect and maintain such apparatus must not be restricted. NGET will therefore require protective provisions to be included within the draft Development Consent Order (the "Order") for the Project to ensure that assets existing at the time of construction of the Project are adequately protected and to ensure compliance with relevant safety standards. NGET is liaising with the Applicant in relation to such standard protective provisions, along with any supplementary agreements including crossing agreements in respect of the Sea Link Project which may be required. Accordingly NGET have not appended the version of the Protective Provisions which they require to be included in the Order to the relevant representation. However NGET will submit these at Written Representation Stage, if not agreed between the parties by that point with an explanation of any outstanding issues. In addition given the interaction with the Project, NGET and the Promoter (along with the promoters of the Five Estuaries Offshore Windfarm Project) are co-operating with each other to work up a Co-operation Agreement between the parties to govern the interactions between the parties in respect of the three interacting projects in particularly in terms of issues such as Traffic and Transport Interactions and Site Access, Landscape and Visual Interactions and operational noise, drainage as well as other construction related interfaces. NGET will also require bespoke Protective Provisions to govern the relationship between the parties in connection with the use of their overlapping Compulsory Acquisition powers to ensure that all three parties can deliver their Projects and the connection to the new NGET EACN. These are being worked up between the parties and again NGET will submit their preferred wording for these bespoke Protective Provisions at the Written Representation Stage, if they are not agreed with the parties by that point with an explanation of any outstanding issues.</p>	<p>The Applicant notes NGET's position in relation to its existing assets, but observes NGET's own confirmation in its in Relevant Representation [RR-239] of the fact it has no existing apparatus within, or in proximity to, the Order Limits.</p> <p>In any case, the Applicant, NGET and Five Estuaries last met on 13 February 2025 to discuss and review a draft co-operation agreement. The Applicant will continue to work closely together with NGET, including in negotiating relevant Protective Provisions.</p>
NGET-06	Arcadis on behalf of National Grid Electricity Transmission Plc	Compulsory Acquisition Powers in respect of the Project	<p>Compulsory Acquisition Powers in respect of the Project: As noted, where the Applicant intends to acquire land or rights, or interfere with any of NGET's existing interests in land, NGET will require further discussion with the Applicant and requires protective provisions requiring NGET's consent to any compulsory acquisition of any rights affecting NGET's interests existing at the time. The Project will include the ability to</p>	<p>Noted.</p> <p>Any compulsory acquisition of rights and imposition of restrictions will be minimised as far as possible, please refer to the Statement of Reasons [APP-009].</p>

			<p>compulsorily acquire rights over the land within which the EACN will be constructed to allow the projects to get their cables to the connection points which will be specified by NGET following detailed design. As those connection points are not yet known, the rights are sought over the whole area to allow flexibility to route the cables as required to meet the then current standards. A commercial connection agreement will also manage the connection works between the parties within the proposed substation footprint. The Project have agreed to enter into reciprocal protective provisions to secure the delivery of both projects. These provisions provide each undertaker sufficient protection from overlapping development consent and compulsory acquisition powers, providing sufficient assurance to each Examining Authority and the Secretary of State that each DCO can be granted as sought. The detail of these protections now needs to be worked up and agreed between the parties. NGET reserves the right to make further representations as part of the Examination process in relation to specific interactions with it's Norwich to Tilbury and Sea Link Projects as negotiations continue but in the meantime will continue to liaise with the Applicant with a view to reaching a satisfactory agreement during the DCO Examination and will keep the Examining Authority updated in relation to these discussions.</p>	<p>The Applicant has engaged with NGET and will continue to work closely in negotiating acquisition of any necessarily required land rights by voluntary agreement(s) with NGET in respect of the plots owned by NGET, and also with the landowners of plots over which NGET possess rights.</p>
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2.16 Applicant's Comments on Relevant Representations Received from Gowling WLG on behalf of Port of London Authority [RR-272]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
PLA-01	Gowling WLG on behalf of Port of London Authority	Background	<p>1.1 The Port of London Authority (the "PLA") is the statutory harbour authority for the tidal Thames (the "River"). The River covers approximately 95 miles from Teddington to the North Sea between Clacton in Essex and Margate in Kent. The PLA's statutory functions include responsibility for conservancy, including dredging and improvement of the River; managing public navigation and ensuring navigational safety and controlling vessel movements. Its consent is required for the construction or carrying out of all works in the River, which includes dredging of the River. The PLA's area of jurisdiction and regulatory powers are found primarily in the Port of London Act 1968 (the "1968 Act"). The proposed wind farm lies outside of the PLA's landownership and limits under the 1968 Act, however the PLA's functions include the promotion of the use of the River for freight and passengers as an important and sustainable transport corridor and access to the River is therefore a key concern for the PLA.</p>	<p>Noted. The potential impact on port access including to ports on the Thames was identified and assessed in the NRA [APP-106; APP-107; and APP-108].</p>

PLA-02	Gowling WLG on behalf of Port of London Authority	Background	1.2 The River is home to the Port of London which is the country's biggest port and its contribution to international trade is critical, handling over 50 million tonnes of goods each year. The Port is expected to grow and by 2050 between 70-80 million tonnes will be handled at the Port annually (which represents around a 30-60% increase on 2022 levels). The port and river complex delivers an annual gross value added economic contribution of £4.5 billion with investment between 2020 and 2025 projected to exceed £1 billion. This approach is supported by the National Policy Statement for Ports (January 2012) which encourages the promotion of successful major port developments which are essential for trade and economic growth long-term. It is supported specifically in respect of the River by the PLA's Thames Vision 2050, which in relation to the theme "Trading Thames" sets out priorities to enable future growth of the Port. In addition, the River is the UK's busiest inland waterway for the movement of freight, thus facilitating sustainable transport of goods within the UK.	The Applicant recognises the importance of the PLA in the area, and therefore has been engaging as early as at initial site selection stage, and as part of the Navigation Risk Assessment (NRA) process [APP-106, APP-107 and APP-108] .
PLA-03	Gowling WLG on behalf of Port of London Authority	Background	1.3 It is therefore imperative that the existing and future capacity and operation of the Port of London are not compromised during construction and operation of the North Falls Offshore Wind Farm Project.	The potential impact on port access including to ports on the Thames was identified and assessed in the NRA [APP-106; APP-107; and APP-108] . The NRA included both a base case assessment, and multiple future case scenarios.
PLA-04	Gowling WLG on behalf of Port of London Authority	Background	1.4 The PLA has reviewed the application documents and has comments on the draft Development Consent Order ("dDCO") and other application documents. Full details of the PLA's concerns will be provided in its Written Representations to the Examination and will include the broad issues set out below. The PLA reserve the right to alter, amend or expand on its concerns through the Examination process.	Noted. The Applicant will continue to engage with PLA on any concerns raised.
PLA-05	Gowling WLG on behalf of Port of London Authority	The PLA's Concerns	2.1 North Falls is outside of the PLA's landownership and statutory limits under the 1968 Act, including its licensing area, but the export cable corridor (the "ECC") crosses the deep water routes (the Sunk and Trinity which lead to Black Deep) (the "DWR") into the Port of London. The DWR is the only approach available for larger vessels to access the Port of London. The DWR are currently both used for entry and exit into/from the Port of London but in the future, as vessels get bigger it may be necessary for one DWR route to be used for entry and one for exit.	The potential for future increases in vessel size and numbers was analysed and accounted for within the NRA [APP-106, APP-107 and APP-108] . The Applicant is engaging with ports including the PLA on cable burial depths and methodology, for the purpose of obtaining sufficient depths to allow for access of larger vessels in the future, while also minimising impact on shipping during the installation process.
PLA-06	Gowling WLG on behalf of Port of London Authority	The PLA's Concerns	2.2 North Falls works have the potential to cause short and long term impacts to navigation and to the capacity and operation of the Port of London, particularly from the works associated with the ECC. These impacts include: <ul style="list-style-type: none"> • Permanent impacts because of North Falls cable depths • Temporary impacts from cable laying and repair 	Short term impacts are associated with surface activity from the cable installation process or cable maintenance impacting other vessels in the area including pilotage operations. The Outline NIP [APP-259] includes protocols and procedures to ensure that the installation and maintenance of the offshore export cables does not impact on third-party vessel movements including within a future case environment. This includes pilotage operations. Consultation is ongoing to ensure the NIP adequately meets stakeholder requirements.

			<ul style="list-style-type: none"> • Temporary impacts from Pre Construction surveys and activities and Post Construction surveys • Permanent impacts from interaction with third party schemes (cable crossings) • Temporary impacts from interaction with third party schemes (simultaneous operations) • Temporary and permanent impacts from dredging • Temporary impacts on the PLA's onshore navigational equipment. <p>The range of impacts vary from vessel displacement and delays to placing a constraint on the size of vessel that can enter the Port of London and therefore the capacity of the Port of London. The North Falls application needs to provide clarity and confidence that long term access/egress to the Port of London would be maintained and that short term impacts during construction and maintenance would be kept to a minimum. The PLA would recommend that a plan is produced for the area where the North Falls cables would cross the DWR which is a certified document and which sets out the relevant parameters and constraints, the applicant's approach to cable laying / crossings in this area and which demonstrates that the PLA's requirements can be met.</p>	Longer term impacts are associated with cable burial depth, and the potential that future dredging operations to allow for access of larger vessels is effected. The Applicant is engaging with ports including the PLA on cable burial depths and methodology, for the purpose of obtaining sufficient depths to allow for access of larger vessels in the future, while also minimising impact on shipping during the installation process.
PLA-07	Gowling WLG on behalf of Port of London Authority	The PLA's Concerns	<p>Permanent impacts as a result of North Falls cable depths.</p> <p>2.3 The depth of the North Falls cables where they cross the DWR are critical. The PLA requires access for vessels with a draught of 20m at the DWR and accounting for 10% under keel clearance this means that a water depth of -22m Chart Datum ("CD") must be maintained by North Falls. There must be certainty in the North Falls application that this requirement will be met because if it is not, then it will limit the quantum of trade within the Port. The impact of this would be significant, detrimentally impacting the future of the UK's largest port.</p>	The Applicant is engaging with ports including the PLA on cable burial depths and methodology, for the purpose of obtaining sufficient depths to allow for access of larger vessels in the future, while also minimising impact on shipping during the installation process.
PLA-08	Gowling WLG on behalf of Port of London Authority	The PLA's Concerns	<p>Temporary impacts from cable laying and repair.</p> <p>2.4 The ECC includes the Sunk Pilot Diamond as shown on Figure 2.1 of the Outline Navigation and Installation Plan (APP-259). Pilotage is compulsory for large vessels within the London Pilotage District and its approaches and boarding and landing of pilots takes place in the general vicinity of the Sunk Pilot Diamond, rather than at that specific point. The actual location will be based on a number of factors, including traffic density, wind strength and direction and tidal conditions.</p>	The Outline NIP [APP-259] includes protocols and procedures to ensure that the installation and maintenance of the offshore export cables does not impact on third-party vessel movements including within a future case environment. This includes pilotage operations. Noted. Consultation is ongoing to ensure the NIP adequately meets stakeholder requirements including those of the PLA.
PLA-09	Gowling WLG on behalf of Port of	The PLA's Concerns	<p>2.5 The approach to cable laying needs to be clear and there must be a commitment to the quickest method of cable burial which achieves the required burial depth where the ECC crosses the DWR to reduce the impacts to shipping during</p>	The Applicant is engaging with ports including the PLA on the approach to cable laying. This includes both cable burial depths and methodology, for the purpose of obtaining sufficient depths to allow for access of larger vessels in the future, while also minimising impact on shipping during the installation process. The Outline NIP [APP-259] includes protocols and procedures to ensure that the installation and maintenance of

	London Authority		construction. Construction and maintenance vessels must not hinder access into the Port nor the ability to board or land pilots. Deep drafted vessels to terminals within the Port of London are tidally constrained, so a small deviation to their schedule could result in them not having enough water for their passage to the berth, thus delaying them until the next tide approximately 12 hours later..	the offshore export cables does not impact on third-party vessel movements including within a future case environment. This includes pilotage operations. Consultation is ongoing to ensure the NIP adequately meets stakeholder requirements including those of the PLA.
PLA-10	Gowling WLG on behalf of Port of London Authority	The PLA's Concerns	<p>Temporary impacts from Pre Construction surveys and activities and Post Construction surveys</p> <p>2.6 As is common with the installation of cables (either on their own or to support a wind turbine development) a number of pre-construction activities including pre-construction surveys and monitoring may need to be carried out in order to obtain more information to inform for example, the final cable route and burial depth or to allow for the installation of the cable on the chosen route (e.g. boulder clearance, UXO clearance etc). The Offshore In Principle Monitoring Plan' (APP-245) refers to pre-construction geophysical survey, geotechnical work during detailed design, pre-construction UXO surveys, remotely operated vehicle survey and targeted surveys within the ECC for up to 3 years post-construction, which could be non consecutive years.</p>	The Outline NIP [APP-259] includes consideration for pre-construction activities, for the purpose of managing impact on other vessel movements including pilotage operations. The PLA are recognised as an Interested Party in the NIP, and consultation is ongoing to ensure the NIP adequately meets stakeholder requirements including those of the PLA.
PLA-11	Gowling WLG on behalf of Port of London Authority	The PLA's Concerns	2.7 The PLA would want to approve any surveys or monitoring or pre-construction activities that affect the DWR because a survey vessel may pass slowly over the DWR or even stop to place/remove monitoring equipment which could affect shipping. Equally restrictions on how the pre-construction activity can be undertaken may need to be proposed e.g. a boulder or archaeological finds cannot be relocated to or within a DWR but must instead be removed.	The Outline NIP [APP-259] includes consideration for pre-construction activities, for the purpose of managing impact on other vessel movements including pilotage operations. Consultation is ongoing to ensure the NIP adequately meets stakeholder requirements including those of the PLA.
PLA-12	Gowling WLG on behalf of Port of London Authority	The PLA's Concerns	<p>Permanent impacts from interaction with third party schemes (cable crossings).</p> <p>2.8 Cable crossings have the potential to impact on water depths and, as set out in the application documents, it will be necessary for North Falls to cross Neuconnect within the ECC. If consented, SeaLink, and the Five Estuaries export cable will all need to cross the North Falls cables. The PLA must have confidence that where North Falls crosses Neuconnect the required water depth of -22m CD will be maintained and that the North Falls cable will be buried at sufficient depth or placed in areas of deeper water so that any cables that cross North Falls in the future also maintain the required water depth of -22m CD. Temporary impacts from interaction with third party schemes (simultaneous operations).</p>	The Applicant is engaging with ports including the PLA on cable burial depths and methodology, to facilitate access for larger vessels in the future, whilst reducing impact on shipping during cable installation. These discussions will include consideration of cable crossings.

PLA-13	Gowling WLG on behalf of Port of London Authority	The PLA's Concerns	2.9 The Five Estuaries export cables, Neuconnect and SeaLink all intersect the offshore ECC and there is the potential for simultaneous operations occurring during installation and maintenance. For the reasons set out above construction and maintenance vessels must not hinder access into the Port.	The Outline Navigation and Installation Plan (Outline NIP) [APP-259] submitted to manage relevant shipping and navigation activities associated with cable installation, and operation and maintenance in the area of interest (as defined in the NIP) including the potential for concurrent working. Compliance with the finalised NIP, which must be in accordance with the Outline NIP is secured by condition of the deemed Marine Licence for the Transmission Assets as part of the draft DCO (see Schedule 9, [AS-022]).
PLA-14	Gowling WLG on behalf of Port of London Authority	The PLA's Concerns	2.10 In order to install the cables within the ECC it will be necessary to dredge. The Marine Licence (transmission assets) within the dDCO allows for up to 3,019,856 m3 of inert material to be deposited within Works No.s 2 – 4 A. This therefore includes the ECC which is Work No. 3. There is a concern about a lack of controls in relation to the placing of inert material within the ECC. What controls are in place for example to stop the applicant from placing material in the ECC where it crosses the DWR? This could create high spots which ultimately impact on access to the Port of London by reducing navigable depth.	An Outline Sediment Disposal Management Plan, setting out the criteria for dredge disposal location(s), will be developed and submitted as soon as possible into Examination The finalisation of Sediment Disposal Management Plan in accordance with the Outline Sediment Disposal Management Plan will then be secured in the draft DCO.
PLA-15	Gowling WLG on behalf of Port of London Authority	The PLA's Concerns	2.11 Mitigation of potential impacts to shipping and navigation To mitigate potential impacts to shipping and navigation, the applicant places a significant amount of weight on embedded mitigations and documents, which will be produced post consent. These include: (a) Cable burial risk assessment (CBRA) (b) Navigation and Installation Plan (NIP).	An Outline NIP [APP-259] has been submitted to allow key stakeholders understanding of the procedures and contents. Consultation is ongoing to ensure the Outline NIP adequately addresses stakeholder requests so far as practicable, including those of the PLA. The Applicant is engaging with ports including the PLA on cable burial depths and methodology, to allow for access of larger vessels in the future, while also minimising impact on shipping during the installation process.
PLA-16	Gowling WLG on behalf of Port of London Authority	The PLA's Concerns	2.12 These documents could, alongside protective provisions for the PLA, provide the comfort that the PLA requires that, at the detailed design stage, the DWR into the Port of London will be protected now and into the future. As will be explained in the PLA's further Written Representations, amendments are, however, required to the outline Navigation and Installation Plan and protective provisions provided for the PLA need to be added to the dDCO to remove the current uncertainty. In the absence of these changes, decisions that are made by others in this DCO (such as MMO or MCA) could have significant ramifications for the Port of London.	The Applicant will continue to engage with PLA on any concerns raised including on cable burial and the Outline NIP [APP-259] .
PLA-17	Gowling WLG on behalf of Port of London Authority	The PLA's Concerns	2.13 Through the 1968 Act, the PLA has the primary responsibility of maintaining safe access and managing and supporting the safety of navigation for all river users on the River. In order for the PLA to oversee safe navigation on the River, the Holland Haven radar site forms part of a network of 18 towers located between Holland Haven / Margate and Tower Hamlets / Greenwich. Equipment is installed on these towers such as radar, CCTV, weather monitoring equipment and microwave communications systems. There are various sub tenants and licensees at the Holland Haven radar site with rights to the PLA's tower that is situated on the property – telecom operators with statutory rights under the Electronic Communications Code.	The Applicant would expect that any impact is very unlikely (as PLA go on to acknowledge), noting that the southern extent of the landfall of the Offshore ECC is located 1km northeast from Holland Haven. The Applicant will engage with the PLA in respect of this point.

PLA-18	Gowling WLG on behalf of Port of London Authority	The PLA's Concerns	2.14 There is the potential, albeit the PLA acknowledges that this is very low, that the vessel(s) required to undertake the horizontal directional drilling at landfall could interfere with the PLA's Holland to Walton radio link, lowering its reliability. As currently drafted the PLA has no way of being consulted on any detailed plans for the location of vessels associated with the horizontal directional drilling and therefore the first time the PLA knows about the drilling being undertaken could be when a loss of service occurs. This would not be appropriate. The PLA would expect this matter to be addressed in protective provisions.	The Applicant would expect that any impact is very unlikely (as PLA acknowledge), noting that the southern extent of the landfall of the Offshore ECC is located 1km northeast from Holland Haven. The Applicant will engage with the PLA in respect of this point.
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2.17 Applicant's Comments on Relevant Representations Received from RSPB [RR-294]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
RSPB-01	RSPB	Intro	<p>The RSPB supports the deployment of renewable energy projects, providing that they are sited in appropriate places and designed to avoid potential adverse impacts on wildlife. This summary relevant representation outlines the RSPB's position on the following aspects of the North Falls application: - Offshore ornithology impacts - Derogation case with particular reference to compensation measures</p> <p>Due to resource constraints, the RSPB has had limited time to review the Applicant's documents in relation to offshore ornithology impacts. Our submission on these matters therefore represents an initial assessment of the Applicant's submitted information and will be supplemented by the RSPB's further submissions to the examination. The RSPB reserves the right to add to and/or amend its position in light of changes to or any new information submitted by the Applicant.</p>	Noted.
RSPB-02	RSPB	Offshore Ornithology Impacts – Summary of RSPB Position	<p>We have significant concerns regarding the findings of some of the impact assessments. We have been able to reach conclusions on adverse effect on the integrity (AEOI) on the Kittiwake, Guillemot and Razorbill features of the Flamborough and Filey Coast Special Protection Area (SPA), and the Lesser Black-backed Gull feature of the Alde-Ore Estuary SPA.</p> <p>As a result of methodological concerns the RSPB considers that some of the impacts have not been adequately assessed and as such consider that an AEOI on the Northern Gannet feature of the Flamborough and Filey Coast SPA and the Red-throated Diver feature of the Outer Thames Estuary SPA cannot be ruled out at this stage.</p> <p>We set out these concerns below. Our conclusions are summarised below.</p>	The Applicant's response to the RSPB's comments on these matters is provided below.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
RSPB-03	RSPB		<p>Project alone – RSPB AEOL conclusions</p> <p>We conclude there will be an adverse effect on site integrity on the following features of the Alde-Ore Estuary SPA:</p> <ul style="list-style-type: none"> - The impact of collision mortality on the Lesser Black-backed Gull (LBBG) population <p>We cannot rule out an adverse effect on site integrity on the following features of the Flamborough and Filey Coast SPA:</p> <ul style="list-style-type: none"> - The impact of combined collision and displacement mortality on the Northern Gannet population. - The impact of collision mortality on the Kittiwake population <p>We cannot rule out an adverse effect on site integrity on the following features of the Outer Thames Estuary SPA</p> <ul style="list-style-type: none"> - The impact of distributional change on the Red-throated Diver population, arising from vessel movement during construction, decommissioning and operations and maintenance. 	<p>The Applicant maintains its position that North Falls alone will have no adverse effect on integrity of any sites/species, as presented in the RIAA Part 4 [APP-178].</p>
RSPB-04	RSPB		<p>Project in combination with other plans and projects – RSPB AEOL conclusions</p> <p>We conclude there will be an adverse effect on site integrity on the following features of the Alde-Ore Estuary SPA:</p> <ul style="list-style-type: none"> - The impact of collision mortality on the Lesser Black-backed Gull (LBBG) population <p>We conclude there will be an adverse effect on site integrity on the following features of the Flamborough and Filey Coast SPA:</p> <ul style="list-style-type: none"> - The impact of mortality arising from collision and distributional change combined on the Kittiwake population - The impact of mortality arising from distributional change on the Guillemot population - The impact of mortality arising from distributional change on the Razorbill population <p>We cannot rule out an adverse effect on site integrity on the following features of the Flamborough and Filey Coast SPA:</p> <ul style="list-style-type: none"> - The impact of mortality arising from collision and distributional change combined on the Northern Gannet population - The impact of combined collision and displacement mortality on the seabird assemblage. <p>We cannot rule out an adverse effect on site integrity on the following features of the Outer Thames Estuary SPA</p> <ul style="list-style-type: none"> - The impact of distributional change on the Red-throated Diver population, arising from vessel movement during construction, decommissioning and operations and maintenance. 	<p>The Applicant has conceded that AEOL cannot be ruled out for LBBG at the AOE SPA as a result of in-combination collision risk. A derogation case, including compensation measures is provided.</p> <p>The Applicant maintains its position regarding no adverse effect on integrity of all other species, as presented in the RIAA Part 4 [APP-178]. However, without prejudice compensation measures are provided for kittiwake, guillemot and razorbill at the FFC SPA, and RTD at the OTE SPA. The Applicant does not consider that without prejudice compensation measures are required for gannet at the FFC, and the potential requirement for compensation measures for this species has not been raised by Natural England during the evidence plan process (EPP).</p>
RSPB-05	RSPB	Impact Assessment –	<p>The RSPB's key concerns with the impact assessment relate to:</p> <ul style="list-style-type: none"> - Inadequate details of digital aerial survey methodology 	<p>The Applicant's response to the RSPB's comments on these matters is provided below.</p>

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		Methodological Concerns	<ul style="list-style-type: none"> - The application of a macro-avoidance correction factor to predicted Northern Gannet collision mortalities - Screening out of Kittiwake collision mortality at Flamborough and Filey Coast SPA - Inadequate consideration of the conservation objectives of the Outer Thames Estuary SPA - a lack of consideration of impacts compounded by Highly Pathogenic Avian Influenza - Inadequate consideration of wider ecosystem impacts 	
RSPB-06	RSPB	Impact Assessment – Methodological Concerns	<p>Inadequate details of Digital Aerial Survey methodology: The RSPB are content that digital aerial surveys can provide useful data, however full methodological detail needs to be provided alongside the outputs and the details the Applicant has provided are scant. In particular there is:</p> <ul style="list-style-type: none"> - insufficient consideration of potential biases in the survey and analysis methods; - no consideration of potential response of birds to disturbance arising from the survey activity itself, such as flight take off rate or diving rate, that would have implications for the accuracy of the assessment; - insufficient detail provided as to how spatial autocorrelation has been evaluated and if necessary accounted for. The assessment should explicitly demonstrate an analysis of the data showing whether spatial auto-correlation is present or not; - no rationale provided as to why a transect rather than grid survey design has been used; - no detail given of any independent validation of identification and detection rates. This validation is carried out as part of the internal quality assurance procedures, but no independent external quality assurance appears to have been carried out. 	<p>The HiDef Digital Aerial Survey method uses an aircraft altitude of 500m asl. This is above that recommended by Thaxter and Burton (2009) in the COWRIE report (450m) and considerably higher than that used in Visual Aerial Surveys prior to wide adoption of DAS (commonly between 200 and 300ft. The limits recommended in the COWRIE workshop report were proposed so that disturbance of even the most sensitive species was expected to be not significant.</p> <p>For each individual survey, autocorrelation between samples is not evaluated although the survey design is based on accepted standards (as a development of recommendations by Camphuysen et al 2004). The method of analysis does assume independence of the transect samples, and transect width and spacing is a compromise to reduce potential autocorrelation while providing sufficient samples for robust estimation (Buckland et al 2001). HiDef has advised that the matter of autocorrelation is being reviewed internally and there is no substantive evidence of spatial autocorrelation thus far. Preliminary analysis on a small number of surveys (within other projects) has shown that the majority of species show no significant spatial autocorrelation between transects, with a subset of a single species showing some weak evidence of correlation between adjacent transects.</p> <p>Transect-based surveying is the most efficient method to cover large areas, as it requires fewer samples than grid-based methods to achieve the same survey coverage. Provided there are more than 10 transects within the survey area, density and abundance estimates, and the precision of these estimates, can be generated with reasonable statistical confidence. Continuous recording of video along transects across the site, as used by HiDef, is also advantageous where species occur in relatively low densities and/or are spatially clustered.</p> <p>Identification of marine taxa from DAS imagery is a specialist task. The individuals working within the identification team at HiDef are highly trained and generally have long experience of the task. There are regular reviews within the staff and the internal QA checks undertaken as standard with each survey ensure standards are maintained. A similarly skilled, independent body able to undertake 3rd party validation of identification is not available. Training such a team would take considerable time and cost which is disproportionate given the checks and balances in place, and not something we are aware has been carried out on any offshore wind farm to date. Therefore, we do not expect that an independent external QA of identification rates would be possible at this time.</p>
RSPB-07	RSPB	Impact Assessment – Methodological Concerns	<p>The application of a macro-avoidance correction factor to predicted Northern Gannet collision mortalities: The Applicant has applied a reduction of 70% to the baseline densities inputted into the Northern Gannet collision risk modelling in order to account for macro-avoidance by amending the Avoidance Rates used in Collision Risk Modelling.</p>	<p>The Applicant has followed the guidance provided by Natural England (who is the statutory nature conservation body to the Secretary of State) in relation to CRM for this species, including the application of macro-avoidance via a reduction of 70% in the flight densities of gannet within the array area, and use of the avoidance rate recommended by Natural England during the Evidence Plan Process.</p>

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
			<p>This approach follows the scoping advice of Natural England, but is not recommended by NatureScot or the RSPB. The current evidence of a strong macro avoidance of wind farms by gannets, established from observed behaviour, is almost entirely derived from non-breeding birds (Cook 2021). The evidence for macro avoidance during the breeding season is limited with the exception of a German study. However, it is unclear from this study what the breeding status of the tracked birds was, or how their behaviour differed from what would have been expected pre-construction as two of the three wind farms were already operational during the first year of tracking. What the study does clearly show is that breeding Northern Gannets do fly through offshore wind farms, often showing no avoidance behaviour at all. As Northern Gannets can show macro avoidance it was suggested that this was applied to the baseline densities, and then collision risk modelling was carried out using an 'all gull' avoidance rate, so effectively applying avoidance twice. The RSPB does not agree with the approach.</p> <p>Firstly, it does not consider seasonal variation.</p> <p>Secondly, by basing the 'within wind farm' avoidance rate on the 'all gull' rate, it assumes that Northern Gannets will have the same 'within wind farm' reactive flight response as gulls. This assumption is very unlikely to be met. This will result in a lesser ability to make rapid reactions and consequently have a greater risk of collision. This should be reflected in the 'within wind farm' avoidance rate if any further changes are to be made. Any evidence of macro avoidance should also be seen in the context of recent work in Belgian offshore windfarms that has shown potential habituation to the presence of turbines. This effectively results in lower macro avoidance and so an elevated risk of collision. Consequently, the RSPB are concerned that the predicted Northern Gannet mortalities arising from collision are not robust, and therefore cannot come to any conclusions with regard to any adverse effects on site integrity.</p> <p>REFERENCES Cook (2021) Additional analysis to inform SNCB recommendations regarding collision risk modelling. BTO Research Report 739.</p>	
RSPB-08		Impact Assessment – Methodological Concerns	<p>Screening out of Kittiwake collision mortality at Flamborough and Filey Coast SPA</p> <p>The Applicant has screened out breeding season collision impacts on the Kittiwake population of the Flamborough and Filey Coast SPA, despite the colony being within the Mean Max Foraging Range + 1 Standard Deviation (300.6 km) and within the maximum range recorded at that colony (324 km). The Applicant has argued that tracking studies have not shown any overlap with the array footprint and therefore there is no connectivity with the colony. However, while tracking studies are</p>	<p>As stated in the RIAA Part 4 [APP-178] for kittiwake at FFC (section 4.4.4.5.2.1) a number of breeding season tracking studies of kittiwake at FFC have been carried out (the database accompanying Woodward et al. (2019) indicates tracking took place every year between 2010 and 2017 - as RSPB will be aware since they carried out the studies). During trips to and from FFC, none of these tracked birds (a total of 111 based on summing the sample sizes given in the Woodward et al. 2019 database) travelled any further south in the North Sea than a latitude roughly equivalent to that of Lowestoft on the Suffolk coast. These studies over multiple years are considered to provide sufficient evidence that kittiwakes breeding at FFC SPA would rarely if ever be expected to travel as far south as the North Falls array area to forage, and that there is no</p>

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
			<p>extremely valuable, they are of relatively few birds in a relatively short temporal window and so absence of evidence from these studies of a spatial overall of foraging trips and the array should not be taken of evidence of no overlap.</p> <p>In addition, only impacts arising through collision have been considered. It would be preferred if impacts arising through distributional responses, such as displacement and barrier effects, were also considered for this species. Consequently, the RSPB do not believe that the impacts on the Kittiwake population of the SPA have been adequately assessed, and therefore cannot come to conclusions with regard to any adverse effects on site integrity.</p>	<p>breeding season connectivity between North Falls and the FFC SPA. Thus collision impacts for kittiwake at FFC have been assessed for the non-breeding season only.</p> <p>Only collision impacts, and not displacement/barrier effects, were assessed for kittiwake based on the guidance provided by Natural England during the Evidence Plan Process, which does not identify kittiwake as a species at risk of displacement effects from OWFs. Natural England (2022) Phase III best practice guidance on OWFs recommends that the advice provided within the Joint SNCB interim displacement note (SNCBs, 2017, updated in 2022 for red-throated diver) should be followed as a matter of best practice. This states that, <i>'it is unlikely that ... gull species [which includes kittiwake] will need to be routinely assessed for displacement, as a number of empirical studies have demonstrated these species can also be attracted as well as display no noticeable reaction to the presence of OWF... The priority species for assessment of displacement effects will typically be diver and sea duck species, guillemot, razorbill, puffin and gannet.'</i></p>
RSPB-09		Impact Assessment – Methodological Concerns	<p>Inadequate consideration of the conservation objectives of the Outer Thames Estuary SPA</p> <p>The RSPB cannot rule out an adverse effect on the integrity of the Outer Thames Estuary SPA, arising through the project alone and in combination. This is due to the impact of displacement (from vessel movement during construction, decommissioning and operations and maintenance) on the SPA's Red-throated Diver population. The numbers of Red-throated Divers, their distribution within the SPA and their ability to use all suitable habitat contained in the SPA are all relevant to the SPA conservation objectives, but are not considered. If Red-throated Divers are displaced from part of the SPA which would otherwise be suitable for them, the effect is to reduce the functional size of the SPA, undermining the conservation objectives.</p>	<p>The Applicant has considered the conservation objectives of the Outer Thames Estuary SPA. As stated in the RIAA Part 4 [APP-178], the Applicant's position is that due to existing sources of displacement (other OWFs and International Shipping Lanes) in the area of the OTE where North Falls may exert displacement effects on RTD (the 12km buffer), there would be no detectable effect of North Falls on the distribution of RTDs in this area of the SPA.</p>
RSPB-10		Impact Assessment – Methodological Concerns	<p>Highly Pathogenic Avian Influenza (HPAI).</p> <p>The current H5N1 strain of Highly Pathogenic Avian Influenza (HPAI) has affected UK wild bird populations on an unprecedented scale since it was first recorded, with seabirds and waterfowl particularly affected. The extent of reported mortalities attributed to HPAI in the UK and across Europe in 2022 demonstrated that HPAI had become one of the biggest immediate conservation threats faced by multiple seabird species, including some for which the UK population is of global importance. It is currently unclear what the ultimate population scale impacts of the outbreak will be, but it is likely that they will be severe. This scale of impact means that seabird populations will be much less robust to any additional mortality arising from offshore wind farm developments. It also means that there may need to be a reassessment of whether SPA populations are in Favourable Conservation Status. With such uncertainty as to the future of these populations, there is the need for a high level of precaution to be included in examination of impacts arising from the proposed development. This caution must also be applied to</p>	<p>The offshore ornithology ES chapter [APP-027] recognises the emergence of HPAI in UK seabird colonies in 2021/2022 as a key concern in terms of the context for the assessment (section 13.5.5). While acknowledging that the medium to long term impacts of the disease on seabird population trends are uncertain and in the interim it will be necessary to work with imperfect knowledge (Natural England 2022). The cumulative assessment [APP-027] makes reference to available information on the impact of HPAI on the UK population of each species which is scoped in for assessment (with references including the surveys carried out by RSPB in 2023; Tremlett et al. 2024): gannet (para 461, 503), great black-backed gull (para 471), kittiwake (para 480), lesser black-backed gull (para 491). For the SPAs where Natural England has identified a potential AEol in relation to North Falls, the RIAA Part 4 [APP-178] shadow appropriate assessment for gannet, kittiwake, guillemot and razorbill at the FFC SPA makes reference to the available evidence on the scale of effect of HPAI for each species population (based on the annual reports on the SPA seabird populations), noting that for each species it appears that recovery from any effect of HPAI (most severe in relation to gannet) is underway. In relation to RTD at the OTE SPA, the Applicant is not aware of any evidence that HPAI affected the SPA population of this species; and similarly for lesser black-backed gull at the Alde-Ore Estuary SPA.</p>

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
			claims on the potential success of proposed compensation measures. The RSPB does not consider that these concerns have been adequately considered in the assessment. Inadequate consideration of wider ecosystem impacts.	
RSPB-11	RSPB	Impact Assessment – Methodological Concerns	The RSPB do not consider that the Applicant has given adequate consideration to the potential wider ecosystem impacts that may arise through the construction and operation of the wind farm. These could occur, for example, through changes in water column stratification arising from the presence of the wind farm ultimately altering the availability of prey to seabirds.	The potential for indirect effects on seabirds via effects on habitat and prey has been considered in the Offshore Ornithology ES chapter [APP-027] during construction/decommissioning and operation, and for the project alone and cumulatively; no ecologically significant adverse effects have been identified.
RSPB-12	RSPB	In-combination: Treatment of consented projects required to provide compensation	At paragraphs 17 and 18 in APP-192 (Habitats Regulations Assessment Appendix 4, Kittiwake Compensation Document), the Applicant reduces the annual in-combination total of Kittiwake mortalities on the basis that consented offshore wind farms have been compensated for. It also presents compensated impacts as a separate scenario. The RSPB strongly disagrees with the approach of excluding “compensated for” projects from the in-combination assessment. We will provide further commentary on this in future submissions which will explain the reasons for this disagreement and include commentary on the CJEU ruling in C-164/17 Grace v Sweetman.	RSPB’s position on compensated OWFs in relation to in combination total predicted mortalities is noted. It is also noted that the in combination assessment for kittiwake at FFC presented in the RIAA Part 4 [APP-178], (section 4.4.4.5.3.2) considers the in combination totals including and excluding the predicted collision mortality of kittiwake at OWF that have been consented subject to compensation measures, so all relevant information is available in Examination.
RSPB-13	RSPB	Derogation case with reference to compensation measures	<p>The RSPB considers a derogation case is required if the Secretary of State is to consider consenting a damaging project. As part of any derogation case, and based on our initial conclusions regarding adverse effects on integrity, the RSPB considers compensation measures would be required for the following species: LBBG; Kittiwake; Northern Gannet; Guillemot; Razorbill and Red-throated Diver, should the Secretary of State decide to consent the Application as it is currently proposed.</p> <p>Based on its review of the application documents, the RSPB understands that the Applicant has identified potential compensation measures for impacts on the following species: - Kittiwake (due to collision risk impacts on the Flamborough and Filey Coast SPA) - Guillemot and Razorbill (due to displacement impacts on the Flamborough and Filey Coast SPA) - Lesser Black-backed Gull (due to collision risk impacts on the Alde-Ore Estuaries SPA); and - Red-throated Diver (due to displacement impacts on the Outer Thames Estuary SPA).</p> <p>We understand that all of these, with the exception of those for Lesser Black-backed Gull, are proposed on a “without prejudice” basis as the Applicant has concluded there will be no adverse effects on the relevant SPA feature.</p> <p>Given the RSPB’s initial conclusions on adverse effect set out above, the RSPB disagrees with the Applicant.</p>	<p>The Applicant has conceded that AEol cannot be ruled out for LBBG at the AOE SPA (in-combination) and presented compensation measures. Without prejudice compensation measures are also provided for kittiwake, guillemot and razorbill at the FFC SPA, and RTD at the OTE SPA. The Applicant does not consider that without prejudice compensation measures are required for gannet at the FFC, and the potential requirement for compensation measures for this species has not been raised by Natural England during the EPP.</p> <p>Since the DCO submission for North Falls in July 2024, work has been ongoing to develop the compensation / without prejudice compensation measures for each species, in particular to identify suitable locations for compensation and designs for these measures. As part of this process, care is being taken to identify measures that are additional to existing obligations. Additional information is provided in the following documents:</p> <ul style="list-style-type: none"> • Lesser black backed gull Compensation Document [7.2.2, Rev 1] • Outline Lesser black backed gull Implementation and Monitoring Plan [7.2.2.1, Rev 1] • Red throated diver Compensation Document [7.2.3, Rev 1] • Outline Red throated diver Implementation and Monitoring Plan [7.2.3.1, Rev 1] • Outline Kittiwake Implementation and Monitoring Plan [7.2.4.1, Rev 1] • Guillemot and Razorbill Compensation Document [7.2.5, Rev 1] • Outline Guillemot and Razorbill Implementation and Monitoring Plan [7.2.5.1, Rev 1] <p>In addition, an expert topic group meeting was held with relevant stakeholders, including RSPB on the 15th January 2025 to discuss the compensation proposals.</p>

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
			<p>In the RSPB's view there is still substantive work to be done with regards to the compensation proposals, based on agreement of the nature and scale of predicted adverse effects on integrity. This is critical to inform discussions on:</p> <ul style="list-style-type: none"> - what ecologically effective compensation for those impacts could comprise; - the options to be considered to provide such compensation; and - the detailed consideration of possible locations and designs to implement ecologically effective compensation with a reasonable guarantee of success. 	
RSPB-14	RSPB	Derogation case with reference to compensation measures	<p>Compensatory measures must be additional to existing obligations e.g. measures necessary to site management of an SPA or SAC to restore or maintain a designated feature to favourable status.</p> <p>Proposed compensation measures must be sufficiently detailed in advance of the examination to enable interested parties to assess them fully and for proper scrutiny by interested parties and the Examining Authority.</p> <p>In the RSPB's view, the Applicant has not so far provided the necessary detail for that proper scrutiny of the compensation measures. What is needed is more detail about the location, design, implementation, monitoring and review of any proposed compensatory measures in order to provide the Secretary of State with the necessary confidence as to whether those measures can be secured and implemented with a reasonable guarantee of success so as to protect the coherence of the National Site Network.</p>	<p>Since the DCO submission for North Falls in July 2024, work has been ongoing to develop the compensation / without prejudice compensation measures for each species, in particular to identify suitable locations for compensation and designs for measures. As part of this process, care is being taken to identify measures that are additional to existing obligations. Additional information is provided in the following documents:</p> <ul style="list-style-type: none"> • Lesser black backed gull Compensation Document [7.2.2, Rev 1] • Outline Lesser black backed gull Implementation and Monitoring Plan [7.2.2.1, Rev 1] • Red throated diver Compensation Document [7.2.3, Rev 1] • Outline Red throated diver Implementation and Monitoring Plan [7.2.3.1, Rev 1] • Outline Kittiwake Implementation and Monitoring Plan [7.2.4.1, Rev 1] • Guillemot and Razorbill Compensation Document [7.2.5, Rev 1] • Outline Guillemot and Razorbill Implementation and Monitoring Plan [7.2.5.1, Rev 1]
RSPB-15	RSPB		The RSPB will provide more detailed comments on the Applicant's compensation proposals in its written representation.	Noted.

2.18 Applicant's Comments on Relevant Representations Received from Essex Police [RR-094]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
EP-01	Essex Police	Impacts on police operations	<p>The representations of Essex Police seek to secure appropriate mitigation and management measures, either via requirements of the DCO or Statement of Common Ground to address the likely impacts arising from the scheme on its operations, service capacity, infrastructure, and resources. We understand that the project is 'an offshore electricity generating station approximately 24.5km from its nearest point at the Port</p>	<p>The Respondent's comment is noted, and specific responses to the points raised in Essex Police's accompanying written submission are provided below. This includes the following key points raised:</p> <ul style="list-style-type: none"> • <i>"Developer support for the duration of the construction period to ensure effective engagement between the Developer and Essex Police, supporting the creation of plans, emergency procedures, community liaison and membership at appropriate working groups where appropriate."</i>

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
			<p>of Lowestoft which is estimated to have an installed capacity in excess of 100MW and will principally comprise offshore wind turbines together with associated infrastructure (onshore and offshore) including a connection to the electricity transmission network'. Whilst the scheme development and opportunities are acknowledged, our review of the project indicates that operational impacts are likely to arise for Essex Police, particularly during construction phase of the development. As key social infrastructure providers, emergency services and 'interested parties' in this DCO process, Essex Police are engaging with the Applicant with the aim of reaching substantive agreement on the main issues with any outstanding matters to be discussed and agreed during the Examination. Such measures are likely to incorporate: - Developer support for early mitigation measures to reduce disruption to Essex Police service provision, including the development of plans and contingencies for response and incident management. - Developer support for the duration of the construction period to ensure effective engagement between the Developer and Essex Police, supporting the creation of plans, emergency procedures, community liaison and membership at appropriate working groups where appropriate. - Developer support to reduce the impact and disruption during the construction phase to surrounding communities, including a clear customer contact strategy. - Developer support to ensure appropriate mitigation measures are in place to minimise the risk of increased crime during the life cycle of the project. A written submission (Relevant Representation) is submitted under separate cover.</p>	<ul style="list-style-type: none"> • <i>Developer support to reduce the impact and disruption during the construction phase to surrounding communities, including a clear customer contact strategy.</i> • <i>Developer support to ensure appropriate mitigation measures are in place to minimise the risk of increased crime during the life cycle of the project."</i> <p>The Applicant can confirm that we are involved in ongoing discussions with Essex Police surrounding the issues raised within their Relevant Representation, and to that end are submitting a signed Statement of Common Ground with Essex Police [10.1] into the Examination at Deadline 1.</p>
EP-02	Essex Police	Attachment - Intro	<p>This document sets out the initial Essex Police response to the Planning Inspectorate's decision to accept an application for Examination for an Order Granting Development Consent (DCO) for the North Falls Offshore Wind Farm.</p> <p>We understand that the project is 'an offshore electricity generating station approximately 24.5km from its nearest point at the Port of Lowestoft which is estimated to have an installed capacity in excess of 100MW and will principally comprise offshore wind turbines together with associated infrastructure (onshore and offshore) including a connection to the electricity transmission network'.</p> <p>Whilst the scheme development and opportunities are acknowledged, our review of the project indicates that operational impacts are likely to arise for Essex Police.</p> <p>Essex Police are engaging with the applicant with the aim of securing appropriate mitigation and management measures to address the likely impacts arising from the project on its</p>	Noted.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
			<p>operations, service capacity and resources throughout the project stages (concept, construction, and completion).</p> <p>Essex Police will undertake analysis of data provided by the applicant during the examination and may request contribution to infrastructure or resourcing requirements where significant impact to policing provision is identified.</p> <p>Comments are also made in relation to the project which warrant consideration in the form of scheme clarification and/or amendment, which are summarised under the relevant points below.</p>	
EP-03	Essex Police	Considerations	<p>Our representations and comments in relation to the scheme development and construction phases are outlined below.</p> <p>Additionally, comments relating to the applicants Outline Construction Traffic Management Plan are noted for consideration.</p>	Noted.
EP-04	Essex Police	<p>Scheme Development</p> <p>1. Communications</p>	<p>1.1. Essex Police welcome the inclusion of a Stakeholder Communications Plan as outlined within the Outline Code of Construction Practice (CoCP). It is noted that reference is made to establishing effective communication with 'emergency services' and 'blue light services' as part of any plans. Essex Police request a clear definition of these phrases is included to ensure all emergency services are appropriately referenced and consulted with as part of the communications plan and all subsequent contact throughout the construction phase.</p>	<p>This point was raised during consultation between the Applicant and Essex Police held on 11 October 2024. The Applicant agrees with the point raised, which refers to the Stakeholder Communications Plan proposed to be contained within the final CoCP submitted post consent. The Applicant has prepared an updated version of the Outline Code of Construction Practice [APP-248] to be submitted at Deadline 1, which amends Section 1.2.6 to:</p> <p><i>"...a designated point of contact for the Project will manage communications with emergency services including the East of England Ambulance Service (EEAST), Suffolk and North East Essex Integrated Care Board (SNEE ICB), Essex County Fire and Rescue Service and Essex Police".</i></p>
EP-05	Essex Police	<p>Scheme Development</p> <p>1. Communications</p>	<p>1.2. It is anticipated that community disruption resulting from the construction phase of the project will lead to an increase in calls for service to Essex Police.</p> <p>We note the relevant local authority will be consulted with as part of the project's community and public relations procedure and request consultation with Essex Police is included to ensure that a clear contact strategy and community liaison route for matters relating to the project is in place and the citizen can obtain the correct service and advice to reduce the impact to the contact management command within Essex Police.</p>	See previous response above (EP-04), regarding involving Essex Police in any community engagement through the Stakeholder Communications Plan.
EP-06	Essex Police	<p>Scheme Development</p> <p>2. Designing Out Crime Considerations</p>	<p>Throughout the life cycle of the scheme, site specific assessments such as risk and security will be relevant across all components of the design. There is an internationally accepted method of formulating a designing out crime risk and security strategy, based upon the types of incidents that may occur. The common denominators of which comprise of three elements: physical design, social issues and maintenance and care. Specific crime types can potentially be 'designed out' and minimised, which consequently will prevent the need for future bespoke situational crime prevention measures. Embedding</p>	Noted.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
			<p>the concept of 'safety and security' throughout all proposals will ensure the longevity of the scheme, achieve sustainability aims and mitigate the opportunity for crime.</p> <p>Essex Police acknowledge that the project includes proposals to utilise several construction compounds and note the inclusion of construction site layout and fencing requirements in the CoCP. In addition to these requirements, we request the following is included:</p>	
EP-07	Essex Police	<p>Scheme Development</p> <p>2. Designing Out Crime Considerations</p>	<p>2.1. The location, design and security of site compounds must utilise applicable security standards across all components wherever appropriate and ensure effective risk commensurate measures are in place to mitigate the risk of criminal activity such as theft of equipment and/or materials and Anti-Social Behaviour (ASB). Essex Police Designing out Crime Officers request liaison in relation to these sites and any smaller dedicated compound(s) for the onshore construction works. Such engagement will reflect matters including, but not limited to:</p> <ul style="list-style-type: none"> • Specification of boundary treatments and fence provision. • Maximising on natural surveillance opportunities. • General management and maintenance 	<p>The Applicant would be happy to engage with Essex Police's Designing Out Crime Officers once a Principal Contractor has been appointed to discuss:</p> <ul style="list-style-type: none"> • Specification of boundary treatments and fence provision. • Maximising on natural surveillance opportunities. • General management and maintenance. <p>This consultation can be undertaken post-consent, once a Principal Contractor is appointed.</p>
EP-08	Essex Police	<p>Scheme Development</p> <p>2. Designing Out Crime Considerations</p>	<p>2.2. It is recognised that aspects of the 'construction and building site' will not be contained within a dedicated compound but span the length of the route, increasing the potential risk of crime, particularly in the more rural and green field locations. Appropriate mitigation should be in place to minimise the risks identified.</p>	<p>Site security measures through the onshore project area have been included within Section 1.3.5 of the Outline Code of Construction Practice [APP-248]. Section 1.3.5 includes a commitment to provide updated details on site security within the final Code of Construction Practice, secured by DCO Requirement.</p>
EP-09	Essex Police	<p>Construction Workforce</p> <p>3. Construction Workforce</p>	<p>3.1. Whilst the introduction of construction workers will help boost the local economy, there are also disbenefits which may impact on existing communities as a result, which could include increased night-time economy and an increase in volumes of crime as a victim or involved party. Essex Police request engagement with the applicant to understand the size and nature of the construction workforce, locations of any temporary accommodation, and likely population increase to determine any potential impact to crime and resourcing requirements.</p>	<p>The Applicant recently (in October 2024) conducted an Expert Topic Group meeting with Essex Police. ES Chapter 31 Socio-Economics [AS-010] contains information about the scale of the construction workforce, which is relevant to determining the potential scale of construction workers into the local area.</p> <p>For the independent build of North Falls, peak construction demand for onshore workers has been determined to be a total of 471 workers. A worst-case assumption was applied to estimate that 91%, or 429 workers of these workers would be non-local workers. Considering a concurrent build out of North Falls and Five Estuaries Offshore Wind Farms, peak construction demand for onshore workers has been determined to be a total of 698 workers. A worst-case assumption is that 91%, or 635 workers would be non-local workers. As set out in Section 8 of the Outline Skills and Employment Plan (OSEP) [APP-253], the Applicant has engaged, and will continue to engage, with key consultees (listed in Table 8.1) on the content of the OSEP as it is further developed and, subject to securing a DCO, that would be taken forward as the final Skills and Employment Plan, secured by DCO Requirement. This approach may help to ensure a higher level of local construction workforce than has been assumed in the realistic worst case assessment approach to assessing the influx of construction workforce taken in ES Chapter 31 Socio-Economics [AS-010].</p>

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
				<p>It should be noted that onshore construction workers are expected to primarily use temporary visitor accommodation onshore (Tendring District, Colchester Borough, Maldon District, and Braintree District in Essex County and Ipswich Borough, Babergh District, and East Suffolk District in Suffolk County). The offshore construction workforce is assumed to be accommodated in construction vessels located offshore, therefore expected to generate no/very limited additional demand on local services such as the police. The operational phase workforce will largely draw on local labour pool and will be significantly smaller than the construction workforce.</p> <p>Given these considerations the Applicant's position is that the scale of the construction workforce is unlikely to present a significant impact on crime or night-time economy. The Applicant is currently engaging with Essex Police to provide further requested information on the demographics of the construction workforce. The Applicant welcomes further engagement with Essex Police on this issue.</p>
EP-10	Essex Police	Construction 3. Construction Workforce	3.2. We note that within the CoCP reference is made to construction site housekeeping, personnel site inductions, and the provision of adequate construction area welfare facilities. Essex Police request that training in relation to staff vigilance for identifying security concerns and risks are included within any personnel induction process and ongoing reinforcement that security practices are embedded. This will enhance staff health and wellbeing and encourage ownership of employees of the site.	The Applicant is happy to accept the point raised, and has prepared an updated Outline Code of Construction Practice [APP-248], which is being submitted at Deadline 1. This will include an update to the text in Section 1.3.5 Site Security, which will note that site inductions will include training in relation to staff vigilance for identifying security concerns and risks.
EP-11	Essex Police	Construction 3. Construction Workforce	3.3. Essex Police would like to understand what 'adequate welfare facilities' includes to ensure appropriate provisions will be in place for personnel and workforce safety both on and off site. This should include a clear process for reporting and managing incidents both on and off site.	Further details on the welfare facilities provided on site are detailed within Section 1.3.6 of the Outline Code of Construction Practice [APP-248]. Details of the process for reporting and managing staff incidents will be detailed in the Workforce Management Strategy to be prepared as part of the final CoCP, secured by DCO Requirement.
EP-12	Essex Police	Construction 3. Construction Workforce	3.4. Essex Police welcomes the inclusion of the proposed personnel travel plan measures outlined in the OCTMP5. In addition to the options and measures proposed, Essex Police request all personnel are advised of the illegality of using e-scooters if they are not part of a recognised scheme. E-scooters form part of our vulnerable road users and in rural roads present a risk to the rider's safety and the safety of others.	The Applicant has amended the Outline Construction Traffic Management Plan [APP-251] to advise employees of the current illegality of using e-scooters if they are not part of a recognised scheme. The revised version of the OCTMP will be submitted at Deadline 1.
EP-13	Essex Police	Construction 4. Response Plans	<p>The Human Rights Act 1998 makes provision for expression which includes protest. There is an obligation on public organisations to protect these rights, but protection of these rights must be balanced against the impact protest activities may have on the wider community.</p> <p>During the past 18 months Essex has been subject to significant disruptive protest from a range of environmental groups, anti-government protests, and cost of living protests. This has seen the deployment of large numbers of police resources to manage protest activity. A varied and impactful range of tactics have been used by protestors.</p>	Noted.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
EP-14	Essex Police	Construction 4. Response Plans	4.1. Essex Police request engagement and liaison throughout the project to ensure an appropriate protest response and incident management plan is in place; this should include attendance response and management responsibilities, key points of contact, and the management of health and safety.	The Applicant's view is that matters regarding protest and incident response is best captured within the project's Health and Safety Plan, to be submitted as part of the final CoCP, secured by DCO Requirement. The Applicant has prepared an updated Outline Code of Construction Practice [APP-248] , which will be submitted at Deadline 1, which makes reference to protest incident response under Section 1.2.1.
EP-15	Essex Police	Construction 4. Response Plans	4.2. Major accidents and disasters, including construction worker specific accidents and injuries must be considered including the development of plans and contingencies for facilitating emergency access for all Blue Light services, which in urgent cases may also require safe National Police Air Service (NPAS) helicopter access.	All construction accesses have been subject to a Stage 1 Road Safety Audit (RSA), following the DMRB GG 119 - Road Safety Audit (Highways England, January 2020). A Stage 1 RSA requires ensuring that all designs facilitates access for emergency vehicles. The RSAs are provided in ES Appendix 27.1 Transport Assessment [APP-165] . As the vast majority of the onshore project area is open, flat agricultural land well serviced by the local road network, emergency helicopter access is not considered by the Applicant to be a key issue.
EP-16	Essex Police	Construction 5. Traffic Management Considerations	The safety of all road users during the construction phase is significantly important. Nationally, rural roads have the highest level of loss of life through road traffic collisions and the current network of roads may not be suitable to cope with the increased level of traffic during the construction phase without appropriate management in place and improvements where required. Local communities may be directly impacted as they are located within the construction routes, or subject to higher volumes of traffic being located on diversion routes. Additionally, the surrounding road network will see a large increase in the movement of Heavy Goods Vehicles (HGVs). Essex Police request the following traffic management measures are included within the applicants plans:	Section 27.6.1.4 of the ES Chapter 27 Traffic and Transport [APP-041] includes a detailed examination of all collisions recorded within the traffic and transport study area in context of the development proposals. With the application of mitigation measures (as required) highway safety effects associated with the projects additional traffic are assessed as not significant in EIA terms. In addition to the assessment of risks associated with increases in traffic, consideration has also been given to the potential for road safety effects at new points of access/crossings. The ES Appendix 27.1 Transport Assessment [APP-165] includes outline designs for all access and crossings in accordance with the requirements of the Design Manual for Roads and Bridges and have also been subject to an independent Stage 1 Road Safety Audit. The Outline Construction Traffic Management Plan [APP-251] (which is secured by a Requirement of the Draft DCO [AS-022]) outlines that prior to the commencement of construction, the technical approvals for the access and crossing designs will be submitted to and agreed with Essex County Council (as the local highway authority), this will also include Stage 2 and 3 Road Safety Audits.
EP-17	Essex Police	Construction 5. Traffic Management Considerations	5.1. Consideration must be given to the management and enforcement of vital road traffic restrictions during the construction phase to ensure the safety of all road users, and minimal impact to policing resources. This should include areas with reduced speed limits such as the proposed speed reduction on Bentley Road from 60mph to 40mph; weight limit and prohibition of work(s) traffic; inclusion of average speed systems where appropriate; and the maintenance of any signage or street furniture.	Subsequent to the submission of this relevant representation, the Applicant has discussed this matter with Essex Police at a meeting on the 11 October 2024. During this meeting the Applicant highlighted that average speeds along Bentley Road were 43mph and there is therefore already good compliance with the proposed 40mph speed limit. It was therefore agreed with Essex Police to monitor compliance and that additional measures could be implemented if required. The Applicant would also clarify that there are no changes proposed to weight limits or new prohibitions of traffic requiring additional police enforcement. The Applicant also directs Essex Police to Section 5.3 of the Outline Construction Traffic Management Plan [APP-251] (which is secured by a Requirement of the Draft DCO [APP-022]). Section 5.3 includes details of the approach to enforcing non-compliance by employees and companies employed on the Project (such as drivers not adhering to agreed routes).
EP-18	Essex Police	Construction 5. Traffic Management Considerations	5.2. Consideration should be given to traffic flow data and local 'pinch points' around junctions. With an increased number of heavy goods vehicles and local vehicles some junctions may be unable to manage the additional traffic flow and could become overwhelmed and cause congestion and/or road traffic related incidents.	The ES Chapter 27 Traffic and Transport [APP-041] includes a detailed assessment of the effects of construction traffic upon the impacts of amenity, severance, highway safety and driver delay. With the application of additional mitigation measures (as appropriate) the residual effects upon all receptors was assessed to be not significant in EIA terms.
EP-19	Essex Police	Construction	5.3. The construction phase is likely to present challenges to Essex Police for responding to calls for service impacting our	Section 1.4 of the Outline Construction Traffic Management Plan [APP-251] (which is secured by a Requirement of the Draft DCO [AS-022]) outlines that one of the key responsibilities of the Traffic

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		5. Traffic Management Considerations	operational effectiveness, with considerable impact to communities located within and around the scheme boundaries. Essex Police note the measures outlined within the OCTMP and request inclusion in any scheme related traffic management forums and/or engagement regarding: <ul style="list-style-type: none"> Advance insight into road closures and diversions with ease of access to site/s and surrounding housing and industrial estates for blue light services to achieve their respective response times. Advance insight into the movement of Abnormal Indivisible Loads (AILs) and Non-special order abnormal loads for early mitigation. Essex Police seek to agree a point of contact with the project and a clear process for the movement of such vehicles to allow for appropriate police approval and management and to keep disruption to the public to a minimum. Additionally, there is a requirement to identify holding areas for AILs to ensure minimal disruption and the safety of all road users. 	Management Co-ordinator (TMCo) and would be to share information with the emergency services, e.g. dates of any road closures, abnormal load movements, etc. Further detail with regard to the specific processes is outlined in section 2.5 (abnormal loads) and 4.6 (road closures) of the Outline Construction Traffic Management Plan [APP-251] .
EP-20	Essex Police	Construction 5. Traffic Management Considerations	5.4. We note the inclusion of ambulance services as notifiable parties for traffic related management and movement measures and would request local fire and rescue services are also noted to ensure inclusion of all blue light services.	Section 1.4 of the Outline Construction Traffic Management Plan [APP-251] (which is secured by a Requirement of the Draft DCO [AS-022]) outlines that one of the key responsibilities of the Traffic Management Co-ordinator (TMCo) and would be to share information with the emergency and healthcare services, e.g. dates of any road closures, abnormal load movements, etc. The Fire and Rescue services are therefore included. The Applicant has also discussed the matter with the Fire and Rescue Service at a meeting on the 15 November 2024 who confirmed they had no concerns.
EP-21	Essex Police	Construction 5. Traffic Management Considerations	5.5. Essex Police note reference is made to the Port of Harwich within the Traffic and Transport Environmental Statement ⁶ as a potential option to receive special order AILs. We request confirmation of plans regarding any such movements to ensure the required specialist port capabilities and plans are in place and agree an appropriate point of contact.	Section 2.5 of the Outline Construction Traffic Management Plan [APP-251] (which is secured by a Requirement of the Draft DCO [AS-022]) outlines that one of the key responsibilities of the Traffic Management Co-ordinator (TMCo) would be to share information with the emergency and healthcare services, e.g. dates of any road closures, abnormal load movements, etc.
EP-22	Essex Police	Construction 5. Traffic Management Considerations	5.6. Essex Police request that a Dangerous Goods Safety Advisor is appointed to ensure the movement of dangerous goods is compliant and works to minimise the risk posed to the environment, and the surrounding communities and road users.	The Applicant has amended the Outline Construction Traffic Management Plan [APP-251] to include this function as a responsibility of the Traffic Management Plan Co-Ordinator (TMCo). The revised version of the OCTMP will be submitted at Deadline 1.
EP-23	Essex Police	Construction 6. Outline Construction Traffic Management Plan	The following comments relating to the applicants Outline Construction Traffic Management Plan' (OCTMP) are noted for consideration. Please note, the OCTMP text is shown in italics for reference alongside the relevant document section. The Essex Police response or question is shown in bold following the quote. <i>2.2.2 HGV timings</i>	Subsequent to the submission of this relevant representation, the matter was raised by Essex Police at a meeting on the 11 October 2024. During this meeting the Applicant highlighted Section 2.2.2 of the Outline Construction Traffic Management Plan [APP-251] (which is secured by a Requirement of the Draft DCO [AS-022]) which includes a commitment to identifying locations for HGVs to park with the relevant highway authorities prior to the commencement of construction. The Applicant also clarified to Essex Police that it would be appropriate to identify these locations at a later date (as part of developing the final CTMP) as the availability/suitability of facilities could change prior to the commencement of construction.

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			28. Any HGVs which are projected to arrive on site prior to 0700 would be required to park at an appropriate lorry park, services and other designated overnight parking locations until they can complete their journey within appropriate restrictions. These locations would be agreed with the relevant highway authorities prior to the commencement of construction and would be communicated to drivers within their delivery instructions.	<p>The Applicant also noted that the Outline Construction Traffic Management Plan [APP-251] includes a commitment to:</p> <ul style="list-style-type: none"> the scheduling of deliveries through a booking system to ensure deliveries are spread throughout the day; and providing delivery instructions to drivers reminding them not to arrive on site prior to 0700 but if this cannot be avoided, directions to safe waiting locations.
EP-24	Essex Police	Construction 6. Outline Construction Traffic Management Plan	6.1. The existing facilities for lorry parking for any duration is inadequate for vehicles servicing local businesses and the main ports in the Southeast of England. The A120 has no HGV parking facilities and the use of Laybys along this road would not be encouraged. Essex Police request consideration to identifying and/or providing adequate facilities to ensure the safety of the construction workforce and all road users.	
EP-25	Essex Police	Construction 6. Outline Construction Traffic Management Plan	<p>29. In addition to the restrictions outlined above, ES Chapter 27 Traffic and Transport also outlines embedded mitigation measures to manage HGV movements through Thorpe-le-Soken to occur outside of school start and finish times. The TMCo would agree the exact periods to be avoided with Essex County Council as part of finalising the CTMP.</p> <p>6.2. The existing road network through Thorpe-le-Soken for HGV movements presents a risk at all times due to the impact of traffic volumes, bus routes, and local parking. Essex Police request a review of construction routes and timings through this road network to ensure no additional risk is encountered.</p>	<p>The Applicant would note that the route via Thorpe-Le-Soken is a main B-road and is defined by Essex County Council (as the local highway authority) as a PR1 route, routes which provide the main arteries for the flow of commerce, goods and people, and therefore carries high volumes of traffic through and around the county. In this context, Table 27.16 of the ES Chapter 27 Traffic and Transport [APP-041] outlines that the B1033 through Thorpe-Le-Soken currently carries in the region of 151 HGVs per day (i.e. without the Project).</p> <p>Furthermore, Table 27.2 of the ES Chapter 27 Traffic and Transport [APP-041] outlines an extensive commitment by the Applicant to the provision of a temporary haul road and vehicular crossovers to allow the majority of construction traffic to bypass the community and travel via the temporary haul road from the north. With the application of these mitigation measures Table 27.16 of the ES Chapter 27 Traffic and Transport [APP-041] identifies that there would be a peak of no more than an additional 33 HGV movements per day (in addition to a background of 151 HGVs per day). Table 27.2 of the ES Chapter 27 Traffic and Transport [APP-041] also outlines a further commitment to ensure that these residual trips avoid school start and finish times.</p> <p>The ES Chapter 27 Traffic and Transport [APP-041] includes a detailed assessment of the Project's construction traffic movements upon the impacts of severance, amenity, road safety and driver delay and concludes that there would be no significant effects.</p>
EP-26	Essex Police	Construction 6. Outline Construction Traffic Management Plan	<p>2.3 Control of HGV routes</p> <p>32. The proposed HGV routes to each access would be limited to the assessed links within ES Chapter 27 Traffic and Transport and as shown on Figure 1 of this OCTMP. To ensure compliance with the HGV delivery routes, the following measures are proposed:</p> <p>Direction signing would be implemented to direct construction traffic to the respective accesses along the assessed delivery routes (the location and design of these signs would be agreed with Essex County Council and National Highways (as appropriate) prior to the commencement of the construction of the relevant phase.</p>	The Applicant has amended the Outline Construction Traffic Management Plan [APP-251] to include this request. The revised version of the OCTMP will be submitted at Deadline 1.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
			6.3. With any protracted construction operation these signs are damaged and/or worn over time. The maintenance of any signage and street furniture throughout the duration of the construction phase must also be considered.	
EP-27	Essex Police	Construction 6. Outline Construction Traffic Management Plan	<i>The delivery routes and timing would be communicated (by the TMCo) through the issuing of delivery instructions to all companies and/or drivers involved in the transport of materials and plant to and from the site by HGV construction vehicles.</i> 6.4. Locations must also be identified for holding areas if HGV vehicles arrive early or outside of the scheduled time allocated to avoid waiting in inappropriate areas which presents a real risk to all road users.	The Applicant directs Essex Police to Section 2.2.2 of the Outline Construction Traffic Management Plan [APP-251] which outlines that: <i>"Any HGVs which are projected to arrive on site prior to 0700 would be required to park at an appropriate lorry park, services and other designated overnight parking locations until they can complete their journey within appropriate restrictions. These locations would be agreed with the relevant highway authorities prior to the commencement of construction and would be communicated to drivers within their delivery instructions ..."</i>
EP-28	Essex Police	Construction 6. Outline Construction Traffic Management Plan	<i>The registration numbers for all HGVs making deliveries would be recorded by the TMCo. This would allow for checking and enforcement of any non-compliance of the agreed delivery route.</i> 6.5. Essex Police request a clear process is in place to ensure any non-compliance is appropriately managed with expectations, penalties, and escalation processes outlined.	The Applicant directs Essex Police to Section 5 of the Outline Construction Traffic Management Plan [APP-251] which outlines processes for monitoring and enforcing any non-compliance. The implementation of finalised CTMP will be a contractual obligation for the appointed Principal Contractor and the Applicant would also note that the Local Planning Authority can take enforcement action against a breach of a DCO. The Outline Construction Traffic Management Plan [APP-251] is secured by a Requirement of the Draft DCO [AS-022],
EP-29	Essex Police	Construction 6. Outline Construction Traffic Management Plan	<i>The TMCo would require that where vehicle tracking is fitted to vehicles, that the systems are operational, and suppliers / drivers make the data available to the TMCo. Vehicle tracking would allow the TMCo to investigate any potential non-compliances.</i> 6.6. Essex Police request access to this data (when requested) to ensure complaints received into the Commercial Vehicle Unit are dealt with quickly and proportionately.	The Applicant has amended the Outline Construction Traffic Management Plan [APP-251] to include this request. The revised version of the OCTMP will be submitted at Deadline 1.
EP-30	Essex Police	Construction 6. Outline Construction Traffic Management Plan	<i>The TMCo would provide an 'identifier' that would be placed within the window of all delivery vehicles to enable residents to identify if an HGV is engaged on work on the Project and would be submitted to and approved by the relevant highway authorities as part of the final CTMP.</i> 6.7. Essex Police request access to this information for awareness of the 'identifiers'.	The Applicant has amended the Outline Construction Traffic Management Plan [APP-251] to include this request. The revised version of the OCTMP will be submitted at Deadline 1.
EP-31	Essex Police	Construction 6. Outline Construction Traffic Management Plan	<i>2.4 Driver induction</i> <i>33. All HGV drivers for the Project would be formally inducted. The induction would establish a clear set of responsibilities that all drivers would be required to follow, such as: Timings, pre-booked slots; Clarification of approved HGV routes; Highway safety concerns; Adherence to speed limits; and Details of reporting accidents and 'near misses'.</i> 6.8. Essex Police welcome the inclusion of an induction process for HGV drivers for the project and request further	The Applicant welcomes this offer from Essex Police and has amended the Outline Construction Traffic Management Plan [APP-251] to include this offer. The revised version of the OCTMP will be submitted at Deadline 1.

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			engagement to support the induction delivery and ensure the provision includes key road safety strategies in Essex. Essex Police Commercial Vehicle Unit can provide a 'Toolbox Talk' for professional drivers and request consideration to provide this input to identified hauliers to offer greater community safety.	
EP-32	Essex Police	Construction 6. Outline Construction Traffic Management Plan	<p><i>2.4.1 Delivery packs</i></p> <p><i>34. To support the strategy to control HGV routes, each driver would be issued with a delivery pack. This pack would include the following information: A plan showing the delivery routes, the location of the site access and areas with road safety concerns; Details of appropriate lorry parks, services and other designated overnight parking locations where drivers are permitted to stop; A copy of the identifier to display in the vehicle window; Details of restrictions on delivery hours; and Details of disciplinary measures for non-compliance.</i></p> <p>6.9. Essex Police welcome the inclusion of a delivery pack for HGV drivers. The suggested content of this document will support the project and the driver and as such, we request the delivery pack also contains advice to produce the documents to any police officer should the driver be requested to stop. This will add value to the document and allow prompt access to required information for policing purposes if an incident has occurred.</p>	The Applicant has amended the Outline Construction Traffic Management Plan [APP-251] to include this request. The revised version of the OCTMP will be submitted at Deadline 1.
EP-33	Essex Police	Construction 6. Outline Construction Traffic Management Plan	<p><i>4.2 Control of material on the highway</i></p> <p><i>61. It is envisaged that as a minimum, measures would include the following: All accesses and crossings would be provided with a bound surface (asphalt / concrete) to prevent mud and dirt being tracked onto the highway; Regular inspections of the public highway in the vicinity of the active site accesses to ensure cleanliness; and Road sweepers on call to clear any detritus and other material from the public highway.</i></p> <p><i>62. Where deliveries are likely to be more intense, such as at compounds, further measures such as wheel washing facilities and dust suppression may be provided.</i></p> <p><i>63. Prior to the commencement of construction of the relevant phase, the TMCo would agree with the relevant highway authorities an appropriate response time to remove any reported detritus / material on the highway following a report.</i></p> <p>6.10. Essex Police welcome the inclusion of the road cleaning measures outlined and request a named point of contact is provided to ensure intervention measures can be quickly coordinated to prevent an increasing risk to public safety.</p>	The Applicant has amended the Outline Construction Traffic Management Plan [APP-251] to include this request. The revised version of the OCTMP will be submitted at Deadline 1.

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			Additionally, should an incident occur it is easy to locate those legally responsible for any investigation.	
EP-34	Essex Police	Construction 6. Outline Construction Traffic Management Plan	<p>4.7 Road Safety</p> <p>85. Management measures to minimise the impact on highway safety during the Project's construction phase are: HGV driver inductions and training. Drivers would be informed of the areas with existing highway safety issues and appropriate training would be provided to minimise the effect on highway safety; HGV driver information packs. Where vehicles are routed via links 22, 23 and Cluster 8, the existing highway safety issues would be highlighted to drivers within information packs provided inside their delivery instructions; and Near miss reporting. Drivers would be requested during the induction to report any collisions or near misses. This would allow any potential highway safety concerns to be identified early and remedial action taken.</p> <p>6.11. In addition to the comments already noted, Essex Police would suggest the applicant consults with the Safer Essex Roads Partnership, particularly regarding the Driving for Better Business scheme which will support the project in ensuring appropriate road safety measures are included.</p>	The Applicant has amended the Outline Construction Traffic Management Plan [APP-251] to include this request. The revised version of the OCTMP will be submitted at Deadline 1.
EP-35	Essex Police	Construction 6. Outline Construction Traffic Management Plan	<p>4.10 Traffic incident management</p> <p>Table 4.1 Traffic Incident Management Measures to be Adopted During Events</p> <p>Incidents involving PC HGV traffic blocking the highway, such as, breakdowns, accidents, etc.: The PC and their suppliers' fleet would have arrangements with recovery companies to allow breakdowns and accidents to be cleared as quickly as possible. All breakdowns and accidents would be reported to the TMC.</p> <p>6.12. Heavy Recovery is complicated, and hauliers often use their own recovery operators which can present significant delays and/or risk. If it is proposed to use a local recovery operator Essex Police would request operators are identified in advance to ensure a clear process is in place which provides a suitable provision and avoids undue congestion, risk, and costs.</p>	The Applicant has amended the Outline Construction Traffic Management Plan [APP-251] to include this request. The revised version of the OCTMP will be submitted at Deadline 1.
EP-36	Essex Police	Construction 6. Outline Construction Traffic Management Plan	<p>4.12 Noise management</p> <p>101. Should the assessment identify potentially significant effects, mitigation measures would be proposed and agreed with Tendring District Council (prior to the commencement of the relevant phase) to reduce the effect to a level that is not significant. Mitigation measures could include:</p>	The traffic forecasts presented within the ES Chapter 27 Traffic and Transport [APP-041] assume a worst-case scenario whereby backhauling is not utilised (backhauling is the process whereby a vehicle importing material is used to export material or vice versa, thus avoiding an empty vehicle trip). Intuitively the appointed contractor will seek opportunities to reduce empty HGV movements to save costs, however, in many instances it is not possible and cannot be required as 'normal routing practice'.

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			<p><i>A reduction in peak daily HGV trips through measures such as: Backhauling, i.e. using laden vehicles to import stone and export excavated material.</i></p> <p>6.13. Essex Police request consideration to include backhauling as part of normal routing practice for the project. This would support reducing the environmental impact of additional HGV journeys and lessen the risks presented from increased construction traffic on the road network.</p>	Notwithstanding, the ES Chapter 27 Traffic and Transport [APP-041] summarises that for the worst-case peak daily traffic flow (without backhauling) the residual effects upon all receptors is assessed to be not significant in EIA terms.
EP-37	Essex Police	Construction 6. Outline Construction Traffic Management Plan	<p><i>5.2.3 HGV routing</i></p> <p><i>109. The TMCo would also ensure that weighting is given to the selection of suppliers with vehicle tracking software. Vehicle tracking software, together with delivery records would serve to augment the unique identifier to allow the TMCo to respond to any complaints and provide a complete evidence base.</i></p> <p>6.14. Essex Police would suggest consideration is also given to companies with the ability to weigh their own vehicles. Overloaded vehicles have limited access to some road infrastructure, such as a public weighbridge, and can cause damage, increased pollution, and experience reduced vehicle control, such as the ability to brake or steer. These are all contributory factors to road safety.</p>	Noted. This is common practice in the construction material supply chain.
EP-38	Essex Police	Construction 6. Outline Construction Traffic Management Plan	<p><i>5.2.5 Road safety</i></p> <p><i>112. The TMCo would retain records of all incidents and submit to the relevant highway authorities upon request. If emerging issues are identified, the TMCo would initiate discussions with stakeholders to promote a 'Zero Harm Culture'.</i></p> <p>6.15. Essex Police welcome the inclusion of the road safety measures outlined and can support the delivery of this vital message if required.</p>	The Applicant welcomes this offer from Essex Police.
EP-39	Essex Police	Policy Intro	The following national and local planning policy references are considered to be relevant to the project. Reference is also made to local design considerations in relation to Essex Police, and Appendix 1 provides key information on Essex policing priorities and context.	Noted.
EP-40	Essex Police	Policy National Policy	The requirement for the Applicant to satisfactorily address the issues raised above is consistent with the Government's policy intentions for the planning process to identify and avoid, reduce, or compensate for adverse social effects to deliver sustainable development, as set out in the overarching National Policy Statement (NPS) for Energy (EN-1), the NPS for Renewable Energy Infrastructure (NPS EN-3), and the NPS for Electricity Networks Infrastructure (NPS EN-5)	Noted. The relevant national policies applicable to North Falls, including National Policy Statement (NPS) for Energy (EN-1), the NPS for Renewable Energy Infrastructure (NPS EN-3), the NPS for Electricity Networks Infrastructure (NPS EN-5), and the National Planning Policy Framework (NPPF), are discussed in ES Chapter 3 Policy and Legislative Context [APP-017].

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			The National Planning Policy Framework (NPPF) sets out the UK Government's planning policies for England and how these are expected to be applied. Whilst the NPPF does not contain specific policies for Nationally Significant Infrastructure Projects (NSIPs), it contains relevant guidance on promoting sustainable transport; achieving healthy, inclusive, and safe places; supporting local strategies to improve health (social and cultural) wellbeing for all sections of the community; conserving and enhancing the natural and historic environments; and meeting the challenges of climate change.	
EP-41	Essex Police	Policy Local Policy	The Development Plans of the Districts affected by the Order Limits (Tendring District Council for Essex) recognise the essential role played by key social infrastructure providers such as emergency services wherein the maintaining of sufficient operational capacity and resources (and infrastructure provision) in conjunction with major development is considered to be necessary in order to deliver sustainable development.	Noted. The relevant local policies applicable to North Falls, including relevant Essex and Tendring policy, are discussed in ES Chapter 3 Policy and Legislative Context [APP-017] .
EP-42	Essex Police	Policy Essex Design Guide	<p>The Essex Design Guide provides high level direction for new developments and infrastructure within Essex and includes the strategic development principles from Essex Emergency Services.</p> <p>Essex emergency services need to understand and respond to any increased risk brought by the additional growth and development as well as looking at county wide issues including increases in volume of demand.</p> <p>We see this guidance as an enabler to inform strategic demand, resource allocation and management planning linked to future development and growth. By working directly with developers and local planning authorities to influence the design and build of new places, we can collectively make new and existing communities as safe as they can be, delivering real benefits to the residents of Essex as well as those who visit for business or leisure activities.</p> <p>Key aims and objectives of the collaborative Essex Emergency Services approach include:</p> <ul style="list-style-type: none"> • Emergency services, local authorities, developers, and infrastructure providers will work together to deliver safe, secure, and sustainable developments. This is supported through the Emergency Services Planning Protocol. • Create a proactive, consistent, and informed early response to the increased demand placed on emergency services that new housing and development will bring. • Aligning long term planning aspirations with the demand profiles of Essex Emergency services; applying collaborative and technical solutions where possible. 	<p>Noted. The Essex Design Guide has been reviewed when developing the project's Design Vision [APP-234], which sets out the principles which underpin the design process for the project's permanent infrastructure. The Design Vision details how the principles of the Essex Design Guide have helped inform the approach to design used by the Applicant in developing the project design, and which will continue to be used during detailed design, post-consent.</p> <p>The Applicant's proposed approach to engage with Essex Police in advance of and during construction under the Stakeholder Communication Plan described the Outline Code of Construction Practice [APP-248] is considered appropriate for helping deliver the outlined goals of the collaborative Essex Emergency Services approach.</p>

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
			<ul style="list-style-type: none"> • Apply an evidenced approach to applying for developer contributions to support increased emergency service infrastructure costs. • Engage with developers and planners, providing education and guidance around emergency services safety standards and infrastructure requirements. • Engaging with master plans and larger planned developments at the early stages, creating consultative links with developers and planning authorities. • Building an evidence base for predictive demand and risk and where response will be required. • Understanding how our delivery models will respond to increased demand. • Support the National Planning Policy Framework to promote healthy and safer communities. 	
EP-43	Essex Police	Conclusion	<p>As key social infrastructure providers, emergency services and interested parties in this DCO process, Essex Police has identified the North Falls Offshore Wind Farm project as having considerable impact on its operations, service capacity and resources requiring appropriate mitigation and management measures.</p> <p>Essex Police request continued engagement with the applicant with the aim of reaching substantive agreement on the main issues via a Statement of Common Ground, with any outstanding matters to be discussed and agreed during the Examination.</p> <p>We look forward to receiving an acknowledgement in respect of these representations. Please send this and any future correspondence to: strategic.planning@essex.police.uk</p>	The Applicant is likewise keen to continue engagement with Essex Police with the aim of reaching substantive agreement on the main issues outlined above. To this end, further engagement between the Applicant and Essex Police since the submission of the Relevant Representation has resulted in the signing of a Statement of Common Ground [10.1] between the Applicant and Essex Police. The signed Statement of Common Ground will be submitted into the Examination at Deadline 1.
EP-44	Essex Police	Appendix 1 Police, Fire, and Crime Commissioner for Essex (PFCC): Police Fire and Crime plan 2024 - 2028	<p>Information on Essex policing priorities and context.</p> <p>Police, Fire, and Crime Commissioner for Essex (PFCC): Police Fire and Crime plan 2024 - 2028</p> <p>The Police Fire and Crime Plan sets out the policing priorities and aims for keeping Essex safe. It brings together police, partners, and the people of Essex to build safe and secure communities, thereby promoting public confidence in the police and ensuring that victims are satisfied with the service and support they receive.</p> <p>The priorities set out in the plans will inspire and challenge Essex Police, Essex County Fire and Rescue Service and all community safety partners to create a safer county for all. The plans provide strategic direction for both services that tackle the root causes of crime, improving road safety and protecting the most vulnerable residents. Twelve priorities are included in the plan. These are:</p>	Noted.

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			<p>Police and Crime priorities:</p> <ul style="list-style-type: none"> • More local, visible, and accessible policing • Drive down anti-social behaviour and crime • Beat knife crime and drug gangs and protect young people • Tackle violence against women and girls and domestic abuse • Ensure vulnerable people are protected • Improve road safety and reduce road deaths in Essex to zero <p>Fire and Rescue priorities:</p> <ul style="list-style-type: none"> • Protect vulnerable people • Improve road safety and reduce road death in Essex to zero • Make buildings across Essex safer • Adapt to our changing environment • Promote a positive culture and develop the workforce • Improve efficiency and effectiveness 	
EP-45	Essex Police	Appendix 1 Essex Police Force Plan	<p>Essex Police force priorities are drawn from the Police, Fire and Crime Commissioner's (PFCC) Police and Crime plan, as we are rightly accountable to the PFCC as our locally elected authority. The plan provides our main effort, which helps us focus our energies on our priorities and think about helping victims, identifying vulnerability, preventing violence, and being visible in everything we do, whatever role we do to ensure we:</p> <ul style="list-style-type: none"> • Help people: Deliver the best possible service prioritising threat/harm/risk and putting victims at heart of what we do. • Keep people safe: Prevent crime, protect the vulnerable, keep our communities and people safe and work with partners to do this. • Catch criminals: Identify suspects and bring them to justice targeting the most harmful and paying attention to the needs and views of victims. 	Noted.

2.19 Applicant's Comments on Relevant Representations Received from Forestry Commission [RR-102]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
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FC-01	Forestry Commission	<p>Thank you for consulting the Forestry Commission on this proposal. As a Non-Ministerial Government Department, the Forestry Commission provide no opinion supporting or objecting to an application. Rather we provide advice on the potential impact that the proposed development could have on trees and woodland including ancient woodland. We can confirm there is no Ancient Woodland within the proposed order limits, the majority of woodlands having been avoided completely except for a few areas of mixed deciduous woodland. These woodlands are on the National Forest Inventory and the Priority Habitat Inventory (England). They were recognized under the UK Biodiversity Action Plan as being the most threatened, requiring conservation action.</p> <p>The UK Biodiversity Action Plan has now been superseded but this priority status remains under the Natural Environment & Rural Communities Act 2006. (NERC) Sect 40 “Duty to conserve and enhance biodiversity” and Sect 41 – “List of habitats and species of principle importance in England”.</p> <p>We note that it is planned that potential woodland loss will be avoided by the use of trenchless HDD crossing techniques and that appropriate buffers and protection measures will be employed. It should be noted there is also a 1.28ha area of woodland within the area marked for the Project’s National Grid Connection Point that was either established or managed with the support of public money from the Farm Woodland Premium Scheme (FWPS). (Approx location: TM 0756 2924) This grant is still in obligation. The landowner is expected to meet all the Terms and Conditions of the agreement contract. Failure to do so would likely require the Forestry Commission to seek to recover all of the relevant grant that has been paid for that area.</p> <p>We understand this area will include further woodland planting, with maintenance being secured for a period of 10 years. Hedgerows, individual trees and woodlands within a development site should also be considered in terms of their overall connectivity between woodlands affected by the development. Perhaps with the creation of some larger woodland blocks and hedgerow/hedgerow trees possibly between the existing woodland blocks on site, to ensure maximum gains to increase habitat connectivity and benefit biodiversity across the whole site, not solely in specific areas just to be used as screening. With the Government aspiration to increase tree and canopy cover to 16.5% of land area in England by 2050. The Forestry Commission is seeking to ensure that tree planting is a consideration in every development. However, there are a number of issues that need to be considered when proposing significant planting schemes:</p> <ul style="list-style-type: none"> • Biosecurity of all planting stock needs to be considered. 	<p>Section 3.6 of the Outline Landscape and Ecological Management Strategy [APP-249] details the Outline Landscape Strategy for the project. Further detail on the species and specification of planting and seeding will be agreed with the LPA, post consent. Reference will be made to the Essex County Council Tree Palette and Forestry Research guide to climate resilient species. Locally important and native species will be used, as advised by Essex Wildlife Trust.</p> <p>The Applicant is not proposing to undertake any woodland removal within the proposed National Grid connection point; this is the location for connection work into pre-constructed infrastructure construction by NGET only.</p> <p>Section 3.8 of the Outline Landscape and Ecological Management Strategy [APP-249] details the project’s Landscape Strategy Principles, which consider the proposed habitats within a broader landscape setting.</p> <p>Section 3.10.2.1 of the Outline Landscape and Ecological Management Strategy [APP-249] recognises that future management beyond the 10-year management period will be required. This is proposed to be in the form of regular inspections (at least annually) to identify any signs of diseased trees, dangerous limbs or rot requiring removal.</p> <p>Section 5.5 of the Design Vision [APP-234] sets out the outline landscape strategy for the site, considering the existing landscape features (Section 5.5.4) within and surrounding the site. These typically include woodland belts, hedgerows and hedgerow trees. The Outline Landscape Mitigation Plan (Section 5.5.10) shows how new planting of woodland shelter belts, hedgerows and hedgerow trees will interconnect with perimeter features.</p>
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			<ul style="list-style-type: none"> • Woodlands need to be climate, pest and disease resilient. • Maximise the ecosystem services benefits of all new woodland wherever possible (flood reduction) • Planting contributes to a 'resilient treescape' by maximising connectivity across the landscape. • Plans are in place to ensure long term management and maintenance of all new woodland. I hope these comments have been useful to you, if you require any further information, please do not hesitate to contact me. Sandra J Squire Local Partnership Advisor East & Midlands Area Team Forest Services 	
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2.20 Applicant's Comments on Relevant Representations Received from National Trust [RR-241]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
NT-01	National Trust	Intro	The National Trust (the Trust) wishes to register as an interested party in respect of the application for a Development Consent Order for the North Falls Offshore Windfarm.	Noted.
NT-02	National Trust	National Trust's Interest in the Proposal	National Trust's Interest in the Proposal The National Trust's interest in this application relates to the Applicant's Habitats Regulations Assessment and the proposed compensation for Lesser Black-Backed Gull (LBBG) in relation to the Alde-Ore Estuary (AOE) Special Protection Area (SPA) as set out in submitted document APP-188 – 7.2.2 Appendix 2 Lesser Black Backed Gull Compensation Document. It is noted that the mechanism for securing the LBBG compensation is set out in Schedule 15 of the draft Development Consent Order (APP-005).	Noted. The Applicant is in consultation with the National Trust regarding LBBG compensation.
NT-03	National Trust	Renewable Energy Development	Renewable Energy Development The Trust believes strongly in the need to grow renewable energy and reduce the UK's and the Trust's use of fossil fuels. We are supportive of renewable energy as a matter of principle and believe that appropriate development can play an important role. The Trust is aware of the significant number of developments proposed for the East Anglian coast over the next few years, many of which relate to renewable energy schemes. We will welcome renewable schemes that are holistically designed to consider the effects on the environment including wildlife, landscape and cultural heritage including the cumulative effects of similar schemes impacting related species and landscapes. The Trust notes that assessments carried out to support the proposed North Falls offshore windfarm have identified that the proposal, in combination with other projects, will have an adverse impact on Lesser Black-Backed Gulls, and	<p>Since submission, the Applicant has progressed site selection for lesser black backed gull compensation and has refined the options, which includes Lantern Marshes (see the updated Lesser Black-Backed Gull Compensation Document, Document Reference [7.2.2, Rev 1]).</p> <p>The Applicant has engaged with the National Trust throughout this process through various conference calls, as well as a site visit to Orfordness by the Applicant and National Trust. Consultation is described further in the Compensatory Measures Overview (Document reference: [7.2.1, Rev 1])</p> <p>The Applicant also continues to engage with Five Estuaries regarding potential collaboration, however the Applicant understands Five Estuaries is not currently considering Lantern Marshes.</p>

		<p>in accordance with the Habitat Regulations, compensatory measures are required for the predicted losses. The Trust does not object to the principle of the proposed North Falls Offshore Windfarm Project. However, we do not support proposals that would give rise to an adverse effect on the integrity of the lesser black backed gull feature of the Alde-Ore Estuary (SPA) without satisfactory compensation. Proposed LBBG Compensation The proposed compensation measures for LBBG, as set out in the above mentioned Lesser Black-Backed Gull Compensation Document are:</p> <ul style="list-style-type: none"> • Predator exclusion fencing • Predator control • Disturbance management • Habitat management • Predator control/eradication <p>The National Trust owns the Lantern Marshes site at Orford Ness which is identified as an 'Area of Interest' in Figure 2 of the Lesser Black Backed Gull Compensation Document (APP-188). The extent of the National Trust's freehold interest is registered at the Land Registry under title number SK127406 which also documents the extent of the mineral rights owned by Cobra Mist Ltd. The other 'Area of Interest' shown at Figure 2 at the southern end of Orford Ness is owned by Natural England and leased to the National Trust on a 999-year lease. The National Trust has facilitated a site visit to enable the Applicant to survey various areas of Orford Ness and to gain a better understanding of the geography and some of the logistical challenges which working on this site can raise. The visit was introductory and conversational in nature and the National Trust has not yet had any detailed discussions with the Applicant about the proposed compensatory measures and understands that the final location has not yet been selected. The National Trust is facilitating the delivery of mitigation for the Galloper offshore windfarm on the Southern spit of Orford Ness. This scheme co-designed with Natural England and carried out directly by the National Trust team is in its third year and is demonstrating successful growth in the target species. The National Trust is aware that a neighbouring landowner on Orford Ness is facilitating the delivery of compensation measures for the impacts of Vattenfall's Norfolk Boreas and Vanguard offshore windfarms on LBBGs (as also shown in Figure 2). We are also aware that the proposed Five Estuaries Offshore Windfarm (which is currently at examination) is considering Orford Ness as a potential compensation site. We are concerned about the piecemeal nature of these proposals, including achieving the desired outcomes and the visual impact of the proposed predator fencing in a sensitive landscape (National Landscape and Heritage Coast). The National Trust has advised the Applicant</p>	
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			that we consider that land at Lantern Marshes would be a suitable location for the compensation and that the two windfarm developers could work together to establish a joint scheme. We consider that the Lantern Marsh site has merit, to the extent that initial internal feasibility work has been undertaken and the National Trust have for the last three years carried out minor works to this area complementary to our work on the Southern Spit with the aim of making the habitat on Lantern Marsh attractive for LBBGs with some limited success. However, we understand that Five Estuaries have discounted the Lantern Marshes site.	
NT-04	National Trust	Status of National Trust	<p>Status of National Trust</p> <p>Land Where the National Trust considers its landholding to be of significant historic interest and/or natural beauty, it can designate such land as 'inalienable' pursuant to section 21 of the National Trust Act 1907. This means that the freehold title to the land is to be held in perpetuity for the benefit of the nation and therefore cannot be sold or mortgaged in the conventional sense. Once the land has been designated 'inalienable' this status cannot be undone. The land owned by the National Trust at Orford Ness has been declared inalienable. In this case, it is not at all clear if there is any intention to compulsory acquire National Trust land or rights over National Trust land The National Trust has not discussed the terms of any Option Agreement with the Applicant. . Landscape and Visual Impact and Impact on Designated Heritage Assets Orford Ness is wholly within the Suffolk Coast and Heaths National Landscape and is a focal point within the area of the Alde-Ore estuary. It is also the location for several designated heritage assets including listed buildings and scheduled monuments. The visual impact of the proposed measures must be assessed against their impact on both the landscape and these heritage assets.</p>	<p>The Applicant confirms that no land subject to compulsory acquisition or temporary possession as identified within the Book of Reference [AS-026] [APP-007] and Land Plans [AS-018] [APP-198] is owned by National Trust.</p> <p>The Applicant is engaging regularly with the National Trust most recently on 23 January 2025 to explore mutually beneficial opportunities and a Statement of Common Ground is being prepared. Should the Applicant require land owned by the respondent at Orford Ness then it is anticipated that it will be secured by voluntary agreement.</p>
NT-05	National Trust	Conclusion	<p>Conclusion</p> <p>The National Trust recognises the threats that climate change poses and the role that renewable energy can play in reducing the UK's use of fossil fuels. The National Trust will continue to engage in discussions with the Applicant regarding the use of our land at Orford Ness to deliver compensation for Lesser Black-Backed Gulls. We therefore wish to register as an Interested Party and will provide updates to the Examining Authority on our position as these discussions progress.</p>	Noted.

2.21 Applicant's Comments on Relevant Representations Received from Maritime and Coastguard Agency [RR-217]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
MCA-01	Maritime and Coastguard Agency		<p>The Maritime and Coastguard Agency (MCA) is an Executive Agency of the Department for Transport and is responsible throughout the UK for implementing and developing the UK Government's maritime safety and environmental protection policy. This includes co-ordinating maritime Search and Rescue (SAR) through His Majesty's Coastguard 24 hours a day, and checking that ships meet UK and international safety rules. The MCA works to prevent the loss of lives at the coast and at sea, to ensure that vessels are safe, and to prevent coastal pollution. The UK Technical Services Navigation Branch is responsible for implementing international radiocommunication and navigation policies in the UK. This primarily covers SOLAS Convention (Safety of Life at Sea Convention 1974, as amended) Chapters IV and V; the COLREG Convention (International Regulations for Preventing Collisions at Sea 1972, as amended); and the ITU Convention (International Telecommunications Convention 1932, as amended). The MCA will be responding to the Examining Authority on matters concerning the safety of maritime navigation and maritime emergency response. MCA will provide full comments on the Navigation Risk Assessment (NRA), Shipping & Navigation chapter of the Environmental Impact Assessment (EIA) Report, and the content of the DCO and DML in our Written Representation, assumed to be at Deadline 1.</p> <p>The main issues for MCA are concerning vessel routeing, vessels' ability for continued safe passage, that risks to all vessels and craft are at an acceptable level, and the project is not at the detriment to the provision of Search and Rescue, and other emergency response. These issues must have been adequately addressed by the applicant. The Navigation Risk Assessment (NRA), the Shipping and Navigation chapter of the Environmental Impact Report and draft DCO have been reviewed and the key issues of concern are as follows:</p> <p>3.1.17 Environmental Statement Chapter 15 Shipping and Navigation (APP-029) and 3.3.16 Environmental Statement Appendix 15.1 Navigational Risk Assessment (APP-106, APP-107 & APP-108)</p> <p>The Applicant has undertaken a detailed Navigation Risk Assessment (NRA) in accordance with MCA guidance MGN (Marine Guidance Note) 654 and NRA risk assessment methodology. We are satisfied that appropriate traffic data has been collected in accordance with MGN654. This includes three 14-day marine vessel traffic surveys carried out in February</p>	<p>The MCA were a key consultee during the NRA [APP-106; APP-107; and APP-108] process. The Applicant notes the MCA have confirmed they are content with the NRA methodology, consultation, and data.</p> <p>As detailed in the NRA and acknowledged by the MCA in their response, significant RLB changes were made post PEIR to remove all array area overlap with the Sunk TSS lanes and precautionary areas, and a Structure Exclusion Zone (SEZ) has been committed to, which ensures all surface piercing infrastructure will be at least 1nm from the routeing measures, unless otherwise agreed with the MCA. These changes were implemented following feedback from shipping and navigation stakeholders, including the MCA.</p> <p>The Applicant has held positive engagement with the Belgian Maritime Authorities and the MCA on the removal of the Galloper Recommended Ferry Route. A documented assessment of its removal has been provided to the Belgian Maritime Authorities and the MCA for review, and the Applicant will continue to engage on the topic with a view to confirming no objection would be raised on removal of the routeing measure. The Applicant would like to make clear that consultation and data analysis has confirmed that the routeing measure is no longer being used for its intended purpose, namely for use by ferries from Ostend into the Harwich Haven, noting these ferry routes have been inactive since 2010. The documented assessment provided to the Belgian Maritime Authorities includes identification of viable alternate routeing, noting this expands upon similar work presented in the NRA.</p> <p>As confirmed in the NRA, the Applicant will comply with MCA requirements under MGN 654, including the production and agreement of a SAR checklist and ERCoP.</p> <p>The Applicant is engaging with ports on cable burial depths and methodology, for the purpose of obtaining sufficient depths are obtained to allow for access of larger vessels in the future, while also minimising impact on shipping during the installation process. This includes the production of the Outline NIP [APP-259] which sets out the protocols by which cable installation and maintenance will be managed. The MCA requirements under MGN 654 on cable burial and underkeel clearance are noted in this regard.</p>

			<p>2022, July 2022 and January 2024 which was supplemented by three years of Automatic Identification System (AIS) data from 2020-23. Further surveys of the export cable corridor were also carried out in the same three periods as above. MCA is content that the traffic data collection is suitable for the assessment. Key and appropriate stakeholders were identified, and the MCA is content that suitable consultation took place via a hazard identification workshop and dedicated meetings.</p> <p>A completed MGN 654 Checklist has been provided as part of the NRA, and we are content the recommended NRA methodology process has been followed.</p> <p>Navigable Sea Room The removal of the northern array is welcomed for avoiding unacceptable risks to navigation safety. The Red Line Boundary (RLB) of the southern array was changed post-PEIR as presented in Figure 1-1 of the NRA to avoid encroaching into the International Maritime Organization (IMO) adopted Precautionary Area and to increase the distance from two IMO-adopted Traffic Separation Schemes. Whilst these distances do not meet the guidance within MGN654 for mitigating collision and allision risks, a Structures Exclusion Zone (SEZ) is proposed to ensure no surface piercing or above-surface infrastructure will be installed within 1NM of the IMO-adopted traffic routing measure boundaries. This has been agreed by MCA as a necessary mitigation measure for reducing navigational risks.</p> <p>Galloper Recommended Route The southern array overlaps an IMO-adopted routing measure, known as the Galloper Recommended Route, which was established in 2007 for the ferries operating between Harwich Haven ports and Ostend. As per our response to the PEIR consultation, it will require agreement with relevant operators, ports and IMO members, in particular the Belgian maritime administration, to remove the Recommended Route as an IMO-adopted routing measure. If agreement cannot be reached firstly at the UK Safety of Navigation (UKSON) committee (UK's navigation policy steering group), and subsequently by IMO members, MCA will not be able to support the proposed North Falls offshore wind farm development. MCA must therefore maintain an objection to the North Falls offshore wind farm project until approval is received from the IMO to remove the Galloper Recommended Route. The Belgian maritime administration has indicated they could support the removal of the Galloper Recommended Route, subject to appropriate navigation and environmental risk assessments to be conducted by the applicant on the alternative routes. Such risk assessments would be necessary for the proposal to UKSON and IMO. MCA will support a proposal to remove the Galloper Recommended Route to UKSON only if the Secretary of State grants consent for the North Falls offshore wind farm.</p>	
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			<p>Therefore it is our position that a condition of consent must be included within the DCO for removing the Galloper Recommended Route.</p> <p>Emergency Response and Search and Rescue. There is an expectation that the presence of wind farms will increase the likelihood of the requirement for emergency response, not just from navigational incidents but from other incidents such as medical evacuation or pollution. A SAR checklist based on the requirements in MGN 654 Annex 5 will need to be completed in agreement with MCA before construction starts. This will include the requirement for an approved Emergency Response Co-operation Plan (ERCoP).</p> <p>Cable Routes and Cable Protection The export cable route and cable protection plans will need particular focus owing to the large volume of traffic including deep draft vessels in the Sunk Outer and Inner Precautionary Areas, the Sunk Pilot Boarding Station and channels that have a charted maintained depth. Where burial depths as informed by the Cable Burial Risk Assessment (CBRA) cannot be achieved in the maintained depth channels any potential reduction in surrounding depths referenced to Chart Datum will need special attention and further consultation with the MCA and relevant stakeholders. MCA welcomes the preparation of a navigation Installation Plan (NIP) for the offshore ECC in consultation with local ports and operators. Given the traffic density and depths constraints within the area this document will help in carefully managing the cable installation risks. While drafting this document, details including navigational constraints and common practices of routeing and pilotage operations in heavy weather should also be considered.</p>	
MCA-02	Maritime and Coastguard Agency	Draft Development Consent Order (DCO)	<p>Draft Development Consent Order (DCO) (APP-005) It is noted the Structures Exclusion Zone is captured in the DCO under Part 3 s.29: 29(1) Unless otherwise agreed with the MCA, no wind turbine generator or offshore platform shall be installed within the area defined by the coordinates as specified in the table in sub-paragraph (3). It is important that the 1NM distances from the TSS and Precautionary Area boundaries are not measured to the turbines at sea level and that the blade overfly is not within the area defined by the coordinates. The distances must be measured to the blade tips. We request confirmation from the Applicant on this point and request Part 3 s.29 is amended accordingly. A full review of the draft conditions in the Deemed Marine Licences will be completed and comments will be provided in our Written Representation, assumed to be at Deadline 1.</p>	<p>The Applicant has confirmed that a Structure Exclusion Zone (SEZ) implemented ensures that all surface piercing infrastructure, including blades of the wind turbine generators, will be located at least 1nm from the Outer Precautionary Area, and Sunk TSS South and Sunk TSS East, as set out in Section 15.6.1 of ES Chapter 15 Shipping and Navigation [APP-029]. This commitment is adequately secured by the Requirement under Schedule 1 Part 3 Section 29 of the draft DCO [AS-022] without further amendment.</p>

2.22 Applicant's Comments on Relevant Representations Received from London Gateway Port Limited [RR-204]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
LGPL-01	London Gateway Port Limited		<p>Introduction and Background London Gateway Port Limited, LG Park Freehold Limited and LG Park Leasehold Limited (collectively hereinafter referred to as DPWLG) are the owners and operators of DP World London Gateway Port (the Port) and DP World London Gateway Logistics Park (the Logistics Park) on the north bank of the Thames Estuary in Stanford-le Hope, Essex. The Port is a Nationally Significant Infrastructure Project (NSIP) and makes a significant contribution to the national economy¹. Once fully developed, the Port will comprise deep sea shipping and container handling facilities with an annual throughput that will equate to approximately 27% of the predicted national growth in such trade by 2030. The Logistics Park will provide up to approximately 740,000sq.m of vital commercial floorspace. Both are of national significance and importance. DPWLG Concerns The proposed export cable corridor (the "ECC") crosses the deep-water routes (the Sunk and Trinity which lead to Black Deep) (the "DWRs") into the Port of London. The DWRs are the only approaches available for larger vessels to access London Gateway Port. The DWRs are currently both used for entry and exit into/from the London Gateway Port but in the future, as vessels get bigger it may be necessary for one DWR route to be used for entry and one for exit.</p>	<p>The Applicant recognises the importance of London Gateway, and therefore engaged as part of the Navigation Risk Assessment (NRA) process [APP-106, APP-107, APP-108]. The potential impact on port access including to ports on the Thames via the Sunk and Trinity DWRs was identified and assessed in the NRA [APP-106; APP-107; and APP-108]. The NRA included both a base case assessment, and multiple future case scenarios.</p>
LGPL-02	London Gateway Port Limited		<p>The North Falls Offshore Windfarm Project works have the potential to cause short and long-term impacts to navigation and to the capacity and operation of London Gateway Port, particularly from the works associated with the ECC. These impacts include:</p> <ul style="list-style-type: none"> • Permanent impacts because of VE cable depths • Permanent and temporary impacts from surveys, cable laying and repair/maintenance • Permanent impacts from interaction with third party schemes (cable crossings) • Temporary impacts from interaction with third party schemes (simultaneous operations) • Temporary and permanent impacts from the safety zones • Temporary and permanent impacts from dredging • Permanent impact from the change in cable depth due to changes in riverbed/sea • Temporary impact in the dredged depth during installation The range of impacts vary from vessel displacement and delays to placing a constraint on the size of vessel that achieve access to 	<p>Short term impacts are associated with surface activity from the cable installation process or cable maintenance impacting other vessels in the area including pilotage operations. The Outline NIP [APP-259] includes protocols and procedures to ensure that the installation and maintenance of the offshore export cables does not impact on third-party vessel movements including within a future case environment. This includes pilotage operations. Consultation is ongoing to ensure the NIP adequately meets stakeholder requirements.</p> <p>Longer term impact are associated with cable burial depth, and the potential that future dredging operations to allow for access of larger vessels is impacted. The Applicant is engaging with ports on cable burial depths and methodology, for the purpose of obtaining sufficient depths to allow for access of larger vessels in the future, while also minimising impact on shipping during the installation process.</p>

			London Gateway port and thus, its future growth and overall capacity.	
LGPL-03	London Gateway Port Limited		Footnote: 1 Paragraph 1.2 of NPS for National Networks confirms other NPS statements may be relevant to decisions on NSIPs. Paragraph 3.3.6 of National Policy Statement for Ports recognises the essential contribution to the national economy that international and domestic trade makes through the UK's Ports.	The Applicant can confirm the National Policy Statement for Ports was included in the policy statements listed in ES Chapter 15 Shipping and Navigation [APP-029] .

2.23 Applicant's Comments on Relevant Representations Received from Corporation of Trinity House of Deptford Strond [RR-059]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
CTHDS-01	Corporation of Trinity House of Deptford Strond	Intro	Application for Development Consent – North Falls Offshore Wind Farm – Relevant Representation We refer to the above application for development consent. Trinity House is the General Lighthouse Authority for England, Wales, the Channel Islands and Gibraltar with powers principally derived from the Merchant Shipping Act 1995 (as amended). The role of Trinity House as a General Lighthouse Authority under the Act includes the superintendence and management of all lighthouses, buoys and beacons within its area of jurisdiction. Trinity House requests to be registered as an interested party and will continue to provide comments to the Examining Authority (ExA) where applicable during the examination process.	Noted. Trinity House were consulted as part of the NRA [APP-106; APP-107; and APP-108] in their role as the relevant General Lighthouse Authority for North Falls.
CTHDS-02	Corporation of Trinity House of Deptford Strond		Our areas of concern are the impact the development may have on the safety of navigation, vessel routeing, and the subsequent provision of aids to navigation, within Trinity House's area of jurisdiction. Throughout the application process we wish to remain engaged with the applicant, and ExA where appropriate, to ensure that any identified mitigation measures for hazards identified in the Navigation Risk Assessment (NRA) are compliant with National and International Guidelines, and adequately secured within the relevant documentation. Trinity House recognises that the applicant is unable to confirm the final layout during the application process and will assume the scenario of the applicant utilising the whole development area when assessing navigational hazards for our purposes. We are content for the applicant to commence discussions on potential layouts alongside the examination process should it so wish.	The NRA [APP-106; APP-107; and APP-108] and ES Chapter 15 Shipping and Navigation (APP-029) demonstrate that risks associated with the development of the Project have been mitigated to within ALARP parameters, and not significant in EIA terms. The impacts identified and assessed within the NRA and ES Chapter 15 Shipping and Navigation include temporary and permanent impacts through all phases of the Project and consideration of all possible parameters noted within the Project Description chapter [APP-019] , including worst case assumptions on layout.

CTHDS-03	Corporation of Trinity House of Deptford Strond		Trinity House is likely to have further comments to make on the application and the draft DCO(s)/DML(s) throughout the process. We have provided the applicant with our preferred wording for clauses relating to the provision of aids to navigation under the DCO(s)/DML(s) and for the associated development that may be consented in respect thereof. It is also necessary to ensure that an appropriate saving provision is included by the applicant to safeguard Trinity House's position more broadly under the DCO(s)/DML(s). We will assess the documentation submitted for examination to ascertain whether our requirements are adequately covered and, in particular, should the applicant propose to use alternative wording in the DCO(s)/DML(s), as is their privilege, from that typically used in comparable legislation	Noted. The Applicant will engage with Trinity House on any comments raised on the draft DCO(s)/DML(s).
CTHDS-04	Corporation of Trinity House of Deptford Strond		Trinity House has engaged with the developer on mitigation measures to ensure navigation safety and vessel routing through meetings around the Preliminary Environmental Information Report (PEIR), Hazard Workshops and the NRA, prior to the examination process commencing. In addition to our general areas of concern, we are keen to ensure this development will not adversely impact the recognised international routing measures that are in close proximity to the proposed development. And that any Trinity House operations in the Sunk area, and local port operations, are not unduly hampered by the proposed export cable corridor route and installation. Please address all correspondence regarding matters on this application to Mr R Dunham (Redacted)@trinityhouse.co.uk and Mr S Vanstone navigation.directorate@trinityhouse.co.uk We trust that this submission is helpful and would be happy to assist should there be any questions arising. Regards Russell Dunham ACII Legal Advisor	The NRA [APP-106; APP-107; and APP-108] demonstrates that the Applicant has recognised and mitigated the relevant impacts. As detailed in the NRA, significant RLB changes were made post PEIR to remove all array area overlap with the Sunk TSS lanes and precautionary areas, and a Structure Exclusion Zone (SEZ) has been committed to, which ensures all surface piercing infrastructure will be at least 1nm from the routing measures. The Outline NIP [APP-259] includes commitment to Trinity House liaison where potential impacts on Trinity House operations from cable installation are identified.

2.24 Applicant's Comments on Relevant Representations Received from Affinity Water Limited [RR-005]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
AWL-01	Affinity Water Limited	Intro	This relevant representation is submitted on behalf of Affinity Water Limited ("Affinity") in relation to the proposed North Falls Offshore Wind Farm project. Affinity is a water undertaker appointed under the Water Industry Act 1991. Under this appointment, Affinity provides, on average, 950 million litres of water each day to a population of more than 3.8 million people in parts of Bedfordshire, Berkshire, Buckinghamshire, Essex, Hertfordshire, Surrey, the London Boroughs of Harrow and Hillingdon and parts of the London Boroughs of Barnet, Brent, Ealing and Enfield. Affinity also supplies water to the Tendring	Noted.

			peninsula in Essex and the Folkestone and Dover areas of Kent. Affinity is therefore a statutory undertaker for the purposes of sections 127 and 138 of the Planning Act 2008. Should the proposed Development Consent Order (“the DCO”) be made to authorise North Falls Offshore Wind Farm Limited (“North Falls”) to construct, operate and maintain the North Falls Offshore Wind Farm project (“the Project”) it would permit extensive development within areas where Affinity is responsible for providing water supply services.	
AWL-02	Affinity Water Limited		To fulfil its statutory duties, Affinity maintains a wide range of apparatus that is critical to the continuing efficacy of its services. If made, the DCO would authorise the exercise of powers over or near land in which Affinity maintains assets and/or has other rights for the purposes of discharging its statutory duties. Unchecked, the exercise of such powers in respect of Affinity’s interests would cause severe detriment to it. Affinity has a clear interest in the Project, but notes that there has been limited effort from North Falls to date to engage with Affinity on the development of proposals which clearly impact upon Affinity’s interests. Any engagement with Affinity has largely been in conjunction with Five Estuaries Project.	Noted
AWL-03	Affinity Water Limited		Whilst Affinity has no corporate position on the principle of the Project, at present it has several concerns that should the Project come forward in its proposed form, that it would pose a significant risk to Affinity’s ability to discharge its statutory water supply duties under the Water Industry Act 1991.	Noted
AWL-04	Affinity Water Limited		Overall, on present information available, Affinity does not consider that North Falls has demonstrated that it can resolve all of Affinity’s concerns regarding the impact of the Project on Affinity’s water infrastructure and its overall statutory undertaking. Affinity notes the “standard” set of protective provisions for the benefit of statutory undertakers contained in Part 1 of Schedule 14 to the draft DCO. However, Affinity considers these to fall short of providing it with the necessary protections. No engagement between Affinity and North Falls has taken place on these to date – such engagement is encouraged by Affinity. Subject to such engagement commencing in a positive manner in short order, Affinity sees no impediment at this stage to it being able to reach a satisfactory arrangement with North Falls during the course of the examination. However, absent such an arrangement having been formalised, Affinity is obliged at this stage to formally object to the DCO application on the basis of the Project causing serious detriment to Affinity’s apparatus and operations.	<p>Noted.</p> <p>The Applicant engaged with Affinity Water as part of consultation for the Scoping Opinion (see Table 21.1 of Chapter 21 Water Resources and Flood Risk [APP-035]).</p> <p>Whilst North Falls has not had any specific meetings with Affinity Water, members of the North Falls team were present at the meeting on 24 July 2024. At that meeting, the co-ordination between North Falls and Five Estuaries was presented. On slide 16 the co-ordination was outlined, with the statement that the export cable corridors [onshore] are “almost fully aligned”. Therefore, as the work is almost fully aligned, any requirement for a further meeting would be going over the same information that was discussed and agreed at that meeting.</p> <p>Critical items such as the crossings of the 21” mains were discussed. Items such as crossings and standoffs were discussed, giving updated information since the PEIR stage. Given the order limits and HDDs have been developed combined between the projects, the information presented by Five Estuaries is the same as that for North Falls for the interaction with Affinity assets. Similarly, North Falls and Five Estuaries have come to an agreement on the induced voltage study carried out by Rina and also presented at the meeting. Therefore, any information would be identical.</p> <p>Further to this, the Protective Provisions, whilst led by Burgess Salmon on behalf of Five Estuaries, Pinsent Masons on behalf of North Falls have been involved with these, and aligning so both projects have the same protective provisions.</p>

				<p>The commonality between both projects is needed to allow for the co-ordination. To minimise impacts on landowners, the two projects need to co-ordinate. This is as set out in the co-ordination report [APP-236]. This means that the projects could be built together, and hence the designs and PPs need to be</p> <p>The Applicant does not anticipate that any connection to existing infrastructure will be required, and given comments made in the meeting on 24 July 2024, any connection would most likely have pressure issues. In any event, Schedule 14 Part 1 of the draft DCO [AS-022] currently makes provision for utility undertakers, which include Affinity Water, and the Applicant will engage with Affinity Water in negotiating the relevant Protective Provisions as required.</p> <p>Further discussions will be arranged as needed to resolve the outstanding issues.</p>
AWL-05	Affinity Water Limited		In addition to the protective provisions, on a preliminary review of the DCO application documents, Affinity has identified various areas of concern on which it seeks further engagement from North Falls, as follows:	Noted.
AWL-06	Affinity Water Limited	Horsley Cross 21" Cast Iron Water Main	<p>Horsley Cross 21" Cast Iron Water Main: The Project will affect Horsley Cross 21" Cast Iron water main, which is a key asset belonging to Affinity by both crossing and running parallel to it. This section of main is a strategic main supplying water to our Horsley Cross water treatment works. This is the area's primary treatment works supplying 70% of the water to the Tendring Peninsula and therefore a critical asset to Affinity's business. Any interruption to the use of this asset would have a high adverse impact on Affinity's business and ability to supply water and therefore meet its statutory duties. Affinity requires certainty that this main will be protected to its satisfaction during construction and operation or in the alternative if that is not possible, that a suitable alternative solution can and will be provided. It has not been possible to find any meaningful consideration of these assets in the consultation materials provided. It is worth noting that the close proximity of the Project's cables may have an adverse impact on the ongoing condition of the asset potentially causing it to fail earlier than would be expected, such corrosive effects are well known. Affinity needs to have a better understanding as to the potential effect that the high-voltage cables to be constructed as part of Project will have on its assets, through independent expert analysis, so that necessary protection measures can be put in place.</p>	<p>This was discussed during the meeting on 24 July 2024. Currently, the order limits have a 50m standoff from the 21" CI main, and where crossing it do so as close to perpendicular as practicable. Agreements on the haul road crossings of this and other assets need to be agreed, but this will need more definition from Contractors and so will need to be carried out at a later date.</p> <p>Further discussions will be arranged as needed to resolve the outstanding issues.</p>
AWL-07	Affinity Water Limited	Other Assets	<p>Other Assets: We have identified approximately 40 locations where the Project's "onshore red line boundary" interacts with Affinity pipe apparatus. However, it is currently unclear from the DCO materials provided thus far what actual risks are posed, if any, to these assets both during construction and during the lifetime of the proposed cables. In addition, Affinity must retain the ability to maintain any existing or diverted apparatus (or undertake improvement works) for the purposes of its statutory water supply duty. Insufficient information has been provided to date as to what measures are proposed to secure this access</p>	<p>This is noted by the Applicant. Further clarification of the interactions was discussed at the meeting on 24 July 2024, and these will be worked through in more detail as needed with the respondent.</p>

			going forwards which could lead to significant delays in accessing our assets in the future and significant costs.	
AWL-08	Affinity Water Limited	Land & Easements	<p>Land & Easements: During the minimal engagement we have had so far with North Falls to date, we have discussed the preservation of our right of access to one of our sites at East Clacton Reservoir and Pumping Station, which Affinity understands will be impacted during the construction works. We require at least weekly access to this site for the purpose of maintenance. However, these discussions have not progressed and Affinity has yet to receive a more detailed proposal from North Falls regarding access and no agreement has been reached. It is essential that we maintain access to this asset for the purposes of our water supply duties.</p>	<p>The Consultation Report [APP-215] sets out how the Applicant has engaged and undertaken consultation with affected parties including the respondent during the pre-application phase.</p> <p>The main cable route passes outside of Affinity Water owned land, with the nearest point being the East Clacton Reservoir. Here the cable route passes the covered reservoir at a distance of 180m to the west and passes Affinity Water land extents at a distance of 22m to the west. The main interaction with the respondent's land is the proposed operation and maintenance access which passes to the south of the reservoir. The Applicant met with representatives of Affinity Water Limited on 18 September 2024 to discuss acquiring a right of way for operation and maintenance purposes once the project is constructed and operational. Further issues, such as ensuring access for Affinity Water, will be covered in the Protective Provisions.</p> <p>Affinity Water confirmed they would not be averse to entering into a voluntary agreement for the project to take a right of way, subject to an onsite review to confirm the position. The Applicant confirms that Affinity Water Limited will retain ownership of the access and the proposed use by the project for operational and maintenance purposes will not prohibit the respondent from using the access in line with their existing requirements.</p> <p>The Applicant issued Heads of Terms for an option for a deed of grant of easement to Affinity Water on 21 November 2024 with a meeting taking place to discuss the terms on 7 February 2024. The Applicant is hopeful a voluntary agreement can be reached.</p>
AWL-09	Affinity Water Limited	Conclusion	<p>Conclusion: Although Affinity is aware that Five Estuaries and North Falls are sharing a cable corridor, the differentiation between the projects and the risks posed by North Falls specifically is not clear. Affinity still seeks meaningful and timely engagement from North Falls given the importance of a holistic approach to the design solutions and the wide range of complex issues to be resolved. In particular Affinity wish to work with North Falls to:</p> <ul style="list-style-type: none"> • confirm the scope of its infrastructure affected; • influence the detailed solutions proposed; • develop the outline work programme for the DCO in which works to Affinity infrastructure would be undertaken to ensure impacts can be managed to an acceptable level; • ensure access to key assets such as pipes, reservoir and pumping station is maintained; and • agree how appropriate provisions and protections can be put in place through a private legal agreement and protections in the DCO. <p>Affinity is also seeking the opportunity to agree the approach to be taken on cost recovery. Affinity needs to better understand when and how engagement with it on design and delivery of water infrastructure diversions and alterations (as well as works in the vicinity of assets to remain in situ) will be carried out and how Affinity's costs incurred in that process will be met.</p>	<p>North Falls will engage with Affinity to discuss the differences in the projects, and this will be covered in the SoCG moving forward. All items mentioned here are items which were raised at the meeting on 24 July 2024, and are being developed jointly by the two projects.</p>

2.25 Applicant's Comments on Relevant Representations Received from Marine Management Organisation [RR-216]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
MMO-01	Marine Management Organisation	Intro	<p>This document comprises the Marine Management Organisation's ("MMO") initial comments in respect of the above Development Consent Order application ("DCO Application") in the form of a relevant representation.</p> <p>This is without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This is also without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.</p>	Noted.
MMO-02	Marine Management Organisation	The MMO's role in Nationally Significant Infrastructure Projects (NSIPs)	<p>The MMO was established by the Marine and Coastal Access Act 2009 (the "2009 Act") to make a contribution to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas.</p> <p>The responsibilities of the MMO include the licensing of construction works, deposits and removals in English inshore and offshore waters and for Northern Ireland offshore waters by way of a marine licence. Inshore waters include any area which is submerged at mean high water spring ("MHWS") tide. They also include the waters of every estuary, river or channel where the tide flows at MHWS tide. Waters in areas which are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide are included, where seawater flows into or out from the area.</p> <p>In the case of NSIPs, the Planning Act 2008 (the "2008 Act") enables DCO's for projects which affect the marine environment to include provisions which deem marine licences. As a prescribed consultee under the 2008 Act, the MMO advises developers during pre-application on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works.</p> <p>Where a marine licence is deemed within a DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence ("DML") enable the MMO to fulfil these obligations.</p>	Noted.

			Further information on licensable activities can be found on the MMO's website here. Further information on the interaction between the Planning Inspectorate and the MMO can be found in our joint advice note 11 Annex B here.	
MMO-03	Marine Management Organisation	Relevant Representation	<p>On the 22 August 2024 the MMO received notice under Section 56 of the Planning Act 2008 (the "PA 2008") that the Planning Inspectorate ("PINS") had accepted an application made by North Falls Offshore Wind Farm Ltd (the "Applicant") for a DCO Application (MMO ref: DCO/2021/00002; PINS ref: EN010119). The DCO Application includes a draft development consent order (the "DCO") and an Environmental Statement (the "ES"). The draft DCO includes Marine Licence 1 – Generation Assets (Schedule 8), Marine Licence 2 – Transmission Assets (Schedule 9) and Marine Licence 3 – Transmission Assets (Offshore Converter Platform) (Schedule 10) which are draft Deemed Consent under Part 4 (Marine Licensing) of the Marine and Coastal Access Act 2009 (the "Deemed Marine Licence")(DML).</p> <p>The DCO Application seeks authorisation for the construction, operation and maintenance of North Falls Offshore Wind Farm (the 'Project' or 'North Falls'): an offshore generation station with a capacity exceeding 100 megawatts (MW) comprising up to 57 wind turbine generators together with associated onshore and offshore infrastructure and all associated development ("the Project").</p> <p>Please find the MMO comments below.</p>	Noted.
MMO-04	Marine Management Organisation	1. General comments on the application 1.1 Proposed Development Details	1.1.1 The North Falls Offshore Wind Farm (the 'Project' or 'North Falls') will comprise an offshore generating station with a capacity exceeding 100 megawatts (MW).	Noted.
MMO-05	Marine Management Organisation	1. General comments on the application 1.1 Proposed Development Details	1.1.2 The Project is located approximately 40 kilometres (km) off the coast of East Anglia at its closest point in the Southern North Sea and comprises: a single offshore array area covering an area of 95 square kilometres (km ²) with up to 57 wind turbine generators; the installation of underground cables and associated infrastructure; construction of up to two offshore substation platforms, or, up to one offshore substation platform and up to one offshore converter platform; the construction of up to two cable circuits and associated ducting with the onshore landfall taking place between Clacton-on-Sea and Frinton-on-Sea; the construction of an electrical substation between Little Bromley and Ardleigh to connect to National Grid's proposed East Anglia Connection Node (EACN) substation; and all associated development and ancillary works. All of the onshore	Noted.

			infrastructure works would be within the administrative area of Essex County Council and Tendring District Council.	
MMO-06	Marine Management Organisation	1. General comments on the application 1.1 Proposed Development Details	1.1.3 The following three grid connection options are included in the Project design envelope. Option 1: Onshore electrical connection at a national grid connection point within the Tendring peninsula of Essex, with a project alone onshore cable route and onshore substation infrastructure; Option 2: Onshore electrical connection at a national grid connection point within the Tendring peninsula of Essex, sharing an onshore cable route and onshore duct installation (but with separate onshore export cables) and colocating separate project onshore substation infrastructure with Five Estuaries; or Option 3: Offshore electrical connection, supplied by a third party.	Noted.
MMO-07	Marine Management Organisation	1. General comments on the application 1.1 Proposed Development Details	1.1.4 The North Falls project area comprises: The offshore project area: The offshore wind farm area (hereafter the 'array area') - within which the wind turbine generators, offshore substation platform(s), offshore converter platform (if required), platform interconnector cable, and array cables will be located; Offshore cable corridor - the corridor of seabed from array area to the landfall within which the offshore export cables will be located; and The onshore project area.	Noted.
MMO-08	Marine Management Organisation	2. Development Consent Order (DCO) and Deemed Marine Licences (DMLs) 2.1 Marine Policies and Plans	2.1.1 The applicant has provided a compliance assessment table within 3.1.5 Environmental Statement Chapter 3 Policy and Legislative Context (APP-017), which shows that they have had a regard to the relevant marine policies and plans. This includes consideration of the National Policy Statement (NPS) for Energy (EN-1), NPS for Renewable Energy Infrastructure (EN-3), NPS for Electricity Networks Infrastructure (EN-5), and the East Inshore and East Offshore Marine Plans. The Applicant has also provided a Marine Plan Assessment document (APP-240) which provides an assessment of compliance with the South East Inshore Marine Plan, and East Inshore and East Offshore Marine Plans.	Noted.
MMO-09	Marine Management Organisation	3. DCO Interpretation, Articles and Requirements Comments 3.1 Draft Development Consent Order –	3.1.1 The MMO has reviewed the draft DCO and provided detailed comments below. The MMO is currently undertaking a detailed review and will provide further comments on the DCO during the course of the examination.	Noted.

		Major Comments		
MMO-10	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.2 Unexploded Ordnance (UXO)	3.2.1 The MMO welcomes the Applicant's commitment in 'Chapter 5 – Project Description' to apply for a marine licence post-consent for UXO investigation and clearance. This will ensure appropriate mitigation is in place. The MMO would highlight that there is a requirement for the investigation marine licence to be applied for separately to ensure this information from the investigation is included within the clearance licence.	Noted.
MMO-11	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.2 Unexploded Ordnance (UXO)	3.2.2 Currently the Applicant expects 40 UXO clearances to be determined; 15 in the array area (required for all grid connection options); and 25 in the offshore cable corridor (Options 1 and 2 only). The applicant has assessed the impacts of UXO detonation within the ES – 'Environmental Statement Appendix 12.5 Unexploded Ordnance Clearance Information and Assessment'.	Noted.
MMO-12	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.2 Unexploded Ordnance (UXO)	3.2.3 The MMO notes that in Table 1.2 of Appendix 12.5 Unexploded Ordnance Clearance Information and Assessment, it is stated that "Underwater noise monitoring would be undertaken for all UXO clearances following the Protocol for In-Situ Underwater Measurement of Explosive Ordnance Disposal for UXO (National Physical Laboratory, 2020)". The MMO welcomes the proposal to undertake noise monitoring for all UXO clearance operations, although no further details are provided at this stage. We expect that this will be further discussed in due course.	As noted, in MMO-10, any offshore UXO clearance required for North Falls will be subject to a separate Marine Licence application at the pre-construction stage. This will include information on monitoring and further consultation with the MMO will be undertaken as part of this process.
MMO-13	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.3 Article 5 Benefit of the Order	3.3.1 Transfer of Benefit of the Order The MMO understands that Article 6 – Transfer of Benefit is drafted in a similar way to previous consents granted by the Secretary of State (SoS), however the MMO has major concerns over the wording. Article 6(1)-(2) gives the right to permanently transfer the benefits of the DCO including the deemed marine licences (DML) in Schedule 8, 9 and 10 to a third party with the consent of the SoS. Part 2: Article 6(1)-(2) "6.—(1) Subject to this article, the provisions of this Order have effect solely for the benefit of the undertaker.	The Applicant notes that the wording quoted by the MMO in this response and in MMO-13 to MMO-29 below (inclusive) refer to drafting which is not found within the North Falls draft DCO, which appears to be an error. Notwithstanding, the principle of transfer and grant of the benefit of the deemed marine licence has been included in article 5 of the draft DCO and so we have responded on that basis. In any case, the Applicant's position is that the scope and drafting in article 5 (Benefit of the Order) of the draft DCO is appropriate. As noted by the MMO, this provision permitting the transfer of DCO powers and deemed marine licences has been considered acceptable by the Secretary of State on multiple offshore wind DCOs to date, including most recently in the Hornsea Four Offshore Wind Farm Order 2023, the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024. Various articles and requirements relating to offshore matters within the DCO overlap with the deemed marine licence and it would not be appropriate for those to be transferred separately. In that context, it is appropriate that the Secretary of State has the ability to approve the transfer or grant of a deemed marine licence such that the transfer or grant can fully reflect the relevant DCO and deemed marine licence powers. It is undesirable to separate the transfer of the benefit of the order generally and the transfer of the benefit of

				<p>the deemed marine licence as doing so could result in transfers occurring at different times and inconsistency in position. This is a well-established position in offshore wind DCOs and there is no reason the draft DCO for the Project should be expressed any differently.</p> <p>It is noted that the Secretary of State is required to consult with the MMO under article 5(6) prior to approving any such transfer or grant.</p>
MMO-14	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.3 Article 5 Benefit of the Order</p>	3.3.2 (2) Subject to paragraph (3), the undertaker may with the written consent of the Secretary of State— (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order (including the deemed marine licences) and such related statutory rights as may be agreed between the undertaker and the transferee;”	Please see response to MMO-13.
MMO-15	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.3 Article 5 Benefit of the Order</p>	3.3.3 The MMO considers that this is a clear departure from the 2009 Act, which would normally require the licence holder (here ‘the undertaker’) to make an application to the MMO for a licence to be transferred. Instead, this provision operates to make the decision that of the undertaker, with the SoS providing consent to the transfer, rather than the MMO as the regulatory authority for marine licences considering the merits of any application for a transfer.	Please see response to MMO-13.
MMO-16	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.3 Article 5 Benefit of the Order</p>	3.3.4 Parliament has already created a statutory regime for such a process, and it is unclear what purpose the written consent of the SoS actually serves. If the intention is for the undertaker to be able to transfer the benefits under the terms of the DCO outside the established procedures under 2009 Act, the MMO queries why is it considered necessary or appropriate for the SoS to ‘approve’ the transfer of the DML.	Please see response to MMO-13.
MMO-17	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.3 Article 5 Benefit of the Order</p>	3.3.5 It is also unclear what criteria the SoS would be taking in determining whether to approve any transfer, and how this would differ from a consent granted by the MMO under the existing 2009 Act regime.	Please see response to MMO-13.
MMO-18	Marine Management Organisation	3. DCO Interpretation , Articles and	3.3.6 Because of this confusion and potential duplication, it is the position of the MMO that these provisions are removed and	Please see response to MMO-13.

	Organisations Comments	Requirement s Comments	that any transfer should be subject to the existing regime under the 2009 Act, with the decision maker remaining the MMO.	
		3.3 Article 5 Benefit of the Order		
MMO-19	Marine Management Organisation	3. DCO Interpretation , Articles and Requirement s Comments	3.3.7 This Article 6(2)(b) gives the right to temporarily transfer the benefits of the DCO (including DML) to a third party.	Please see response to MMO-13.
		3.3 Article 5 Benefit of the Order		
MMO-20	Marine Management Organisation	3. DCO Interpretation , Articles and Requirement s Comments	3.3.8 Article 6(2)(b) “6(2)(b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order (including the deemed marine licences) and such related statutory rights as may be so agreed, except where paragraph (6) applies, in which case the consent of the Secretary of State is not required.”	Please see response to MMO-13.
		3.3 Article 5 Benefit of the Order		
MMO-21	Marine Management Organisation	3. DCO Interpretation , Articles and Requirement s Comments	3.3.9 The MMO resists the inclusion of this article. Here the written consent of the SoS is not required. The MMO does not recognise that this would create a more streamlined system. Rather it simply operates to create an additional administrative procedure for marine licences (and one not envisaged by Parliament) and with no clarity in how it will operate.	Article 5(3) of the draft DCO requires Secretary of State consent to the transfer/grant of the benefit of the deemed marine licence(s), subject to the very limited exceptions in sub-paragraph (8).
		3.3 Article 5 Benefit of the Order		
MMO-22	Marine Management Organisation	3. DCO Interpretation , Articles and Requirement s Comments	3.3.10 Article 5(6) “5(6) The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person of the benefit of any or all of the provisions of any of the deemed marine licences.”	This drafting follows precedent including the recently made Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024. In the Examination of that Order, a submission was made by the MMO on the same terms and the wording of the equivalent article was specifically nevertheless included by the Secretary of State. The Applicant accordingly submits that this issue has been considered by the Secretary of State whose position is clear. This drafting is well precedented and cannot reasonably be described as ‘highly irregular’ (MMO-24) in the context of offshore wind DCOs. In addition to Sheringham as quoted above, this wording was also included in (as examples and not an exhaustive list) the Hornsea Four Offshore Wind Farm Order 2023 (article 5(6)), Hornsea Three OWF 2020 (article 5(6)), East Anglia Three Offshore Wind Farm Order 2017 (article 5(3)) and the Galloper Wind Farm Order 2013 (article 7(2)).
		3.3 Article 5 Benefit of the Order		
MMO-23	Marine Management	3. DCO Interpretation	3.3.11 The MMO notes that there is no obligation for the SoS to take into account the views of the MMO when providing its	Please see response to MMO-22.

	ent Organisati on	, Articles and Requirement s Comments 3.3 Article 5 Benefit of the Order	consent. Furthermore, there is no obligation for the MMO to be informed of the decision of the SoS, notwithstanding its impact on the MMO as the licencing authority.	
MMO-24	Marine Managem ent Organisati on	3. DCO Interpretation , Articles and Requirement s Comments 3.3 Article 5 Benefit of the Order	3.3.12 From a regulatory perspective it is highly irregular that a decision to transfer a licence should not be the decision of the regulatory authority in that area (the MMO) but instead should be subject to such a cursory process as is set out in Article 5(1)-(3). The MMO thus resists this change as unworkable.	Please see response to MMO-22.
MMO-25	Marine Managem ent Organisati on	3. DCO Interpretation , Articles and Requirement s Comments 3.3 Article 5 Benefit of the Order	3.3.13 As explained above, Articles 5 (1)-(3) sets out what is effectively a new nonlegislative regime for the variation and transfers of marine licences. In support of these provisions, Article 5(9) explicitly disapplies sections 72(7) and (8) of the 2009 Act, which would otherwise govern these procedures.	Please see response to MMO-13 and MMO-22.
MMO-26	Marine Managem ent Organisati on	3. DCO Interpretation , Articles and Requirement s Comments 3.3 Article 5 Benefit of the Order	3.3.14 Article 5(9) “(9) Section 72(7) and (8) of the 2009 Act do not apply to a transfer or grant of the whole or part of the benefit of the provisions of any of the deemed marine licences to another person by the undertaker pursuant to an agreement under this article 6 (benefit of the Order) save that the MMO may amend any deemed marine licence granted under Schedule 10 or Schedule 11 of the Order to correct the name of the undertaker to the name of a transferee or lessee under this article 6 (benefit of the Order).”	Please see response to MMO-13 and MMO-29.
MMO-27	Marine Managem ent Organisati on	3. DCO Interpretation , Articles and Requirement s Comments 3.3 Article 5 Benefit of the Order	3.3.15 This conflicts with the MMO’s stated position that the DML granted under a DCO should be regulated by the provisions of 2009 Act, and specifically by all provisions of section 72.	Please see response to MMO-13 and MMO-29.
MMO-28	Marine Managem	3. DCO Interpretation	3.3.16 Section 72(7)(a) of 2009 Act permits a licence holder to make an application for a marine licence to be transferred, and	Please see response to MMO-13 and MMO-29.

	ent Organisati on	, Articles and Requirement s Comments 3.3 Article 5 Benefit of the Order	where such an application is approved for the MMO to then vary the licence accordingly (s. 72(7)(b)). This power that should be retained and used in relation to the DML granted under the DCO and the MMO therefore resists the inclusion of this article 6(9) to disapply these provisions.	
MMO-29	Marine Managem ent Organisati on	3. DCO Interpretation , Articles and Requirement s Comments 3.3 Article 5 Benefit of the Order	3.3.17 The key concern held by the MMO is that Article 5 operates to override and/or unsatisfactorily duplicate provisions that already exist within MCAA 2009 for dealing with variations to marine licences. Such provisions are also inconsistent with the PINS Guidance on how DMLs should operate within a DCO. Advice Note Eleven, Annex B – Marine Management Organisation National Infrastructure Planning (https://infrastructure.planninginspectorate.gov.uk/legislation-andadvice/advice-notes/an11-annex-b/) provides that where the undertaker choses to have a marine licence deemed by a DCO, the MMO, “will seek to ensure wherever possible that any deemed licence is generally consistent with those issued independently by the MMO.” Article 5 as drafted is not in compliance with this guidance.	The Applicant notes the MMO’s position, but does not agree with it. The position put forward by the MMO is not in keeping with precedent and recent decision-making by the Secretary of State, as referred to in MMO-13 and MMO-22. Furthermore, the Applicant does not agree with the premise of the MMO’s approach, which is that the MCAA should prevail. This is contrary to the intention and drafting of the Planning Act 2008. If the MCAA was to prevail in all circumstances, the Planning Act 2008 would not provide for the grant of deemed consent under a marine licence as per section 149A, in line with Parliament’s intention to streamline the consenting process in passing that Act.
MMO-30	Marine Managem ent Organisati on	3. DCO Interpretation , Articles and Requirement s Comments 3.4 Materially	3.4.1 The MMO strongly considers that the activities authorised under the DCO and DML should be limited to those that are assessed within the Environmental Impact Assessment (EIA), and the statement that the activities authorised under the DCO and DML should be limited to those that are assessed within the EIA, and the statement that activities will be limited to those that ‘do not give rise to any materially new or materially different environmental effects’ should be updated to clarify this.	The MMO’s comments in respect of the intention of the EIA process and related legislation are noted. However, it is an essential component of EIA that the assessment is proportionate, allowing for knowledge of likely significant effects and for their control as appropriate. The EIA regime does not exist to elucidate on and control every effect, regardless of its level of significance, and nor is that the intention of the EIA legislation. On that basis, allowing actions which can be demonstrated not to have materially new or different environmental effects cannot be contrary to the EIA regime or the purpose of legislation underpinning it. If an effect is not materially new or different, it cannot rise to the level of there being a risk of a significant effect not assessed in the EIA. This drafting is well-precedented and has been recently deemed to be acceptable by the Secretary of State. It is included in the Sheringham Shoal and Dudgeon Extension Projects Offshore Wind Farm Order 2024, where it is included in Part 1 of the DMLs for that Order: <i>“8(2) Any amendments to or variations from the approved details, plans or schemes must be in accordance with the principles and assessments set out in the environmental statement and approval of an amendment or variation may only be given where it has been demonstrated to the satisfaction of the MMO that it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.”</i>
MMO-31	Marine Managem ent Organisati on	3. DCO Interpretation , Articles and Requirement s Comments 3.4 Materially	3.4.2 The MMO considers that wording should be updated to ‘do not give rise to any new or different environmental effects to those assessed in the environmental information’. This also applies to the definition of “maintain”.	Please see response to MMO-30.

MMO-32	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.4 Materially	3.4.3 The intention behind EIA is to protect the environment by ensuring that in deciding whether to grant a development consent for a project, and in deciding what conditions to attach to that consent, the decision has full knowledge of what the likely significant environmental effects of the project/development will be. That knowledge then guides the consent process and what conditions, if any, to attach to the consent. Additionally, there is considerable public consultation under the EIA process because the process recognises the importance of local knowledge in environmental decision making.	Please see response to MMO-30.
MMO-33	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.4 Materially	3.4.4 The EIA legislation was designed to apply to those plans/projects which could be sufficiently detailed and particularised at the application stage, to allow the consenting decision to be taken in the full knowledge of what the likely significant effects of that plan or project would be. In such circumstances, it would be unnecessary to create a legal obligation under the order which requires the activities to remain within what was assessed under the EIA, because the consent authorises the detailed and well particularised project, assessed in the EIA to be carried out, and therefore, providing the development is constructed as per the consent, those works would, by default, remain within the parameters of the EIA.	Please see response to MMO-30.
MMO-34	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.4 Materially	3.4.5 The difficulty identified with EIA, as was discussed in the Rochdale Envelope case, is that to deal with an outline planning case, where the project will flex over time, the EIA must be undertaken at the outline permission stage when there is not enough detail to properly identify what the final design of the project will be. In the case of Rochdale, the court decided the project details could remain flexible providing the EIA took account of the need for evolution of the project over time and assessed the likely significant effects within clearly defined parameters, and then the consent granted imposed conditions to ensure that the process of evolution kept within the parameters of the EIA. Whilst there might not be an express provision that can be identified in the legislation that says that a project cannot exceed the effects assessed in the EIA, it is implied (or the purpose of EIA would be undermined) and the Rochdale case discusses this.	Please see response to MMO-30.
MMO-35	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.4 Materially	3.4.6 The MMO does not consider that it is appropriate to use the word material in these circumstances. If the Applicant wants the flexibility of not being prescriptive about the design from the start, the Order and the DML granted through it should restrict works which can be carried out to those which do not give rise to any new or different environmental effects to those assessed in the EIA.	Please see response to MMO-30.
MMO-36	Marine Management Organisation	3. DCO Interpretation , Articles and	3.5.1 Under the DCO legislative regime, it remains possible for developers (undertakers) to seek consent for a marine licence directly with the MMO (rather than having a DML integrated into	Please see responses to MMO-13.

	Organisations	Comments 3.5 Inconsistent with Intention of the DCO Regime	the DCO). This flexibility underlines the fact that the DCO process simply integrates the existing mechanism for granting a marine licence. It should not therefore be used as a vehicle to alter or distort established processes and procedures, such as those for the transfer of a marine licence.	
MMO-37	Marine Management Organisation	3. DCO Interpretation, Articles and Requirements 3.6 Undermining the Enforcement Capabilities of the MMO	3.6.1 Piecemeal changes to aspects of the marine licence regime by way of the DCO can undermine the ability to enforce the marine licence. Under the DCO, it remains the MMO who will be responsible for enforcing marine licences (both deemed or granted independently). It is therefore vital that all marine licences are clear and enforceable. Consistency is a key element in achieving this, and this is best achieved by ensuring that the MMO has full responsibility for the marine licence process.	The Applicant notes the MMO's concern and refers the MMO to the provisions of the dDCO, which do not seek to deprive the MMO of its enforcement capabilities. In respect of the transfer of DMLs, please see responses to MMO-13.
MMO-38	Marine Management Organisation	3. DCO Interpretation, Articles and Requirements 3.7 Purpose of the Secretary of State Written Consent is Unclear	3.7.1 Not only is this unnecessary (given that Parliament has already created a statutory regime for such a process), but it is also unclear what purpose the written consent of the SoS serves here. For example: If the intention is for the undertaker to be able to transfer the benefits under the terms of the DCO outside the established procedures under MCAA 2009 (which the MMO opposes), why is it considered necessary or appropriate for the SoS to 'approve' the transfer of the DML (even going so far as to include an obligation to consult the MMO)? It is also unclear what criteria the SoS would be taking in determining whether to approve any transfer, and how this would differ from a consent granted by MMO under MCAA 2009.	The drafting provided in the dDCO is well-precedented and has been deemed to be acceptable by the Secretary of State, as set out in the response to MMO-13.
MMO-39	Marine Management Organisation	3. DCO Interpretation, Articles and Requirements 3.8 Practical Concerns	3.8.1 It is unclear how the wording would work in practice. It would be necessary to vary the licence to change the details of the licence holder.	Please see response to MMO-13.
MMO-40	Marine Management Organisation	3. DCO Interpretation, Articles and Requirements	3.8.2 The transfer of the licence would happen first, and then the licence would still need to be varied. After the transfer of the licence, the new licensee would have a marine licence which would still be in the name of the licensee who had transferred the licence. The new licensee would have no authorisation to	Please see response to MMO-13.

		3.8 Practical Concerns	carry out any acts until the variation had taken place and until the variation had been affected, the old licence holder would remain liable for any actions undertaken.	
MMO-41	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.8 Practical Concerns	3.8.3 Once again this creates additional confusion and administrative layers in lieu of relying on the existing legislative provisions. The procedure under s. 72 MCAA avoids this issue, which is an additional reason why it is preferred.	Please see response to MMO-13.
MMO-42	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.8 Practical Concerns	3.8.4 Because of this confusion and potential duplication, it is the position of the MMO that these provisions should be removed, and that any transfer should be subject to the existing regime under the MCAA 2009, with the decision maker remaining the MMO.	Please see responses to MMO-13.
MMO-43	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.9 Schedule 8 – Schedule 10 DMLs	3.9.1 The MMO has provided a detailed comments in Table 1 below. Please find a summary of the main concerns below.	Noted.

Table 1. MMO Comments on draft DCO/DML

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
MMO-44	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.9 Schedule 8 – Schedule 10 DMLs	1. Part 1 – Preliminary Interpretation (2)(1) “Five Estuaries” means the nationally significant infrastructure project known as Five Estuaries Offshore Wind Farm, being an offshore electricity generating station approximately 37km from the coast of Suffolk, and being the authorised development consented by the Five Estuaries Offshore Wind Farm Order 202[];	Please write kilometres in full on first use, and follow with the acronym in brackets.	The Applicant has updated this in the dDCO [6.1.1, Rev 2] at Deadline 1.

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
		Table 1 MMO Comments on draft DCO/DML Main DCO			
MMO-45	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.9 Schedule 8 – Schedule 10 DMLs Table 1 MMO Comments on draft DCO/DML Main DCO	2. Part 1 – Preliminary Interpretation (2)(1) “Jacket Foundation” means a lattice type structure constructed of steel and additional equipment such as, J-tubes, corrosion protection systems and access platforms attached to the seabed;	The MMO advises the text is updated to align with the East Anglia 2 definition of jacket foundation (adapted accordingly for the North Falls Project): “Jacket foundation” means a lattice type structure constructed of steel which is fixed to the seabed at 3 or more points with steel pin piles or steel suction buckets and associated equipment including scour protection, J-tubes, corrosion protection systems and access platforms.	The Applicant considers its definition of “jacket foundation” to be appropriate and notes this aligns with the wording in the Hornsea Four Offshore Wind Farm Order 2023 and Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024.
MMO-46	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.9 Schedule 8 – Schedule 10 DMLs Table 1 MMO Comments on draft DCO/DML Main DCO	3. Part 1 – Preliminary Interpretation (2)(1) “mean high water springs” or “MHWS” means the highest level which spring tides reach on average over a period of time;	The MMO requests the definition is updated to: ‘The height of Mean High-Water Springs (MHWS) is the average throughout the year, of two successive high waters, during a 24-hour period in each month when the range of the tide is at its greatest (Spring tides).	The Applicant considers its definition of “mean high water springs” to be appropriate and notes this aligns with the wording in the Hornsea Four Offshore Wind Farm Order 2023 and Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024.
MMO-47	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments	4. Part 1 – Preliminary Interpretation (2)(1) “undertaker” means, subject to article 5 (benefit of the Order), North Falls Offshore	The undertaken definition must be updated. The Applicant should remove ‘subject to article 5’ (benefit of the Order).	The definition of “undertaker” in the draft DCO is correct and appropriate. The inclusion of “subject to article 5 (benefit of the Order)” provides for the benefit of the Order to be transferred and for the transferee to benefit from the provisions of the

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
		3.9 Schedule 8 – Schedule 10 DMLs Table 1 MMO Comments on draft DCO/DML Main DCO	Wind Farm Limited (company number 12435947);		Order insofar as transferred and also importantly to be subject to the other obligations and limitations on the “undertaker”.
MMO-48	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.9 Schedule 8 – Schedule 10 DMLs Table 1 MMO Comments on draft DCO/DML Main DCO	5. Part 2 – Principal powers Benefit of the order Please see section 3.3.1 in this document for further information.	Please see section 3.3.1 in this document for further information.	Please see responses to MMO-13 and following.
MMO-49	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.9 Schedule 8 – Schedule 10 DMLs Table 1 MMO Comments on draft DCO/DML	6. Part 4 – Interpretation 30. In this Schedule, references to entering on and taking possession of land do not include doing so under article 18 (protective works to buildings), article 19 (authority to survey and investigate the land onshore), article 31 (temporary use of land for carrying out the authorised development) or article 32 (temporary use of land for maintaining the authorised development) of the North Falls Offshore Wind Farm Order 202[].”	The Applicant has mislabelled the section. There is already a part 4. Please confirm that this schedule interpretation is for the onshore works only.	The Article referred to in this representation, Article 29, modifies the Compulsory Purchase Act 1965. The “Part 4” referred to in the MMO’s representation is a new Part 4 to be read as added to Schedule 2A of the 1965 Act by operation of the dDCO. No amendment is necessary.

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
		Main DCO			
MMO-50	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCO/DML</p> <p>Main DCO</p>	<p>7. Part 7 Miscellaneous and general Application of landlord and tenant law</p> <p>37.—(1) This article applies to— (a) any agreement for leasing to any person the whole or any part of the authorised development or the right to operate the same; and (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised development, or any part of it, so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person's use. (2) No enactment or rule of law regulating the rights and obligations of landlords and tenants prejudices the operation of any agreement to which this article applies. (3) Accordingly, no such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by and under any such agreement so as to — (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter; (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the least of any obligation of any other party under the lease.</p>	Please confirm this is for onshore works only.	This article applies to regulate the relationship between the undertaker and any lessee under article 5 of the draft DCO to ensure that the agreement between those parties takes precedence over any potentially applicable landlord and tenant law. It is not specific to onshore or offshore although given the jurisdictional nature of landlord and tenant law in the UK, it is likely only to apply onshore.
MMO-51	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments	<p>8. Part 7 Miscellaneous and General Operational land for the purposes of the 1990 Act</p> <p>38. Development consent granted by this Order is treated as specific planning permission for the purposes of section</p>	There is no definition of planning permission. The MMO requests this is defined within the Order.	References to the Town and Country Planning Act 1990 make clear that the planning permission has the same definition as provided for under that act. In any event, no such definition is required here as the Applicant is not applying for planning permission and the Article is capable of being understood by reference to the relevant section of the 1990 Act provided.

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
		3.9 Schedule 8 – Schedule 10 DMLs Table 1 MMO Comments on draft DCO/DML Main DCO	264(3)(a) of the 1990 Act (cases in which land is to be treated as not being operational land).		
MMO-52	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.9 Schedule 8 – Schedule 10 DMLs Table 1 MMO Comments on draft DCO/DML Main DCO	9. Part 7 Miscellaneous and general Arbitration 42. (2) For the avoidance of doubt, any matter for which the consent or approval of the Secretary of State or the Marine Management Organisation is required under any provision of this Order will not be subject to arbitration.	The MMO supports this condition.	Noted.
MMO-53	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.9 Schedule 8 – Schedule 10 DMLs Table 1 MMO Comments on draft DCO/DML Main DCO	10. Part 7 Miscellaneous and general Abatement of works abandoned or decayed 44. Where any of the offshore works or all of them or any part of them, is abandoned or allowed to fall into decay the Secretary of State may, following consultation with the undertaker, issue a written notice requiring the undertaker at its own expense either to repair, make safe and restore one or any of those Works, or any relevant part of them, or to remove them or any relevant part and, without prejudice to any notice served under section 105(1) of the 2004 Act restore the site to a safe and proper condition, to such an extent and within such limits as may be specified in the notice.	The MMO advises this condition is updated to say the undertaker must ensure they also obtain the necessary consents.	This Article provides for the Secretary of State serving a notice on the undertaker to repair, make safe, or restore works which have been abandoned or have been allowed to fall into decay. The Article of the DCO, once granted, along with the notice provided by the Secretary of State, form the necessary consent to carry out the works. To require a further consenting process misunderstands the purpose of the Article, which is to ensure that works permitted under the DCO are maintained and any state of disrepair which is unacceptable to the Secretary of State is promptly remedied. The drafting provided in the dDCO is well-precedented, and was recently approved by the Secretary of State at article 38 of the Sheringham Shoal and Dudgeon Extension Projects Offshore Wind Farm Order 2024 and at article 41 of the Hornsea Four Offshore Wind Farm Order 2023.

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
MMO-54	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.9 Schedule 8 – Schedule 10 DMLs Table 1 MMO Comments on draft DCO/DML Main DCO	11. Schedule 1 – Authorised Project Part 2 – Ancillary works Works within the Order limits which fall within the scope of the work assessed by the environmental statement comprising— (a) intrusive ground investigations including the making of bore holes and trial pits; (b) temporary landing places, moorings or other means of accommodating vessels in the construction, maintenance and/or decommissioning of the authorised development; (c) marking buoys, beacons, fenders and other navigational warning or ship impact protection works; and (d) temporary works for the benefit or protection of land, watercourses or structures affected by the authorised development.	The Applicant should clearly identify all marine licensable activities within the DMLs. If there are any ancillary works that will be subject to a separate marine licence application, this should be clearly stated within the documents.	Details of the marine licensable activities are set out in Part 1 of the DMLs in the dDCO. Please refer to Part 1 of Schedules 8 – 10.
MMO-55	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.9 Schedule 8 – Schedule 10 DMLs Table 1 MMO Comments on draft DCO/DML Main DCO	12. Schedule 13 Arbitration Rules Schedule 13 Arbitration Rules	The MMO notes that the MMO and DMLs are not referenced within the Arbitration Rules Schedule. This is appropriate as the MMO have their own mechanisms for appealing decisions.	Noted. Schedule 13 does not apply to decisions where consent of the MMO is required by virtue of Article 42(2).
MMO-56	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments	13. Schedule 15 Compensation to protect the coherence of the National Site Network 2.—(1) The undertaker will form and administer the OOEG before carrying out any works to deliver the compensation measure under a LBBG CIMP to be approved under this Schedule. The undertaker will invite	The MMO notes that they will be a core member within the Offshore Ornithology Engagement Group (OOEG). This is appropriate as the compensation measures may require a marine licence consent and therefore the MMO should be aware of the discussions. However, the	Noted.

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
		3.9 Schedule 8 – Schedule 10 DMLs Table 1 MMO Comments on draft DCO/DML Main DCO	representatives from the following organisations to participate in the OOEG— (a) Marine Management Organisation; (b) Natural England; (c) the relevant planning authority; and (d) the Royal Society for the Protection of Birds. (2) The OOEG must be convened and consulted on the proposed LBBG CIMP before any approval of the LBBG CIMP is sought by the undertaker under paragraph 3.	MMO highlights that the MMO will not act as arbitrator and is in attendance in relation to the marine licensable requirements of such compensation. The MMO defers to the Statutory Nature Conservation Body (SNCB) on the need for, or amount of, compensation. The level of compensation required is not for the MMO to determine.	
MMO-57	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.9 Schedule 8 – Schedule 10 DMLs Table 1 MMO Comments on draft DCO/DML Schedule 8 – Schedule 10 – Deemed Marine Licenses	14. Part 1 Licenced Marine Activities interpretation Titles For DML 1 – DML 3 'Marine Licence...'	Throughout the DCO and DMLs all the definitions and titles must be updated to state the 3 DMLs are 'Deemed Marine Licences'. E.g. '(Deemed Marine Licence 1: North Falls Offshore Wind Project Generation Assets –)'. This is to ensure accuracy.	The DMLs set out at Schedules 8 – 10 of the dDCO are described as deemed marine licences in the titles of those Schedules and in Article 36 of the dDCO as requested by the MMO. The Applicant considers any further numbering of the DMLs (1 – 3) to be potentially confusing with the scheduling numbers, and not in accordance with drafting precedent for offshore wind farms.
MMO-58	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.9 Schedule 8 – Schedule 10 DMLs Table 1 MMO Comments	15. Part 1 Licenced Marine Activities interpretation For DML 1 – DML 3 "authorised deposits" means the substances and articles specified in paragraph 4 of this licence;	The MMO requests this is updated to clarify that the materials need approval by the MMO in order to be deposited.	The Applicant considers this update to be inappropriate. To require additional approval by the MMO would mean that certain elements of the DMLs are not deemed to be approved by the grant of consent by the Secretary of State. This would run contrary to Parliament's intention expressed in section 149A of the Planning Act 2008, which allows for marine licences to be deemed to be granted, without the need for a separate licensing process, if included in a development consent order granted by the Secretary of State.

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
		on draft DCO/DML Schedule 8 – Schedule 10 – Deemed Marine Licenses			
MMO-59	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.9 Schedule 8 – Schedule 10 DMLs Table 1 MMO Comments on draft DCO/DML Schedule 8 – Schedule 10 – Deemed Marine Licenses	16. Part 1 Licenced Marine Activities interpretation For DML 1 – DML 3 “cable protection” means physical measures for the protection of cables including but not limited to concrete mattresses, split pipe system, and/or rock placement (including material used for cable crossings);	The MMO requests the condition wording is updated to the below to ensure that the reason why cable protection is being used is clear. “cable protection” means measures for offshore cable crossings and where cable burial is not possible due to ground conditions or approaching offshore structures, to protect cables forming part of the authorised scheme from physical damage and exposure due to loss of seabed sediment including, but not limited to, rock placement, concrete mattresses with or without frond devices, protective aprons or coverings, bagged solutions filled with sand, rock, grout or other materials and protective shells;”	The Applicant notes the MMO’s request, but also notes that the reasons why cable protection might be used is described in the DCO application and in the Environmental Statement. From a legal DCO drafting standpoint, the addition requested is unnecessary and would serve no useful purpose. The Applicant is not aware of any such provision in any offshore wind DCO or DML.
MMO-60	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.9 Schedule 8 – Schedule 10 DMLs Table 1 MMO Comments on draft DCO/DML	17. Part 1 Licenced Marine Activities interpretation For DML 1 – DML 3 “jacket foundation” means a lattice type structure constructed of steel, and additional equipment such as J-tubes, corrosion protection systems and access platforms attached to the seabed;	The MMO advise the text is updated to align with the East Anglia 2 definition of jacket foundation (adapted accordingly for the DBS project): “jacket foundation” means a lattice type structure constructed of steel which is fixed to the seabed at [3 or more points with steel pin piles or steel suction buckets] and associated equipment including scour protection, J-tubes, corrosion protection systems and access platforms.	The Applicant considers its definition of “jacket foundation” to be appropriate and notes this aligns with the wording in the Hornsea Four Offshore Wind Farm Order 2023 and Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024.

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
		Schedule 8 – Schedule 10 – Deemed Marine Licenses			
MMO-61	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCO/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>18. Part 1 Licenced Marine Activities interpretation For DML 1 – DML 3</p> <p>“maintain” includes inspect, upkeep, repair, adjust, and alter and further includes remove, reconstruct and replace (including replenishment of cable protection) to the extent assessed in the environmental statement, and “maintenance” must be construed accordingly;</p>	<p>The MMO advise the text is updated to: “maintain” includes inspect, upkeep, repair, adjust, alter, and further includes remove, reconstruct and replace (but only in relation to any of the ancillary works in Part 2 of Schedule 1 (ancillary works) to the Order and any component part of any wind turbine generator, offshore electrical platform, construction, operations and maintenance platform or meteorological mast described in Part 1 of Schedule 1 (authorised developed) to the Order not including the alteration, removal or replacement of foundations), to the extent assessed in the environmental statement; and “maintenance” must be construed accordingly. The MMO note that within conditions or within attached/supporting Plans (for example "Offshore Operations and Maintenance Plan") where "replacement" is noted that it references its limitations of the replacement to be in line with "like-for-like" or "as within the project envelope".</p>	<p>The Applicant considers the definition of “maintain” is appropriate, and is limited by the assessment accompanying the DCO application.</p>
MMO-62	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p>	<p>19. Part 1 Licenced Marine Activities interpretation For DML 1 – DML 3</p> <p>MHWS” or “mean high water springs” means the highest level that spring tides reach on average over a period of time;</p>	<p>The MMO request the definition is updated to: ‘The height of Mean High Water Springs (MHWS) is the average throughout the year, of two successive high waters, DML1 - DML 5 during a 24-hour period in each month when the range of the tide is at its greatest (Spring tides).</p>	<p>The Applicant considers its definition of “mean high water springs” to be appropriate and notes this aligns with the wording in the Hornsea Four Offshore Wind Farm Order 2023 and Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024.</p>

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
		Table 1 MMO Comments on draft DCO/DML Schedule 8 – Schedule 10 – Deemed Marine Licenses			
MMO-63	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.9 Schedule 8 – Schedule 10 DMLs Table 1 MMO Comments on draft DCO/DML Schedule 8 – Schedule 10 – Deemed Marine Licenses	20. Part 1 Licenced Marine Activities interpretation For DML 1 – DML 3 4(c) Marine Management Organisation (Local Office) Miranda House The Quay Harwich CO12 3HH	The MMO requests that the local MMO Office address be updated to the following address, including the telephone number: Marine Management Organisation Pakefield Road Lowestoft NR33 0HT Tel: 0208 0260654	The Applicant has amended the address in the draft DCO [6.1.1, Rev 2] at Deadline 1.
MMO-64	Marine Management Organisation	3. DCO Interpretation , Articles and Requirements Comments 3.9 Schedule 8 – Schedule 10 DMLs	21. Part 2 – Conditions – Design Parameters DML 1: Design Parameters Condition 10 (5) DML 2: Condition 10 (3) DML 3: Condition 10 (3)	The MMO requests the wording of these conditions are updated to ensure they are enforceable by changing 'may' to 'will' or by stating 'must not be higher' etc. for all conditions.	In the DML at Schedule 8 of the dDCO, Condition 10(5) is as follows: <i>No wind turbine generator—</i> <i>(a) jacket foundation employing pin piles forming part of the authorised development may—</i> <i>(i) have a pin pile diameter of greater than six meters; and</i> <i>(ii) employ more than eight pin piles per jacket foundation; and</i> <i>(b) monopile foundation forming part of the authorised development may not have a diameter greater than 17 metres.</i>

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
		Table 1 MMO Comments on draft DCI/DML Schedule 8 – Schedule 10 – Deemed Marine Licenses			In the DML at Schedule 9 and DML at Schedule 10, Condition 10(3) is as follows: <i>No offshore converter platform—</i> <i>(a) jacket foundation employing pin piles forming part of the authorised development may—</i> <i>(i) have a pin pile diameter of greater than 3.5 metres; and</i> <i>(ii) employ more than 12 pin piles per jacket foundation; and</i> <i>(b) monopile foundation forming part of the authorised development may not have a diameter greater than 17 metres</i> The word “will” does not appear in either condition.
MMO-65	Marine Management Organisation	3. DCO Interpretation, Articles and Requirements Comments 3.9 Schedule 8 – Schedule 10 DMLs Table 1 MMO Comments on draft DCI/DML Schedule 8 – Schedule 10 – Deemed Marine Licenses	22. Part 2 – Conditions – Maintenance of the authorised development DML 1: Condition 12 (4) DML 2: Condition 13 (4) DML 3: Condition 12 (4)	The MMO requests the wording of these conditions are updated To the following wording: (4) XXXX must not commence until an Offshore Operations and Maintenance Plan (OOMP) has been submitted to and approved by the MMO in accordance with the ‘Outline Offshore Operations and Maintenance Plan’ in writing. The OOMP must include, but is not limited to— (a) a list of maintenance activities within the marine environment that are planned for the lifetime of the licensed activities; (b) details of the typical construction plant, machinery and personnel requirements for each maintenance activity and any requirements for detailed method statements; (c) details of the typical frequency and timing of each maintenance activity; and (d) details of controls and mitigation that will be in place in order to protect the marine environment. (4) The OOMP must be reviewed every three years commencing from the date on which the OOMP was approved, unless otherwise agreed	The Applicant notes that the details requested for inclusion in the OOMP in the proposed drafting are already provided for in the Outline OOMP [APP-255]. The current drafting of this condition in the dDCO means that these details would need to be included in the OOMP, which is required to be “ <i>substantially in accordance with the outline offshore operations and maintenance plan</i> ”. The drafting provided in the dDCO is well-precedented – see, for example, the Sheringham Shoal and Dudgeon Extension Projects Offshore Wind Farm Order 2024 (Schedule 11, Part 2, Condition 13(1)(f)), the Hornsea Four Offshore Wind Farm Order 2023 (Schedule 11, Part 2, Condition 4(4)), and the East Anglia TWO Offshore Wind Farm Order 2022 (Schedule 13, Part 2, Condition 17(1)(h)). The Applicant therefore does not agree that the MMO’s proposed revision is necessary.

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
				<p>by the MMO, to ensure the details of the maintenance activities remain accurate. The conclusions of that review must be submitted to and approved by the MMO in writing.</p> <p>(5) The OOMP must be implemented as approved by the MMO.</p> <p>(6) Unless otherwise agreed in writing with the MMO, the undertaker must submit—</p> <p>(a) the first OOMP at least 6 months prior to the proposed commencement of the works;</p> <p>(b) the updated OOMPs in paragraph (2), at least 6 months before such revised OOMP is required to be put in place; and</p> <p>(c) any updated OOMP covering additional activities as soon as possible after the need for such additional activities is identified.</p>	
MMO-66	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>23. Extension of time periods</p> <p>DML 1: Condition 14</p> <p>DML 2: Condition 15</p> <p>DML 3: Condition 14</p>	<p>The MMO requests this condition is removed from all the DMLs. Please see comments under 3.2.1-3.2.5 Determination dates.</p>	<p>The Applicant notes that comments under 3.2.1 – 3.2.3 relate to Unexploded Ordnance (UXO). Paragraphs 3.2.4 and 3.2.5 are not included in the MMO's representation.</p> <p>It is the Applicant's position that this condition should be detained in all three DMLs. It is well-precedented and operates to allow extension of timeframes applying to both the undertaker and the MMO with consent of the other party. This therefore avoids arbitrary deadlines when parties are agreed an extension is necessary, and operates to the benefit of both the Applicant and the MMO.</p>

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
MMO-67	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>24. Notifications and inspections</p> <p>DML 1: Condition 15 (1) (b) DML 2: Condition 16 (1) (b) DML 3: Condition 15 (1) (b)</p>	<p>The MMO request this section of the condition is removed. It is the undertaker's responsibility to notify the MMO.</p>	<p>This condition requires the undertaker to provide copies of the marine licences to agents, contractors and vessel masters and offshore operations managers. It is the undertaker's responsibility to provide the MMO with details of these agents, contractors and vessel masters and offshore operations managers. This condition requires those agents, contractors and vessel masters and offshore operations managers to confirm to the MMO that they have received a copy of the marine licence (and any variations). It remains the undertaker's responsibility to ensure that a copy of the marine licence is held on board any vessel being used to carry out the licensed activities, and has been read and understood by the masters of those vessels.</p> <p>The Applicant does not propose to remove this condition. It does not detract from any responsibility of the undertaker. Rather, it provides an added layer of confirmation to reassure the MMO that the undertaker has complied with its obligation to provide copies of the marine licence.</p>
MMO-68	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>25. Notifications and inspections</p> <p>DML 1: Condition 15 (6) DML 2: Condition 16 (6) DML 3: Condition 15 (6)</p>	<p>The MMO should be notified upon commencement and completion of any part of the licensed activities, particularly when works are being undertaken in phases. The MMO requests the condition is updated to: (6) The undertaker must inform the MMO Local Office in writing at least 14 days prior to the commencement of the licensed activities or any part of them including providing a programme of works for future activities and within five days of the completion of the licensed activities or any part of them.</p>	<p>The Applicant considers these amendments to be unnecessary. The time period of 5 days is standard including in the most recent Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 and the Hornsea Four Offshore Wind Farm Order 2023 and there is no valid administrative reason to increase the administrative burden on the Applicant. The Applicant also considers the provision of a programme of works to be unnecessary as this would create additional administrative burden for both the undertaker and the MMO, for little to no benefit, seeing as notification is required before the start of licensed activities in any event. Furthermore, the details of the programme of works will already have been provided to the MMO in the pre-construction plans and documentation conditioned in each of the DMLs (see Schedule 8, Part 2, Condition 21; Schedule 9, Part 2, Condition 22; Schedule 10, Part 2, Condition 22). Adding a requirement for a programme of works for future activities with each notification is unnecessary.</p>

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
MMO-69	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>26. Notifications and inspections</p> <p>DML 1: Condition 15 (7) (a -b) DML 2: Condition 16 (7) (a -b) DML 3: Condition 15 (7) (a -b)</p>	<p>Please update the condition to:</p> <p>7) The undertaker must inform the Kingfisher Information Service of Seafish by email to kingfisher@seafish.co.uk of details of the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part —</p> <p>(a) at least 14 days prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data;</p> <p>(b) on completion of construction of the authorised scheme, and confirmation of each notification must be provided to the MMO within five days.</p>	<p>The Applicant has included “by email to kingfisher@seafish.co.uk” in the draft DCO at Deadline 1. The other changes requested by the MMO are already included in the conditions referred to.</p>
MMO-70	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>27. Notifications and inspections</p> <p>DML 1: Condition 15 (10)</p> <p>DML 2: Condition 16 (10)</p> <p>DML 3: Condition 15 (10)</p>	<p>This condition states the undertaker must notify the UK Hydrographic Office (UKHO) of the progress of the licensed activities.</p> <p>The Applicant should clarify the reporting timeframe and what progress (stages) will require a notification. If this is agreed in a plan, this plan should be referenced and the condition the plan will be approved under</p>	<p>The condition provides that the undertaker “<i>must make such notifications to the UK Hydrographic Office of the progress of the licenced activities as are reasonably required in order that all necessary amendments to nautical and aeronautical charts are made</i>”. This requires the exercise of professional judgment in the context of the ongoing works, to ascertain whether amendments are necessary to nautical and aeronautical charts. Replacing this with a specified timeframe would be arbitrary and would not allow for the exercise of professional judgment, which would not serve the ultimate intention of the condition in ensuring that nautical and aeronautical charts are updated and fit for purpose. The Applicant's position is that the MMO's proposed revision is not necessary, noting this is in addition to the requirement to notify the commencement and completion of the licensed works.</p>

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
MMO-71	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>28. Notifications and inspections</p> <p>DML 1: Condition 15 (11)</p> <p>DML 2: Condition 16 (11)</p> <p>DML 3: Condition 15 (11)</p>	<p>The MMO request the condition is updated to clarify the local MMO office and the MMO marine licensing team should be notified of any damage, destruction or decay.</p>	<p>The Applicant has amended the draft DCO at Deadline 1 to ensure that the MMO Local Office and the MMO are referred to.</p>
MMO-72	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>29. Notifications and inspections</p> <p>DML 1: Condition 15 (13)</p> <p>DML 2: Condition 16 (13)</p> <p>DML 3: Condition 15 (13)</p> <p>'The undertaker must notify the MMO in writing a minimum of five days in advance of the commencement of each discrete incident of cable repair, replacement, or protection replenishment activity. Such a notification must include proposed timings and a description of proposed methodologies.'</p>	<p>The MMO requests this is updated to "at least 14 days prior to the commencement"... In addition, the condition should clearly define repair, replacement, and protection replacement. This should be defined under maintain and linked to the Outline Offshore Operations and Maintenance Plan (OOOMP) or those assessed in the Environmental Statement. We consider that these works should be restricted to those that have been assessed and consented and the definition should clearly demonstrate this.</p>	<p>The Applicant considers its proposed timescales are appropriate, and well precedented e.g. in the Hornsea Four Offshore Wind Farm Order 2023. The other amendments sought are also not required as the terms referred to are included in the definition of maintenance works provided at Condition 12(2) (or Condition 13(2) in respect of Schedule 9). Cable repair, replacement, or protection replenishment activity are all assessed in the EIA (see document APP-019 3.1.7 Environmental Statement Chapter 5 Project Description). The operations and maintenance plan will be submitted for approval pursuant to the DMLs and all operation and maintenance activities must be carried out in accordance with the approved plan – providing the MMO with control over the authorised maintenance activities.</p>

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
MMO-73	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>30. Colouring of Structures</p> <p>DML 1: Condition 17</p> <p>DML 2: Condition 18</p> <p>DML 3: Condition 17</p>	<p>The MMO recommend the wording is updated to: 'The undertaker must paint all structures forming part of the authorised scheme yellow (colour code RAL 1023) from at least HAT to the height agreed in writing with Trinity House. The undertaker must paint the remainder of the structures grey (colour code RAL 7035). Requests to change the colouring of the structure must be submitted to the MMO in writing and must not be undertaken unless approved in writing by the MMO'.</p>	<p>The Applicant notes that the MMO's proposal is already provided for in the conditions as currently included in the dDCO, which read as follows:</p> <p><i>Colouring of structures</i></p> <p><i>17.—(1) The undertaker must colour all structures yellow (colour code RAL 1023) from at least highest astronomical tide to a height directed by Trinity House, or must colour the structure as directed by Trinity House from time to time.</i></p> <p><i>(2) Subject to paragraph (1) above, unless the MMO otherwise directs, the undertaker must ensure that the wind turbine generators are painted light grey (colour code RAL 7035).</i></p>
MMO-74	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>31. Aviation Safety</p> <p>DML 1: Condition 18</p> <p>DML 2: Condition 19</p> <p>DML 3: Condition 18</p>	<p>The MMO requests this condition is removed and included in the DCO as the Defence Infrastructure Organisation Safeguarding and Civil Aviation Authority can review this through the DCO requirements.</p>	<p>The appropriate place for this condition is in the DMLs as it relates to lighting of licensable activities carried out under the DMLs. The condition provides for notification to the Defence Infrastructure Organisation Safeguarding, the Civil Aviation Authority and the MMO.</p>

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
MMO-75	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>32. Chemicals, Drilling and Debris</p> <p>DML 1: Condition 19 (2)</p> <p>DML 2: Condition 20 (2)</p> <p>DML 3: Condition 19 (2)</p>	<p>It should be noted that any paints coatings and chemicals with a pathway to the marine environment should be approved by the MMO prior to use. Part 2 section 12 also allows the undertaker at any time to maintain the authorised scheme at (b) allows for “Painting and applying other coatings to wind turbine generators or offshore accommodation platforms”, as these may also contain plastics. Coatings and paints under OSPAR guidance should have their properties known and therefore should be notified to the MMO for approval prior to use. Therefore, the condition 13 (2) wording should be amended to reflect OSPAR guidance.</p>	<p>The Applicant is not aware of any precedent for the drafting the MMO is referring to, and no change is proposed to the drafting. If the MMO would like specific guidance referred to then the Applicant welcomes details of that guidance to be provided.</p>
MMO-76	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>33. Chemicals, Drilling and Debris</p> <p>DML 1: Condition 19 (3)</p> <p>DML 2: Condition 20 (3)</p> <p>DML 3: Condition 19 (3)</p> <p>‘.... Must be undertaken so as to prevent releases into the marine environment.</p>	<p>The MMO recommends the condition wording is updated to increase precision. ‘...must be undertaken to prevent releases into the marine environment...’</p>	<p>There is no practical difference made by this change. It is stylistic and therefore unnecessary.</p>

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
MMO-77	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>34. Chemicals, Drilling and Debris</p> <p>DML 1: Condition 19 (5) DML 2: Condition 20 (5) DML 3: Condition 19 (5)</p> <p>'The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, vessels or cables and drilling mud is disposed of within the Order limits seaward of MHWS.'</p>	<p>The Applicant should state the name of the disposal site that the material will be deposited in. The MMO is working to designate the disposal sites and will provide an update in due course. In the event that no activity has taken place during the reporting period the undertaker must provide a null (0) return to the MMO.</p>	<p>The DMLs provide for disposal within the Order limits. Please see Schedule 8, Part 1, Paragraph 2; Schedule 9, Part 1, Paragraph 2; and Schedule 10, Part 1, Paragraph 2.</p>
MMO-78	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>35. Force Majeure</p> <p>DML 1: Condition 20 DML 2: Condition 21 DML 3: Condition 20</p> <p>20.—(1) If, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit the authorised deposits within or outside of the Order limits because the safety of human life and/or of the vessel is threatened (an “unauthorised deposit”), full details of the circumstances of the deposit must be notified to the MMO in the manner provided in condition 19(10) within 48 hours of the deposit. (2) Any unauthorised deposit must be removed at the expense of the undertaker unless written approval is obtained from the MMO.</p>	<p>The MMO does not consider provisions on Force Majeure to be necessary as Section 86 MCAA 2009 provides a defence for action taken in an emergency in breach of any licence conditions. The defence under Section 86 of MCAA has two limbs, and in the event that the undertaker fails to notify the appropriate licensing authority, in this case the MMO, within a reasonable time of their actions (Section 86(2) “matters”) the defence cannot be relied upon in the event of any enforcement action.</p>	<p>The Applicant disagrees that this wording is not necessary. Section 86 of the MCAA provides a defence for actions taken in an emergency – this condition is about notifying of a deposit in those circumstances. It does not overlap with s86, which will still apply. No change to the dDCO is proposed.</p>

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
MMO-79	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>36. Pre-construction plans and documentation</p> <p>DML 1: Condition 21 (1)(d) DML 2: Condition 22 (1)(d) DML 3: Condition 21 (1)(d) Project environmental management plan</p>	<p>Please clarify why the Project Environmental Management Plan only covers the construction period and not the operational period. If it does include the operational period, this condition must be updated.</p>	<p>The Project Environmental Management Plan referred to in Conditions 21(1)(d)/22(1)(d) covers the construction period as this is the period where management measures are required for construction activities. The condition does not require to be updated. Mitigation for the operation and maintenance phase is secured via the Outline Operations and Maintenance Plan.</p>
MMO-80	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>37. Pre-construction plans and documentation</p> <p>DML 1: Condition 21 (1)(d)(ii) DML 2: Condition 22 (1)(d) (ii) DML 3: Condition 21 (1)(d) (ii) Chemical risk assessment</p>	<p>The Applicant should ensure that there is no contradiction with the chemical, drilling and debris condition (condition 19 (DML 1), condition 20 (DML 2 and condition 19 (DML 3)).</p>	<p>The Applicant has reviewed the provisions and notes that they are identical across the DMLs (as intended).</p>

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
MMO-81	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>38. Pre-construction plans and documentation</p> <p>DML 1: Condition 21 (1)(d)(iv) DML 2: Condition 22 (1)(d) (iv) DML 3: Condition 21 (1)(d) (iv)</p> <p>Waste management and disposal arrangements</p>	<p>The Applicant should ensure that there is no contradiction with the chemical, drilling and debris condition (condition 19 (DML 1), condition 20 (DML 2 and condition 19 (DML 3)).</p>	<p>The Applicant has reviewed the provisions and notes that they are identical across the DMLs (as intended).</p>
MMO-82	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>39. Pre-construction plans and documentation</p> <p>DML 1: Condition 22 (3)</p> <p>DML 2: Condition 23 (3)</p> <p>DML 3: Condition 22 (3)</p> <p>The MMO must determine an application for approval made under condition 21 within a period of six months commencing on the date the application is received by the MMO, unless otherwise agreed in writing with the undertaker such agreement not to be unreasonably withheld or delayed</p>	<p>The MMO requests this condition is removed from all the DMLs. This is not appropriate for the determination times to be conditioned. The MMO set their own timescales, and this is dependant on the quality of the submission and the availability of primary advisors, please see comments under 3.2.1-3.2.5 Determination dates</p>	<p>Please see response to MMO-66, which provides for an extension by consent which could apply in the circumstances raised in the MMO's representation. It is entirely appropriate to include timescales to provide for a degree of regulatory certainty and ensure the carrying out of the Project is not unnecessarily or unreasonably delayed given its nationally significant status, and the critical national priority need. The Applicant notes that the wording proposed is well-precedented and indeed is longer than provided in some DCOs. It is noted that the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 provides for four months and the Hornsea Four Offshore Wind Farm Order 2023 provides for six months, which is the longer time period provided for in this draft DCO.</p>

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
MMO-83	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>40. Pre-construction plans and documentation</p> <p>DML 1: Condition 21 (7)</p> <p>DML 2: Condition 22 (7)</p> <p>DML 3: Condition 21 (7)</p> <p>The undertaker must, before submitting any pre-construction plans and documentation required under this condition, provide a copy of the plans and documentation to any person to whom part of the benefit of the Order applying seaward of MHWS has been transferred or leased pursuant to article 5 (benefit of the order) of the Order.</p>	The MMO requests that reference to benefit on the order should be removed.	The Applicant disagrees with this request. The condition as drafted ensures that the undertaker provides copies of relevant documentation to those with benefit of the Order. This is in keeping with Article 5 of the dDCO, in relation to which the Applicant has responded to above.
MMO-84	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>41. Reporting of engaged agents, contractors and vessels</p> <p>DML 1: Condition 24 (1)(b) and (3)(b)</p> <p>DML 2: Condition 25 (1)(b) and (3)(b)</p> <p>DML 3: Condition 24 (1)(b) and (3)(b)</p>	IMO not expanded on first use. Please expand to 'International Maritime Organisation (IMO) and include in Part 1 Licenced Marine Activities interpretation of DML 1, DML 2 and DML 3.	"IMO number" is a specific term understood in the offshore industry to mean the unique seven-digit identifier assigned to vessels above a certain tonnage. No change to the condition is necessary. Its use is well precedented including in the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 and the Hornsea Four Offshore Wind Farm Order 2023.

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
MMO-85	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>42. Pre-construction monitoring and surveys</p> <p>DML 1: Condition 25 DML 2: Condition 26 DML 3: Condition 25</p>	<p>This condition must be updated to state when the results of the pre-construction monitoring survey will be submitted and also state that the works will not commence until the MMO has approved the survey report.</p>	<p>The Applicant considers that the specification of timing is unnecessary as the monitoring plan to be approved under sub-paragraph (1) of these conditions will specify the timescales for provision of survey data (which may vary depending on the nature of the survey data and processing timescales).</p> <p>In respect of the activities not commencing before approval of the survey report, this is provided for in that compliance with Condition 25/26 is part of the discharge of condition 21(1)(f)/22(1)(f), before discharge of which “<i>the licensed activities for each stage of construction of the authorised development must not commence</i>”. The Applicant refers the MMO to Condition 21/22 generally.</p>
MMO-86	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>43. Pre-construction monitoring and surveys</p> <p>DML 1: Condition 25 (2) DML 2: Condition 26 (2) DML 3: Condition 25 (2) 'Subject to receipt from the undertaker of specific proposals pursuant to this condition, the pre-construction survey proposals must comprise, in outline—'.</p>	<p>The MMO recommends the wording is updated to: 'The pre-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed in writing with the MMO include, but not be limited to, the need to undertake—'.</p>	<p>The Applicant considers this to be stylistic and no amendment is considered necessary.</p>

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
MMO-87	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>44. Pre-construction monitoring and surveys</p> <p>DML 1: Condition 25 (4)</p> <p>DML 2: Condition 26 (4)</p> <p>DML 3: Condition 25 (4)</p>	<p>This should be updated to include the full name of the plans. This is to ensure clarity.</p>	<p>The surveys will be specified within the approved monitoring plan or plans, which will provide sufficient clarity. There is no need for this condition to be updated.</p>
MMO-88	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>45. Construction Monitoring</p> <p>DML 1: Condition 26</p> <p>DML 2: Condition 27</p> <p>DML 3: Condition 26</p>	<p>This condition should be clarified to confirm the mechanism for agreement. E.g. 'in writing'.</p>	<p>Provision is made in the condition for written approval.</p>

Applicants Ref	IP Name	Issue	Issue raised	MMO recommendation to resolve issues	Applicant's Response
MMO-89	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>46. Post Construction Monitoring</p> <p>DML 1: Condition 27</p> <p>DML 2: Condition 28</p> <p>DML 3: Condition 27</p>	<p>This condition should be clarified to confirm the mechanism for agreement. E.g.'in writing'.</p>	<p>Provision is made in the condition for written approval.</p>
MMO-90	Marine Management Organisation	<p>3. DCO Interpretation , Articles and Requirements Comments</p> <p>3.9 Schedule 8 – Schedule 10 DMLs</p> <p>Table 1 MMO Comments on draft DCI/DML</p> <p>Schedule 8 – Schedule 10 – Deemed Marine Licenses</p>	<p>47. Post Construction Monitoring</p> <p>DML 1: Condition 27 (2)(a)</p> <p>DML 2: Condition 28 (2)(a)</p> <p>DML 3: Condition 27 (2)(a)</p>	<p>The MMO recommends the post construction survey design is also informed by the construction benthic survey report. This is to account for any mobile benthic habitats which may shift in extent. Suggested wording: 'undertake a survey to determine any change in the location, extent and composition of any habitats of principal importance or habitat with suitability for biogenic or geogenic reef feature identified in the pre-construction survey in the parts of the Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey and construction benthic surveys'.</p>	<p>The Applicant notes that no construction benthic survey report is provided for. There is a pre-construction survey report, and a post-construction survey report, with the design of the latter being informed by the results of the former. This is provided for in Condition 27(2)/Condition 28(2), as follows:</p> <p><i>If the plan or plans submitted to the MMO under this condition contain survey proposals, the post-construction survey plan or plans must include, in outline—</i></p> <p><i>(a) details of a survey to determine any change in the location, extent and composition of any biogenic or geogenic reef feature identified in the pre-construction survey in the parts of the offshore Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey;</i></p> <p>The Applicant notes that the Order limits do not overlap with any designated site for benthic ecology and therefore considers any further provision to be unnecessary.</p>

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
MMO-91	Marine Management Organisation	4. Other Application Documents 4.1 General Comments	4.1.1 Where projects contain plans that impact both the MMO below MHWS (in the DML), and the Local Planning Authority (LPA) (in the DCO) and there are issues raised with duplication of the requirement, the MMO requests that the Applicant submits the full plan to be approved by both MMO and Council prior to works commencing for their respective approvals under each jurisdiction. Whilst there is a geographic overlap within which the LPA and the MMO operate, their jurisdictions, and therefore their approval, are not. As with other cases, where the MMO and Local Planning Authority have separate consents, they will seek to work together to reduce duplicating unnecessary burden.	The Applicant will submit plans to the relevant local planning authority pursuant to the requirements in Part 3 of Schedule 1 of the draft DCO, and to the MMO in accordance with the DMLs. Where there is an overlap in the intertidal area, the consent of both the relevant local planning authority and the MMO will be required (to discharge their respective plans). The onus will be on the Applicant to ensure this is achieved in compliance with its legal obligations under the DCO. This is secured via the inclusion of Work No. 4B (which is in the intertidal) in the definition of offshore works and in the definition of onshore works.
MMO-92	Marine Management Organisation	4. Other Application Documents 4.2 Cable Statement (Volume 7 – APP-262)	4.2.1 The MMO requests 'Section 1 Introduction' is updated to state how and when the final cable statement will be agreed. This should state that the final document will be submitted to the MMO for approval.	The MMO appears to misunderstand the nature of the Cable Statement. The Cable Statement is submitted to meet the requirement of APFP Regulation 6(1)(b)(i) and is not a document which secures environmental mitigation. A cable specification and installation plan (a separate document) is secured via the DML conditions.
MMO-93	Marine Management Organisation	4. Other Application Documents 4.3 Outline Project Environmental Management Plan (Document 7.6 – APP-241)	4.3.1 The MMO is still reviewing this and will provide comments during the examination process	Noted.
MMO-94	Marine Management Organisation	4. Other Application Documents 4.4 Outline Offshore Written Scheme of Investigation WSI (Document 7.11 – APP-246)	4.4.1 The MMO has no comments at this time and defers to Historic England.	Noted. Responses to Historic England's relevant representation on Offshore and Intertidal Archaeology and Cultural Heritage are included as Applicants Ref HE-02 to HE-06.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
MMO-95	Marine Management Organisation	4. Other Application Documents 4.5 Outline Offshore Operations and Maintenance Plan (Document 7.20 – APP-255)	4.5.1 The MMO notes in Section 1.4 Discharging the Consent Condition, paragraph 13 uses a traffic light system for the activity list, stating that 'Green indicates that an additional Marine Licence is not required, however a subsequent approval from the MMO may be required and/or notification should be provided to the MMO on works being undertaken; Amber indicates that an additional Marine Licence may be required if proposed works exceed those assessed within the ES or described within the DCO; or Red indicates that an additional Marine Licence would likely be required. This would be dependent on the works to be undertaken (e.g. scale and methodology), subject to agreement with the MMO'. The MMO welcomes this commitment.	The Applicant welcomes agreement with the MMO on this point.
MMO-96	Marine Management Organisation	4. Other Application Documents 4.5 Outline Offshore Operations and Maintenance Plan (Document 7.20 – APP-255)	4.5.2 The MMO notes that the list of activities to be undertaken during the operations and maintenance phase is provided as Appendix A. This list is considered to be a live document which will be updated for the final Outline Operations and Monitoring Plan(s) and will be sent to the MMO for approval. This is appropriate.	The Applicant welcomes agreement with the MMO on this point.
MMO-97	Marine Management Organisation	4. Other Application Documents 4.5 Outline Offshore Operations and Maintenance Plan (Document 7.20 – APP-255)	4.5.3 The MMO notes that Appendix A Additional Cable Protection states that an additional licence may potentially be required. The realistic worst case assessed in the ES states that 'Scour protection is included in the reasonable worst-case scenario for 100% foundations requiring scour protection. The maximum area and volume of scour protection included in the ES and DCO application for the life of the project is (based on gravity base foundations, excluding the foundation footprint): • WTG/OSPs/OCP scour protection area per foundation: 83,774m ² ; 29 • WTG scour protection total area: 4,775,118m ² ; • WTG scour protection total volume: 9,313,113m ³ ; • OSPs/OCP scour protection total area: 167,548m ² ; and • OSPs/OCP scour protection total volume: 326,776m ³ .	Noted.
MMO-98	Marine Management	4. Other Application Documents	4.5.4 New cable or scour protection placed in an area where there was no protection during construction is not classed as 'maintenance'. New cable or scour protection is not maintaining the existing cable or scour protection. Although the ES assesses	Scour protection would be deployed in proximity to WTG and OSP/OCP foundations and therefore, provided the areas and volumes are within the parameters assessed in the ES and secured in the DCO, no further licences should be required.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
	Organisation	4.5 Outline Offshore Operations and Maintenance Plan (Document 7.20 – APP-255)	a maximum parameter, the MMO views cable protection as a high-risk activity and therefore placing cable protection throughout the lifetime of the licence that was not placed during the construction phase should not be included within the OMP. A separate licence should be applied for.	Any cable protection must be deployed within 10 years of the date of the Order. Unless otherwise agreed by the MMO, cable protection required after 10 years would be subject to an additional marine licence. The Outline Offshore Operations and Maintenance Plan [APP-255] will be updated and submitted at Deadline 3.
MMO-99	Marine Management Organisation	4. Other Application Documents 4.6 Outline Fisheries Liaison and Co-existence Plan (Document 7.9 – APP-244)	4.6.1 The MMO notes the Applicant states 'the FLCO will be subject to the Marine Management Organisation (MMO) for approval following consultation with relevant stakeholders'. This is appropriate.	Noted.
MMO-100	Marine Management Organisation	4. Other Application Documents 4.6 Outline Fisheries Liaison and Co-existence Plan (Document 7.9 – APP-244)	4.6.2 The MMO requests that the below text in Section 1.2 paragraph 10 is updated to remove the word 'material'. All changes to the Fisheries Liaison and Co-existence Plan must be submitted to the MMO for approval.	Noted - the text will be updated post-consent in the final FLCP [APP-244] before submission to the MMO for approval.
MMO-101	Marine Management Organisation	4. Other Application Documents 4.6 Outline Fisheries Liaison and Co-existence Plan (Document 7.9 – APP-244)	4.6.3 The FLCP will be reviewed as appropriate during the lifetime of North Falls, in line with project milestones and will exist alongside the existing Greater Gabbard Fisheries Liaison Plan, approved pursuant to its Marine Licences. Relevant updates to the FLCP may be incorporated during review cycles, as considered necessary to reflect any material changes to fisheries liaison requirements at the time, and with the purpose of maintaining effective fisheries liaison. This will also help to form an audit trail documenting the communication and engagement with commercial fishery stakeholders. The MMO will be consulted on any material changes to the FLCP.	See response to MMO-110.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
MMO-102	Marine Management Organisation	4. Other Application Documents 4.6 Outline Fisheries Liaison and Co-existence Plan (Document 7.9 – APP-244)	4.6.4 The Marine Management Organisation will not act as arbitrator or be involved in any commercial negotiations with any association / organisation, and / or individual fishermen.	Noted.
MMO-103	Marine Management Organisation	4. Other Application Documents 4.7 Outline Vessel Traffic Monitoring Plan (Document 7.21 – APP-256)	4.7.1 The MMO has no comments at this time and defers to the Maritime and Coastguard Agency (MCA).	Noted.
MMO-104	Marine Management Organisation	4. Other Application Documents 4.8 Marine Conservation Zone Assessment Report (Document 7.3 – APP-237)	4.8.1 The MMO thanks the Applicant for setting out how the embedded mitigation and additional mitigation are secured in the DCO or DMLs (Table 5.3).	Noted.
MMO-105	Marine Management Organisation	4. Other Application Documents 4.9 Marine Conservation Zone MCZ Appendix 1 Screening (Document	4.9.1 The MMO defers to Natural England as the SNCB.	Noted. Responses to Natural England's relevant representation on Benthic and Intertidal Ecology are provided in Section 2.24 of the Applicant's Responses to the Relevant Representations Received from Natural England [Document Reference:9.1]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		7.3.1 – APP-238)		
MMO-106	Marine Management Organisation	4. Other Application Documents 4.10 Offshore In-Principal Monitoring Plan (IPMP) – APP-245	4.10.1 The In-Principle Monitoring Plan (IPMP) has been produced to provide the basis for delivering the monitoring measures as required by the conditions contained within the DMLs for North Falls Offshore Wind Farm. The report confirms that if piled foundations are used in the final project design, underwater noise monitoring of the first four piles of each piled foundation type would be undertaken with the methods agreed with the MMO and relevant SNCB in the pre-construction period (point 53). This is in keeping with the standard requirements for OWF developments. The MMO would like the report updated to ensure a commitment that the first four piles monitored would be the worst-case scenario piles. Monitoring of less impactful piles would not validate the predictions of the worst case scenario within the ES.	<p>The build out sequence of North Falls will need to ensure safety of mariners. For the first four piles to be the worst case for underwater noise, this could lead to piles being scattered around the array area which could have safety implications for shipping traffic. The requirements would be that the build out sequence starts adjacent to the existing windfarm such that there are no isolated structures for a period of time. Therefore it is the Applicant's position that this is not appropriate.</p> <p>The Applicant has updated the DMLs within the draft DCO at Deadline 1 to include this provision:</p> <p>[...]</p> <p>(2) If the plan or plans submitted to the MMO under this condition contain survey proposals, the construction monitoring plan must include, in outline—</p> <p>(a) vessel traffic monitoring by automatic identification system for the duration of the construction period, with provision for a report to be submitted to the MMO, Trinity House, and the MCA annually during the construction period for the authorised development; and</p> <p>(b) where piled foundations are to be employed, unless otherwise agreed by the MMO in writing, details of proposed monitoring of the noise generated by the installation of the first four piled foundations of each piled foundation type to be constructed collectively under this licence and the deemed marine licences granted under Schedules 9 and 10 of the Order.</p> <p>(3) If, in the reasonable opinion of the MMO in consultation with the SNCB the monitoring carried out pursuant to condition 26(2)(b) above shows impacts significantly in excess to those assessed in the environmental statement and there has been a failure of the mitigations set out in the marine mammal mitigation protocol, all piling activity must cease until either contingency measures approved within the marine management mitigation protocol have been implemented or an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed. “</p>
MMO-107	Marine Management Organisation	4. Other Application Documents 4.10 Offshore In-Principal Monitoring Plan (IPMP) – APP-245	4.10.2 The report confirms that it is the position of the Applicant that any ornithological monitoring proposal should be targeted to address impacts, evidence gaps or uncertainty of most relevance to the Project and specific species (Point 65). The Applicant considers that offshore ornithology monitoring for the Project should focus on the potential displacement of red-throated divers and collision risk impacts on seabird species. This has the potential to be undertaken in collaboration with other OWF projects. The final details will be included in an Ornithological Monitoring Plan, to be agreed post consent with the MMO, in consultation with Natural England.	The Applicant acknowledges this comment and will consult with Natural England during development of the Ornithology Monitoring Plan post-consent, in accordance with the In Principle Monitoring Plan [APP-245] .
MMO-108	Marine Management Organisation	4. Other Application Documents 4.10 Offshore In-Principal Monitoring	4.10.3 The MMO notes that pre-construction baseline surveys will form part of the analysis of impacts from the wind farm post-consent. Therefore, the survey design and sampling approach will be designed so that it will set a baseline to achieve an appropriate power to detect trends/changes in the populations/distributions of key species within the North Falls array area + buffer. This could be informed by the baseline surveys for North Falls used to inform the EIA, and desk study of existing data (e.g., from the Galloper and Greater Gabbard OWF	The scope for pre-construction monitoring surveys, including programmes and methodologies shall be submitted in accordance with the relevant dML to the MMO for written approval at least six months prior to the commencement. Consultation with the MMO and relevant SNCB will be undertaken during the development of the proposed monitoring.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		Plan (IPMP) – APP-245	surveys). The MMO requests that the Applicant provides more information on the timing of these proposed surveys, and the Applicant's intentions should the observations not meet these expectations of what monitoring is intended to observe.	
MMO-109	Marine Management Organisation	4. Other Application Documents 4.11 Outline Site Integrity Plan (SIP) for the Southern North Sea (SNS) Special Area of Conservation (SAC) – APP-234	4.11.1 The MMO notes that preparing the final SIP, the Applicant will review this Outline SIP and the conclusions of the Appropriate Assessment (AA) as well as the final design of North Falls, and the potential in-combination effects of underwater noise during pile driving and if necessary provide an up-to-date in-combination assessment using the most recent information on other projects' planned programmes in order to inform the final SIP. This will include consideration of all data provided through both the SNS Activity Tracker and the Developers Activity Tracker shared between the key offshore wind farms within (or within 26km of) the SNS SAC. The Applicant will seek to liaise directly with other offshore wind farm projects to ensure the most recent information is used to inform these assessments. The MMO welcomes this approach.	The Applicant welcomes agreement with the MMO on this point.
MMO-110	Marine Management Organisation	4. Other Application Documents 4.11 Outline Site Integrity Plan (SIP) for the Southern North Sea (SNS) Special Area of Conservation (SAC) – APP-234	4.11.2 The Applicant has provided Indicative Milestones for Refinement of the Outline SIP towards Agreement of the Final SIP Pre-Piling in Table 1.2. The MMO welcomes this.	The Applicant welcomes agreement with the MMO on this point.
MMO-111	Marine Management Organisation	4. Other Application Documents 4.12 Outline Marine Mammal Mitigation Protocol – Document	4.12.1 The MMO welcomes that the Applicant will be considering all suitable mitigation options including the use of Noise Abatement when developing the final MMMP (as stated in Table 1-2). However, the MMO requests that a specific section regarding noise abatement is added to the MMMP. At this stage the MMO considers there is clear justification and evidence that noise abatement measures will be required for the project, to reduce the risk of potential impact on marine receptors.	The Applicant acknowledges this comment and will amend the Draft MMMP [APP-242] to add a section to detail how NAS will be considered as a mitigation measure for piling at North Falls.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		7.7 – APP-242		
MMO-112	Marine Management Organisation	4. Other Application Documents 4.12 Outline Marine Mammal Mitigation Protocol – Document 7.7 – APP-242	4.12.2 The MMO welcomes that the final MMMP will include details of the embedded mitigation, such as the soft-start and ramp-up, as well as details of the Monitoring Area and any additional mitigation measures required to reduce potential effects of any physical injury or PTS. Potential additional noise mitigation systems include bubble curtains, hydro-sound dampers, screens or tubes. Consideration will be given to the requirements following any breaks in piling as well as prior to piling commencing.	Noted.
MMO-113	Marine Management Organisation	4. Other Application Documents 4.12 Outline Marine Mammal Mitigation Protocol – Document 7.7 – APP-242	4.12.3 The MMO notes that the methods for reducing the potential impacts of any UXO clearance will be agreed with the MMO in consultation with the relevant SNCBs and will be secured as commitments within the final MMMP. The MMO welcomes that further discussions on this matter will take place before the finalisation of the MMMP.	Noted.
MMO-114	Marine Management Organisation	5. Environmental Statement (ES) 5.1 General Comments	5.1.1 The MMO has focused its review on the following chapters of Volume 3 North Falls Offshore Wind Farm Environmental Statement (ES) July 2024 Revision: 0, by North Falls Offshore Wind. However, MMO has also reviewed the accompanying figures and relevant appendices where required: 3.1.3 Chapter 1: Introduction 3.1.5 Chapter 3: Policy and Legislative Context 3.1.7 Chapter 5: Project Description 3.1.10 Chapter 8: Marine Geology, Oceanography and Physical Processes 3.1.11 Chapter 9: Marine Water and Sediment Quality 3.1.12 Chapter 10: Benthic and Intertidal Ecology 3.1.13 Chapter 11: Fish and Shellfish Ecology 3.1.14 Chapter 12: Marine Mammals	Noted.
MMO-115	Marine Management	5. Environment	5.1.2 An up-to-date schedule including specific timings and dates for each of the proposed works must be provided to the MMO. MMO must be further informed of any updates, or	Commitment to provide a construction programme is secured in the draft Development Consent Order [AS-022], Schedule 8, Part 2, Condition 21(1)(b) and Schedules 9 and 10, Part 2, Condition 22(1)(b).

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
	Organisation	al Statement (ES) 5.1 General Comments	changes to the schedule, prior to the commencement of the works, this is to ensure an effective inspection can occur.	
MMO-116	Marine Management Organisation	5. Environmental Statement (ES) 5.1 General Comments	5.1.3 It is strongly recommended that the Applicant engage with the MMO throughout the process in order to ensure the assessment is as smooth as possible and agreements can be reached through a SoCG.	The Applicant has been engaging with the MMO through the Evidence Plan Process and are in discussion with the MMO regarding development of the Statement of Common Ground.
MMO-117	Marine Management Organisation	5. Environmental Statement (ES) 5.2 Coastal Processes (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.2.1 The MMO notes that the introduction covers some aspects of the development in great detail (e.g., on- and offshore connection options still under consideration) and serves as an introduction to the developer's consultant via description of their many other previous OWF projects, but provides no introduction to the actual NFOWF project. The Environmental Statement (ES) takes until Chapter 5 before there is any indication to the reviewer what this project proposes, by which stage substantial amounts of project specific detail are presented with no meaningful context e.g., alternative scenarios are described, before any description of the actual development scenario(s).	The structure of the ES is consistent with that of other offshore wind farms. Chapter 1 provides an overview of the Project and outlines the structure of the ES [APP-015] .
MMO-118	Marine Management Organisation	5. Environmental Statement (ES) 5.2 Coastal Processes (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.2.2 The MMO notes that the Applicant has provided an explanation of how the definitions of sensitivity, value and magnitude are obtained when contributing elements are conflicting i.e. averaging of [scale/frequency/duration/reversibility], Tables 8.7 to 8.9. This is more detailed than is routinely provided by many applicants and has a positive impact on confidence in the overall conclusions.	Noted.
MMO-119	Marine Management	5. Environment	5.2.3 The MMO notes that with regard to the evidence being proposed; the assessment relies heavily on results and	Noted.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
	nt Organisation	al Statement (ES) 5.2 Coastal Processes (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	assessments previously made for the nearby Greater Gabbard windfarm, and on evidence and assessments obtained from multiple other previous offshore windfarm developments in similar seabed settings or that have applied similar methods. In this respect, the evidence is clearly of similar nature, but the reliance on non-(project)-specific data highlights an increasing move away from bespoke (location-specific) environmental evidence for windfarms. This will be more appropriate in some cases than in others, as good environmental analogies are required and where windfarm impact zones are not adjacent or overlapping.	
MMO-120	Marine Management Organisation	5. Environmental Statement (ES) 5.2 Coastal Processes (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.2.4 The Cumulative Effects Assessment was conducted over a range of 2 x the tidal ellipse, which exceed the single tidal ellipse that has been seen in other applications. Notwithstanding the MMOs position that the standard definition and methods of CEA are inadequate, these have been adequately applied by the applicant.	Noted.
MMO-121	Marine Management Organisation	5. Environmental Statement (ES) 5.2 Coastal Processes (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.2.5 The impacts of the project are defined (numerically) quite precisely, in respect of the changes to environmental parameters e.g., percent changes in currents, wave heights and direction; these calculations are made with reference to reasonable worst cases, and each is assessed in turn according to standard EIA methods.	Noted.
MMO-122	Marine Management	5. Environment	5.2.6 The MMO notes that the impacts of the project are defined (numerically) quite precisely, in respect of the changes to	Noted.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
	nt Organisation	al Statement (ES) 5.2 Coastal Processes (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	environmental parameters e.g., percent changes in currents, wave heights and direction; these calculations are made with reference to reasonable worst cases, and each is assessed in turn according to standard EIA methods.	
MMO-123	Marine Management Organisation	5. Environmental Statement (ES) 5.2 Coastal Processes (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.2.7 The ES affords a general description of project outcomes to be assembled (which will be common to many OWF developments). Effectively, offshore windfarms result in hydrodynamic changes highly localised around the turbines and modelled changes beyond the development boundary would be difficult to detect in practice. Associated changes at the seabed include scattered mounds or depressions of disturbed sediment and short-lived changes in sediment suspension during construction, with some potential for longer-term changes due to sub-surface wakes at the turbine bases lifting bedload sediment into the water column.	Noted and agreed.
MMO-124	Marine Management Organisation	5. Environmental Statement (ES) 5.2 Coastal Processes (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.2.8 In the present case, the near-field impacts are described but not valued as they do not affect a named receptor. The agreed receptors are external to the windfarm site (i.e., the larger changes to the sea and seabed occur over the 95km ² of the OWF, but this is not a defined receptor – the 96km ² of the immediately adjacent Kentish Knock East MCZ is a defined receptor, but the projected impacts here are smaller).	Noted.
MMO-125	Marine Management	5. Environment	5.2.9 The combined significance of each of these changes is almost inevitably assessed as negligible in desk-based	Noted and agreed.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
	nt Organisation	al Statement (ES) 5.2 Coastal Processes (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	assessments, based on expert opinion. This is difficult to change or critique because there is no knowledge base that can be applied to assess the impacts described in any alternative way. Even technically sophisticated modelling of sediment processes linking the hydrodynamic and seabed changes would not alter the conclusions – because these are 'micro-scale' changes in seabed slopes and orientation, sediment distributions, etc. These are temporarily out of sync with the surrounding bed and forcing but there is no evidence that this micro-habitat reorganisation has any wider-scale or long-term consequence for coastal processes or morphology. No method currently available could detect or model them. Equally, standard cumulative assessment methods do not account for the incremental changes resulting from widespread seabed redistribution associated with all other activities over large scales, because there is again no appropriate method or evidence to do so.	
MMO-126	Marine Management Organisation	5. Environmental Statement (ES) 5.2 Coastal Processes (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.2.10 Therefore, all coastal process change at this scale will continue to appear negligible (and so be neglected), no matter how frequently it occurs or how widespread development becomes e.g., Figure 3-23, Appendix 8.1, showing minor wave changes across a large proportion of the Outer Thames Estuary region cumulatively from ongoing development. This may not have visible consequences for coastal processes (for example, no obvious immediate change in major sediment systems).	Noted.
MMO-127	Marine Management Organisation	5. Environmental Statement (ES) 5.2 Coastal Processes (Chapter 8 – Marine Geology Oceanography and Physical	5.2.11 The ES indicated that sediment suspension plumes have been scoped out at an earlier stage so no data on vertical changes to suspended profiles and distribution is included. It has been previously agreed that the assessment of worst-case scenarios in the absence of a finalised design for the locations and connection of turbines is appropriate. Therefore, the MMO identifies no further specific information gaps.	Noted.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		Processes – APP-022)		
MMO-128	Marine Management Organisation	5. Environmental Statement (ES) 5.2 Coastal Processes (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.2.12 The MMO notes that transboundary effects were scoped out of the assessment at the scoping stage.	Noted.
MMO-129	Marine Management Organisation	5. Environmental Statement (ES) 5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.3.1 The MMO notes that the applicant has assessed the impact of potential increased suspended sediment concentration and release of contaminants, as a result of the works, on the following receptors: <ul style="list-style-type: none"> • Benthic and Intertidal Ecology • Fish and Shellfish Ecology • Marine Mammals • Water Quality 	Noted
MMO-130	Marine Management Organisation	5. Environmental Statement (ES) 5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical	5.3.2 The MMO notes that further assessment has been made in relation to the Blackwater, Crouch, Roach and Colne Estuaries (BCRC), Kentish Knock East, and Orford Inshore Marine Conservation Zones (MCZs). The former two of which have been screened in for further assessment in relation to increased suspended sediment concentrations and re-mobilisation of contaminated sediments (as shown in Table 7.1). However, please note the MMO defers comment to Natural England for conclusions drawn in relation to designated sites. It is strongly recommended that the Applicant engage with the MMO throughout the process in order to ensure the assessment is as smooth as possible and agreements can be reached through a SoCG.	Noted. Responses to Natural England's relevant representation on Benthic and Intertidal Ecology are provided in Section 2.24 of the Applicant's Responses to the Relevant Representations Received from Natural England [Document Reference:9.1]. The Applicant will continue to engage with the MMO in order to seek to reach agreements through a SoCG.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		Processes – APP-022)		
MMO-131	Marine Management Organisation	5. Environmental Statement (ES) 5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.3.3 In regard to sediment quality, the applicant has provided sediment data, which are presented in Chapter 9 and Appendix 10.1. However, the applicant has provided the 2021 sediment survey results in PDF format and not in the standard MMO excel template. In the current format the MMO is currently unable to fully interrogate the data without manually transcribing the data into the template – which carries a high risk of human error. This is necessary to fully understand the levels of contamination present within the surface sediments of the proposed dredge area. As such, the MMO is unable to agree with the conclusions reached with regard to contaminants. Please can the Applicant provide a copy of these results in the standard MMO template. Until the results are provided as request, the MMO defers comment on whether the mitigation measures are sufficient as the likely significant impacts are currently unknown.	The 2021 sediment survey results are being provided to the MMO in the standard MMO excel template as requested.
MMO-132	Marine Management Organisation	5. Environmental Statement (ES) 5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.3.4 The MMO further notes that the applicant states, “PCB data indicated that the sample were at or below the detection limits, and therefore are not presented in the table” and would request the applicant provides the Polychlorinated Biphenyl (PCB) data from the 2021 survey to support this statement.	The PCB results are being provided to the MMO in the requested template.
MMO-133	Marine Management Organisation	5. Environmental Statement (ES) 5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical	5.3.5 The MMO notes that the applicant has referred to a variety of Sediment Quality Guidelines (SQGs) in the assessment of their results (Appendix 10.1 Benthic and Intertidal Ecology Survey Report, Section 4) including UK Action Levels, Canadian SQGs and Coordinate Environmental Monitoring Programme (CEMP) OSPAR and National Oceanic and Atmospheric Administration (NOAA) levels. However depending on the extraction method used, the resultant concentration level in the sample will vary. Therefore, the contaminant level produced using the specific extraction method for each respective contaminant cannot be used for direct comparison with all SQGs.	Given the cross over with the requirement for any sediment disturbed or dredged to be included in the disposal to sea application, sediment contaminant analysis has been undertaken by an MMO accredited lab that meets the analysis requirements for disposal to sea sampling. The ES Chapter 9 Marine Water and Sediment Quality [APP-023] then uses Cefas Action Levels to assess the potential risk to the marine environment alongside providing information regarding the suitability for disposal to sea assessment. For additional context and in line with comments on other offshore windfarm ES' from other consultees, sediment contaminant concentrations have also been compared to sediment guidelines used by the OSPAR Commission – Background Assessment Concentrations (BAC) and the United States (US) Environmental Protection Agency's Effects Range-Low (ERL). A full explanation regarding the use of sediment guidelines within the ES is provided in section 9.4.1.4 of Chapter 9 [APP-023].

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		Processes – APP-022)		
MMO-134	Marine Management Organisation	5. Environmental Statement (ES) 5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.3.6 The MMO considers the description of the aspects of the project within the remit of dredge and disposal in Chapters 1 and 5 of the ES to be clear, and as such do not require any further information at this time.	Noted.
MMO-135	Marine Management Organisation	5. Environmental Statement (ES) 5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.3.7 The MMO notes that the applicant has compiled and reviewed available data and information via a combination of desk-based exercises and surveys. To provide site-specific and up to date baseline data on which to base the impact assessment, a geophysical survey undertaken within the Preliminary Environmental Information Report (PEIR) offshore project area was completed between May and August 2021 (Fugro 2021a, b). Moreover, a benthic survey of the same area was also undertaken between May and August 2021 in which samples were sent for Particle Size Analysis to the MMO validated laboratory Fugro, and chemical contaminant analysis (Polycyclic Aromatic Hydrocarbons, trace metals and Polychlorinated Biphenyl's) undertaken by MMO validated laboratory SOCOTEC. The Applicant's decision to not test for Organotins and, organochlorines and Polybrominated Diphenyl Ethers was not considered necessary, although not justified, was supported by the MMO (Table 9.1 Consultation responses, Chapter 9). In addition, sediment data collected for other linked projects, along with information presented in ES Chapter 8 Marine Geology, Oceanography and Physical Processes, based on numerical modelling and theoretical studies undertaken for Galloper Offshore Wind Farm (GWF) and GGOW were reviewed.	Noted.
MMO-136	Marine Management Organisation	5. Environmental Statement (ES)	5.3.8 The MMO considers that the evidence proposed is consistent with that of similar operations.	Noted.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)		
MMO-137	Marine Management Organisation	5. Environmental Statement (ES) 5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.3.9 The applicant presents Table 9.14 'Potential Cumulative Effects' (Chapter 9) in relation to Marine Water and Sediment Quality, which identifies either no potential for cumulative effects, or effects at isolated locations for a time-limited duration.	Noted.
MMO-138	Marine Management Organisation	5. Environmental Statement (ES) 5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.3.10 Furthermore, the applicant concluded that “there is the potential for cumulative effects on water quality due to increased suspended sediment during construction and decommissioning of the Project with other nearby plans and projects” (NeuConnect, SeaLink Interconnectors, and aggregate extraction area 524, and Five Estuaries). However, it is considered that these cumulative effects on water quality, should all projects be in the construction or decommissioning phase in parallel, “would be of minor or negligible adverse significance.”	Noted.
MMO-139	Marine Management Organisation	5. Environmental Statement (ES)	5.3.11 In regard to inter-related impacts, the applicant presents Table 9.17 and concludes that the “impacts of different phases of the development and lifetime have been assessed as negligible, with the adoption of good practice methodologies.”	Noted.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)		
MMO-140	Marine Management Organisation	5. Environmental Statement (ES) 5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.3.12 Details of 'good practice methodology' would be welcome as the applicant regularly refers to this in the assessment of cumulative and inter-related effects yet does not appear to specify or provide evidence to justify this statement.	Assessments in ES Chapter 8 [APP-022] have been informed by industry good practice documents, as presented in section 8.13 (References) in including: <ul style="list-style-type: none"> BERR (2008) Review of Cabling Techniques and Environmental Effects applicable to the Offshore Wind Farm Industry. The Crown Estate / RPS (2019). Review of Cable Installation, Protection, Mitigation and Habitat Recoverability. Available at: https://www.rpsgroup.com/media/4295/review-of-cable-installation-protection-mitigation-and-habitat-recoverability.pdf
MMO-141	Marine Management Organisation	5. Environmental Statement (ES) 5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.3.13 A decision to select an option for co-locating North Falls and Five Estuaries onshore substations has also been undertaken to reduce cumulative effects associated with both projects.	Noted.
MMO-142	Marine Management Organisation	5. Environmental Statement (ES)	5.3.14 In relation to offshore cable burial, the applicant states "Remedial protection measures could include rock or gravel burial, concrete mattresses, flow energy dissipation devices, dredged sandy material, protective aprons or coverings, or bagged solutions (geotextile sand containers, rock filled gabion	

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	bags or nets, grout bags filled with material sourced from the site or elsewhere)."	
MMO-143	Marine Management Organisation	5. Environmental Statement (ES) 5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.3.15 Should dredging be required to protect cables/fill geotextile containers, it is important that the applicant informs the MMO of the source of the material as sampling may be required to characterise the material quality in relation to contaminants and sediment compatibility, especially in the context of leaching. Moreover, the dredging method would need specifying.	Noted. Further discussions with the MMO will occur in the future as more certainty on cable burial, dredging and protection methods are understood. The dredging method required will depend on the final burial depth. The final burial depth will depend on a number of factors, including seabed strength (to determine anchor penetration depths) and safety margins required for future dredging activities over the top of the cables. The Applicant is engaging with ports on cable burial depths and methodology, for the purpose of obtaining sufficient depths to allow for access of larger vessels in the future, while also minimising impact on shipping during the installation process, and thus the environmental impacts.
MMO-144	Marine Management Organisation	5. Environmental Statement (ES) 5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.3.16 Should any of the above proposals include plastic materials; it will act as a source of plastic pollution into the marine environment and therefore be of concern.	Use of plastic will be minimised. There are some key aspects, such as cable protection systems when leaving the foundation that are made of high-density plastics. These are needed for the windfarm to function, and have been used across numerous windfarms both in construction and in operation. These items are identified in Chapter 5 Project Description [APP-019]
MMO-145	Marine Management Organisation	5. Environmental Statement (ES)	5.3.17 The MMO requests that the applicant provides the sample results in the standard MMO excel template, and the PCB data from the 2021 Benthic survey to support their assessment. The disposal site characterisation report and Horizontal Directional Drilling (HDD) Method Statement and	The survey results are being provided to the MMO in the standard MMO excel template, as requested. The Site Characterisation Report [APP-261] and Outline Horizontal Directional Drill Method Statement and Contingency Plan [APP-250] have been submitted with the DCO application and are available through the examination library.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	Contingency Plan are also inaccessible currently and the MMO requests these are provided.	
MMO-146	Marine Management Organisation	5. Environmental Statement (ES) 5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.3.18 The MMO notes that the HDD exit location would be up to 1.5km from shore, with the potential to disturb the shallow sub-seabed (to an average depth of 1.2m) and width of up to 24m. The trench will extend from the HDD exit location to the Offshore Substation Platform (OSP), which will be located on the seabed approximately 1m- 8m depth. At the entrance and exit of the HDD, more intense but localised sediment disturbance at the exit pit, however, the potential effects on marine water quality have already been assessed as either 'minor adverse' or 'negligible'. On this basis, the applicant states that "no additional mitigation measures are proposed beyond the embedded" mitigations presented for accidental pollution and sediment release. The MMO does not consider the implementation of embedded mitigations to be robust and would expect to see further consideration of mitigations. Moreover, until the sample results have been provided in the correct format, the MMO is unable to determine the suitability of the mitigations.	<p>The increases in suspended sediment associated with installation of the offshore export cables are assessed in ES Chapter 9 [APP-023] in Section 9.6.1.3. During the excavation process the SSCs will be elevated above prevailing conditions but are likely to remain within the range of background nearshore levels (which will be high close to the coast because of increased wave activity) and lower than those concentrations that would develop during storm conditions. Also, once installation is completed, the high energy nearshore zone is likely to rapidly disperse the suspended sediment (i.e., over a period of a few hours) in the absence of any further sediment input.</p> <p>The significance of effect of this impact is assessed as minor adverse which is not significant. Therefore, the Applicant considers the embedded mitigation presented in Section 9.3.3 of the ES Chapter 9 [APP-023] and secured via the outline PEMP [APP-241] to be appropriate and proportionate to the level of impact.</p> <p>The survey results are being provided in the standard MMO excel template to the MMO.</p>
MMO-147	Marine Management Organisation	5. Environmental Statement (ES) 5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	5.3.19 The applicant states in Chapter 9 that "Based on the conclusions of the Galloper Wind Farm in 2011, whose Zone of Interest is stated to be similar to that of the proposed development, the Applicant proposes to scope transboundary effects in relation to Marine water and sediment quality out of the assessment." Thus, due to the distance of North Falls from the Economic Exclusion Zone (20km) and given that there will not be a significant effect on water quality, transboundary impacts are scoped out of further assessment in accordance with the scoping opinion (Planning Inspectorate, 2021). However, the MMO defers comment to the Environment Agency with regards to the conclusions drawn for water quality.	Noted. Relevant Representations received from Environment Agency [RR-091] does not raise any concern regarding offshore water quality.
MMO-148	Marine Management Organisation	5. Environmental Statement (ES)	5.3.20 The description of the project is clear, and the MMO considers the receptors scoped into the ES to be appropriate. However, further information is required from the applicant as outlined above. In particular, the applicant has provided the	The survey results are being provided in the standard MMO excel template to the MMO.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
	Organisation	5.3 Dredge and Disposal (Chapter 8 – Marine Geology Oceanography and Physical Processes – APP-022)	2021 sediment survey results in PDF format and not in the standard MMO excel template. In the current format the MMO is unable to fully interrogate the data without manually transcribing the data into the template – which carries a high risk of human error. This is necessary to fully understand the levels of contamination present within the surface sediments of the proposed dredge area. As such, the MMO is unable to agree with the conclusions reached with regard to contaminants. Please can the Applicant provide a copy of these results in the standard MMO template.	
MMO-149	Marine Management Organisation	5. Environmental Statement (ES) 5.4 Benthic Ecology (Chapter 10 – Benthic and Intertidal Ecology – App-024)	5.4.1 The MMO agrees with the conclusion reached regarding the impacts that have been scoped out of subsequent assessment. No further assessment of transboundary effects has been considered within the Environmental Statement (ES), in line with the Scoping Opinion. The MMO agrees with this decision.	The Applicant welcomes agreement with the MMO on this point.
MMO-150	Marine Management Organisation	5. Environmental Statement (ES) 5.4 Benthic Ecology (Chapter 10 – Benthic and Intertidal Ecology – App-024)	5.4.2 The MMO considers that the Project description is clearly presented within Chapter 5 of the ES and remains consistent throughout Chapter 10 Benthic and Intertidal Ecology (documents referenced in paragraphs 5 and 10).	The Applicant welcomes agreement with the MMO on this point.
MMO-151	Marine Management Organisation	5. Environmental Statement (ES) 5.4 Benthic Ecology (Chapter 10 – Benthic and Intertidal Ecology – App-024)	5.4.3 The Applicant includes a commitment to conduct engineering related monitoring to assess the condition of the Project infrastructure (i.e. visual assessment of flaking paint on Wind Turbine Generator (WTGs)) within the In-Principle Monitoring Plan (document referenced in paragraph 14). However, the MMO notes that no further assessment of the potential impact on the benthic assemblage has been proposed. This is in line with other similar developments where Applicants have not been required to undertake additional monitoring or research.	The Applicant agrees with the MMO's comments that other offshore wind farms have not been required to undertake monitoring or research of paint flakes and considers that the approach presented in the In-Principle Monitoring Plan [APP-245] is appropriate and proportionate.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		Ecology – App-024)		
MMO-152	Marine Management Organisation	5. Environmental Statement (ES) 5.4 Benthic Ecology (Chapter 10 – Benthic and Intertidal Ecology – App-024)	5.4.4 Should a robust assessment of surficial sediment bound paint flakes be undertaken during pre-construction monitoring (even if this solely involves the collection, storage and / or provision of samples to collaborators for this purpose) a robust comparison of the sediment bound paint flakes could be made in the future. Adequate sampling of the pre-construction condition is a pre-requisite for robust comparison with post-construction condition, and the MMO would encourage the Applicant to seek opportunities for collaboration between researchers and industry to ensure that the opportunity to investigate this relatively recently identified potential impact to benthic ecology (see Tagg et al., 2024) is not missed.	Monitoring of infrastructure condition will be undertaken to inform the requirement for maintenance works. It is not in the Project's interests to have flaking paint and exposed metal surfaces due to the potential for infrastructure to become damaged. Therefore, there will be minimal flaking paint and no further monitoring or research of paint flakes is proposed.
MMO-153	Marine Management Organisation	5. Environmental Statement (ES) 5.4 Benthic Ecology (Chapter 10 – Benthic and Intertidal Ecology – App-024)	5.4.5 The MMO notes that the results of the site-specific benthic grab and drop-down video conducted in July 2021 have been used to determine the benthic habitats and species present within the array area and export cable corridor. Potential Annex I reef was determined following assessment from the imagery acquired from station ST39 and the overall assessment was conducted in line with best practice guidance (ES Appendix 10.1: Benthic and Intertidal Ecology Survey Report).	Noted.
MMO-154	Marine Management Organisation	5. Environmental Statement (ES) 5.4 Benthic Ecology (Chapter 10 – Benthic and Intertidal Ecology – App-024)	5.4.6 Table 10.4 of Chapter 10 of the ES provides a summary of the characterising species and biotopes present within the offshore project area. The MMO defers to the relative Statutory Nature Conservation Body (SNCB) regarding the classification of seabed samples (sediment and imagery) into biotopes.	Noted. Responses to Natural England's relevant representation on Benthic and Intertidal Ecology are provided in Section 2.24 of the Applicant's Responses to the Relevant Representations Received from Natural England [Document Reference:9.1].
MMO-155	Marine Management Organisation	5. Environmental Statement (ES)	5.4.7 The MMO considers the appropriate data sources have been identified. In addition to the July 2021 site specific survey data, several other relevant and available datasets were identified and have been used to inform the assessment.	The Applicant welcomes agreement with the MMO on this point.

Applicants Ref	IP Name	Issue	Issue raised	Applicant's Response
		5.4 Benthic Ecology (Chapter 10 – Benthic and Intertidal Ecology – App-024)		
MMO-156	Marine Management Organisation	5. Environmental Statement (ES) 5.4 Benthic Ecology (Chapter 10 – Benthic and Intertidal Ecology – App-024)	5.4.8 The MMO considers that the approach to cumulative and inter-related impacts assessment is discussed in Chapter 6 of the ES and the MMO considers the approach to be appropriate. The potential for cumulative effects of the impacts to benthic receptors because of the NFOW is discussed in Section 10.8 of Chapter 10 of the ES (document referenced in paragraph 10). Table 10.22 includes the impacts with the potential for cumulative effect and a rationale for their inclusion in the assessment, and Table 10.23 includes a summary of the projects considered in relation to benthic ecology.	The Applicant welcomes agreement with the MMO on this point.
MMO-157	Marine Management Organisation	5. Environmental Statement (ES) 5.4 Benthic Ecology (Chapter 10 – Benthic and Intertidal Ecology – App-024)	5.4.9 The MMO agrees with the proposed mitigation measures regarding the informed micro siting around Sabellaria spinulosa reef and / or Piddocks in clay (Section 5.5.3 of the In-Principle Monitoring Plan (North Falls Offshore Windfarm Offshore In-Principle Monitoring Plan, Royal HaskoningDHV, July 2024, Revision 0)).	The Applicant welcomes agreement with the MMO on this point.
MMO-158	Marine Management Organisation	5. Environmental Statement (ES) 5.4 Benthic Ecology (Chapter 10 – Benthic and Intertidal Ecology – App-024)	5.4.10 Within Section 5.5.3 of the In-Principle Monitoring Plan (North Falls Offshore Windfarm Offshore In-Principle Monitoring Plan, Royal HaskoningDHV, July 2024, Revision 0), the Applicant discusses post-construction benthic monitoring whereby 10% of the Wind Turbine Generator foundations are proposed to be surveyed (grab sampling) to assess change from the pre-construction condition and the MMO welcomes the Applicant's commitment to this assessment.	The Applicant welcomes agreement with the MMO on this point.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
MMO-159	Marine Management Organisation	5. Environmental Statement (ES) 5.4 Benthic Ecology (Chapter 10 – Benthic and Intertidal Ecology – App-024)	5.4.11 The MMO recommends that the Applicant considers collecting scrape samples and assesses imagery from infrastructure monitoring alongside grab sampling to determine the presence and composition of the Invasive Non-Native Species assemblage that may colonise WTG infrastructure.	The Applicant considers the proposed grab sampling approach to monitoring Invasive Non-Native Species, outlined in the In Principle Monitoring Plan [APP-245] to be appropriate and this is consistent with other consented projects, such as Dudgeon and Sheringham Shoal Extension Projects.
MMO-160	Marine Management Organisation	5. Environmental Statement (ES) 5.4 Benthic Ecology (Chapter 10 – Benthic and Intertidal Ecology – App-024)	5.4.12 The MMO defers to the relevant SNCB regarding the assessment of the potential impacts on the designated features of the Kentish Knock East Marine Conservation Zone because of the NFOW.	Noted. Responses to Natural England's relevant representation on Benthic and Intertidal Ecology are provided Section 2.24 of the Applicant's Responses to the Relevant Representations Received from Natural England [Document Reference:9.1].
MMO-161	Marine Management Organisation	5. Environmental Statement (ES) 5.5 Fish Ecology (Chapter 11 – Fish and Shellfish Ecology – APP-025)	5.5.1 The MMO notes that the project description is clearly presented with a detailed outline of each construction stage and the key components of the offshore project characteristics are presented in Table 5.3 of Chapter 5: Project Description.	Noted.
MMO-162	Marine Management Organisation	5. Environmental Statement (ES) 5.5 Fish Ecology (Chapter 11 – Fish and	5.5.2 The MMO notes that the Applicant has used generally appropriate data sources to inform their assessment for fish. A summary of the data sources used to inform the ES are provided in Section 11.4.2 and in Table 11.6 of Chapter 11: Fish and Shellfish Ecology. Where a data source was used to characterise a receptor, for example the International Bottom Trawl Survey (IBTS) data which was used to support the characterisation of the environment for sandeel for the ES, the Applicant has appropriately discussed the limitations associated	Noted.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		Shellfish Ecology – APP-025)	with these data, which have been recognised in the technical report. The MMO considers this to be appropriate.	
MMO-163	Marine Management Organisation	5. Environmental Statement (ES) 5.5 Fish Ecology (Chapter 11 – Fish and Shellfish Ecology – APP-025)	5.5.3 The MMO notes that the North Sea Sandeel Survey (NSSS) data could have also been used to supplement the characterisation of sandeel habitat for the ES. The NSSS is a targeted sandeel dredge survey that has been carried out annually in December since 2004. The NSSS data can be downloaded from the International Council for the Exploration of the Sea (ICES) at Datras: https://datras.ices.dk/Data_products/Download/Download_Data_public.aspx . The MMO would typically recommend that a minimum of 10 years of the most recently available data is used to inform the assessment.	The suitability of the NSSS to inform the PEIR was discussed during the Expert Topic Group meeting (November 2023). The data had been reviewed and was not considered representative as the spatial coverage of the NSSS does not extend as far south as the fish and shellfish ecology study area identified for ES Chapter 11 Fish and Shellfish Ecology [APP-025]. The NSSS area is focussed on the key sandeel grounds in the North Sea between Dogger Bank and Scotland, which is outside of the North Falls Array Area by approximately 118km.
MMO-164	Marine Management Organisation	5. Environmental Statement (ES) 5.5 Fish Ecology (Chapter 11 – Fish and Shellfish Ecology – APP-025)	5.5.4 The MMO notes that some clarifications and corrections are also needed regarding the Applicant's potential herring spawning habitat and potential sandeel habitats 'heat' maps which have been presented to support the habitat suitability assessments. Several data layers appear to have been omitted or misrepresented which represents a departure from the recommended 'heat' mapping approaches of MarineSpace (2013a and b) and means the Applicant's 'heat' map may be underrepresenting the true extent and importance of potential herring spawning habitat and potential sandeel habitats.	The Applicant notes that in the MMO's consultation response to the PEIR dated 14th July 2023, it was recommended that a heat map approach be undertaken and referenced MarineSpace (2013) as an example of a heat map approach. The approach was therefore tailored to fit using available data sources appropriate to sandeel and herring in areas relevant to the Project and is considered to be representative of potential herring spawning and suitable sandeel habitats.
MMO-165	Marine Management Organisation	5. Environmental Statement (ES) 5.5 Fish Ecology (Chapter 11 – Fish and Shellfish Ecology – APP-025)	5.5.5 The MMO also notes from Table 6.14 of the ES Appendix 11.1 Fish and Shellfish Ecology Technical Report, that the Applicant appears to have omitted the Eastern Sea Fisheries Joint Committee (ESFJC) Fishing Grounds layer from their 'heat' map as well as unnecessarily refining vessel monitoring system (VMS) data to Danish demersal fishing vessels. This is inconsistent with the 'heat' mapping methodology defined by the MarineSpace (2013a) as the VMS data layer should be formed from 10 years of VMS data for vessels using demersal fishing gears in the area of interest, and not be filtered to present the activity of one particular nation as this will underrepresent the true extent and importance of potential sandeel habitat in the area. Omission of the ESFJC layer is also not acceptable as, although some layers may not occur in all regions, they must not be omitted as the inclusion of all the layers described in the methodology directly affect the categorisation of 'heat' associated with the mapping approach. With this in mind, the MMO requests that the Applicant redoes their herring spawning	<p>The Applicant notes that in the MMO's consultation response to the PEIR dated 14th July 2023, it was recommended that a heat map approach be undertaken and referenced MarineSpace (2013) as an example of a heat map approach. The approach was therefore tailored to fit using available data sources appropriate to sandeel. The Applicant considers that the VMS data layers included in the Marine Space (2013) methodology (UK vessels using demersal fishing gears) is not representative of sandeel presence, particularly given the lack of a UK targeted sandeel fisheries in that area. UK vessels using demersal fishing gears would be targeting demersal species. For example, sole and thornback ray are the highest value species in UK demersal trawls landings. Furthermore, consultation undertaken with local fisheries stakeholders to inform the commercial fisheries chapter did not identify any local commercial sandeel fishery in the study area.</p> <p>The Applicant notes that the ESFJC data was not included given the caveats in the dataset, where they identified significant limitations in regards to the accuracy of the data shown. It should also be noted that these data layers have not been available from the IFCA website for the last five years.</p> <p>The heat map approach adopted for North Falls, follows MMO's consultation response to the PEIR (dated 14/07/2023) and agreed through technical discussions undertaken during expert topic group (ETG) meetings.</p>

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
			habitat 'heat' map following the updated version of the MarineSpace methodology (Reach et al., 2023).	The heat maps were produced using the Marine Space (2013) methodology as a guidance and are considered to be representative of potential herring spawning and suitable sandeel habitat.
MMO-166	Marine Management Organisation	5. Environmental Statement (ES) 5.5 Fish Ecology (Chapter 11 – Fish and Shellfish Ecology – APP-025)	5.5.6 The Applicant has assessed the magnitude of impact associated with the project works for sandeel to be negligible and concluded that effects to sandeel are of minor significance, which is not significant in EIA terms. The current potential sandeel habitat 'heat' map provided by the Applicant (documents reviewed; Appendix 11.1 Fish and Shellfish Ecology Technical Report, Figure 6.23) shows the OWF array site to be situated entirely within seabed habitat with 'medium' confidence score. Therefore, for these impacts in question, the MMO would typically expect the magnitude of impact to be classified as 'low' at the very minimum. Considering the broader potential sandeel spawning habitat that is available in the wider region, and the localised and temporary nature of these impacts that are largely restricted to the boundary of the OWF array site, the MMO would not anticipate significant impacts on sandeel at the population level however the clarifications requested of the Applicant's 'heat' map for sandeel, and consideration of the NSSS data in the Applicant's assessment for sandeel should be presented before the MMO can accept the Applicant's conclusions.	The suitability of the NSSS to inform the PEIR was discussed during the Expert Topic Group meeting (November 2023). The data had been reviewed and was not considered representative as the spatial coverage of the NSSS does not extend as far south as the fish and shellfish ecology study area identified for ES Chapter 11 Fish and Shellfish Ecology [APP-025]. The NSSS area is focussed on the key sandeel grounds in the North Sea between Dogger Bank and Scotland, which is outside of the North Falls Array Area by approximately 118km.
MMO-167	Marine Management Organisation	5. Environmental Statement (ES) 5.5 Fish Ecology (Chapter 11 – Fish and Shellfish Ecology – APP-025) Herring	5.5.7 The MMO notes that in relation to previous comments raised for the PEIR, regarding recommendation of a multi-layered map presenting BGS data, herring spawning and nursery grounds data as per Coull et al. (1998) and Ellis et al. (2012), the existing PSA data collected during the benthic surveys, and PSA data from the Cefas' OneBenthic Portal; the Applicant has presented ES Figure 11.3.	Noted.
MMO-168	Marine Management Organisation	5. Environmental Statement (ES) 5.5 Fish Ecology (Chapter 11 – Fish and	5.5.8 The MMO also notes that Figure 6.33 provided in Appendix 11.1 Fish and Shellfish Ecology Technical Report, the Applicant's 'heat' scale ranges from 0 – 13 which is inconsistent with the 'heat' scale defined by the MarineSpace (2013) methodology, which ranges from 0 – 16. In the MarineSpace methodology, each data layer is assigned a score and if all layers were to coexist at one location, the maximum possible score would be 16 (as defined in sections 2.5.7 – 2.5.10 of the MarineSpace method statement). Although some layers may not	The heat map approach adopted for North Falls, follows MMO's consultation response to the PEIR (dated 14/07/2023) and agreed through technical discussions undertaken during expert topic group (ETG) meetings. The Applicant notes the heat map produced using the Marine Space (2013) methodology as a guidance is therefore considered to be representative of potential herring spawning. The ESFJC data was not used given the caveats in the dataset. The Applicant notes that these data layers have significant limitations in regard to the accuracy of the data shown and that this data has not been available from the IFCA website for the last five years.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		Shellfish Ecology – APP-025) Herring	occur in all regions (for example the Eastern Sea Fisheries Joint Committee (ESFJC) Fishing Grounds layer), they must not be omitted as the categorisation of 'heat' associated with mapping (section 2.5.10 of MarineSpace (2013)) explicitly categorises 'heat' scores into four discrete intervals: 1-4 (low), 5-8 (medium), 9-12 (high), 13-16 (very high). MarineSpace have completed regional 'heat' mapping assessments for herring spawning potential habitat and the scale has remained consistent across regions, even where certain layers (such as the ESFJC Fishing Grounds) do not occur. It appears from Table 6.16 of the fish ecology technical appendix, and Figure 6.33, that the Applicant has not only omitted the ESFJC layer from their 'heat' map but has also presented inaccurate vessel monitoring system (VMS) data as well. Table 6.16 outlined that Danish VMS data for the years 2014-2018 has been used to form the 'heat' map. This represents a significant departure from the recommended 'heat' mapping approach and means the Applicant's 'heat' map may be underrepresenting the true extent and importance of herring spawning habitat.	The data presented in Table 6.16 had been incorrectly referenced, the Applicant can confirm that the VMS incorporated into the heat map was for UK Pelagic Trawl/Seines.
MMO-169	Marine Management Organisation	5. Environmental Statement (ES) 5.5 Fish Ecology (Chapter 11 – Fish and Shellfish Ecology – APP-025) Herring	5.5.9 For many years, MarineSpace (2013) represented the only available 'heat' mapping methodology, however, MarineSpace Ltd, in consultation with the MMO and Cefas Fisheries Advisors, have published an updated version of the methodology (Kyle-Henney et al., 2023) which takes into account changes in data availability which have occurred since the original method was published and incorporates new data to enhance the 'heat' mapping process. As outlined in point 3.5.7 above, there are several elements of the Applicant's herring spawning habitat 'heat' map which require clarification and correction. With this in mind, the MMO requests that the Applicant redoes their herring spawning habitat 'heat' map following the updated version of the MarineSpace methodology (Kyle-Henney et al., 2023).	The heat map approach adopted for North Falls, follows MMO's consultation response to the PEIR (dated 14/07/2023) and agreed through technical discussions undertaken during expert topic group (ETG) meetings. The Applicant notes that the assessment presented is appropriate to the available herring data sources and highlights that the updated herring methodology (Kyle-Henney et al., 2024), is based on the original methodology from MarineSpace (2013) The ESFJC data was not used given the caveats in the dataset. The Applicant notes that these data layers have significant limitations in regard to the accuracy of the data shown and that this data has not been available from the IFCA website for the last five years. The data presented in Table 6.16 had been incorrectly referenced, the Applicant can confirm that the VMS incorporated into the heat map was for UK Pelagic Trawl/Seines
MMO-170	Marine Management Organisation	5. Environmental Statement (ES) 5.6 Shellfish Ecology (Chapter 11 – Fish and Shellfish Ecology – APP-025)	5.6.1 The MMO agrees with the conclusions reached by the applicant and the rationale behind the scoping of shellfish receptors in or out of assessment.	Noted.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
MMO-171	Marine Management Organisation	5. Environmental Statement (ES) 5.6 Shellfish Ecology (Chapter 11 – Fish and Shellfish Ecology – APP-025)	5.6.2 The MMO notes that the applicant has employed a variety of sources for evidence in relation to shellfish and shellfisheries. These include MMO landings data from the years 2016-2020 which covers both the site-specific ICES rectangles and adjacent rectangles, published literature and consultation with local IFCA's as evidenced in point 85, section 11.6.1.1.1 "Magnitude of Impact" in the ES Chapter 11: Fish and Shellfish Ecology document.	Noted.
MMO-172	Marine Management Organisation	5. Environmental Statement (ES) 5.6 Shellfish Ecology (Chapter 11 – Fish and Shellfish Ecology – APP-025)	5.6.3 The MMO considers the data sources to be appropriate for this assessment. The Applicant has provided similar evidence to that provided by those operations of a similar nature. This includes MMO landings, survey data, published literature and consultation with local IFCA's.	Noted.
MMO-173	Marine Management Organisation	5. Environmental Statement (ES) 5.6 Shellfish Ecology (Chapter 11 – Fish and Shellfish Ecology – APP-025)	5.6.4 The MMO considers that the applicant has provided a sufficient description of the cumulative and inter-related impacts within the environment, providing justification to support the scoping in or out of a receptor from the assessment.	Noted.
MMO-174	Marine Management Organisation	5. Environmental Statement (ES) 5.6 Shellfish Ecology (Chapter 11 – Fish and	5.6.5 The MMO agrees with the embedded mitigation measures proposed for both shellfish and commercial shellfisheries. These include: • Provision of an offshore fisheries liaison officer and coexistence plans. • A minimum depth of 0.6m for cable burial or cable protection where burial is not achieved to reduce the impacts of electromagnetic fields. • The use of hard sediment. • A soft start for pile driving to reduce the impact of underwater noise during construction. • The piling restriction between 1 November and 31 January inclusive to reduce the impacts on	Noted.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		Shellfish Ecology – APP-025)	Downs herring will also help protect edible crabs (<i>Cancer pagarus</i>) through reducing the level of activity occurring while females are buried and have limited mobility.	
MMO-175	Marine Management Organisation	5. Environmental Statement (ES) 5.6 Shellfish Ecology (Chapter 11 – Fish and Shellfish Ecology – APP-025)	5.6.6 The applicant has noted the impacts towards international fleets, namely Belgian, Dutch and French fleets and has considered these impacts throughout the commercial fisheries impact assessment process. Potential transboundary impacts for shellfish have been scoped out of the assessment as the applicant is considering shellfish stocks and populations irrespective of national jurisdictions. The MMO would consider this to be adequate in relation to shellfish species.	Noted.
MMO-176	Marine Management Organisation	5. Environmental Statement (ES) 5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)	5.7.1 The MMO considers that all relevant/applicable marine mammal functional hearing groups have been considered in the underwater noise modelling assessment. The marine mammal species scoped into the Environmental Statement, which sit within these hearing groups, are harbour porpoise, minke whale, grey seal and harbour seal. The MMO defers to Natural England to ensure that all relevant marine mammal species have been scoped in. The MMO notes that all fish groups have been considered as per Popper et al. (2014).	Noted.
MMO-177	Marine Management Organisation	5. Environmental Statement (ES) 5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and	5.7.2 The MMO considers that all relevant impacts have been scoped in for assessment. Specifically, the potential effects of auditory injury (Permanent Threshold Shift, (PTS)) and Temporary Threshold Shift, (TTS)) and disturbance resulting from the following activities, have been considered: <ul style="list-style-type: none"> • Piling. • Other construction activities including the clearance of Unexploded Ordnance (UXO), seabed clearance methods, and cable installation methods. • Construction vessels. • Noise from operational wind turbines. • Operational and Maintenance (O&M) activities. • O&M vessels. 	Noted.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		Vibration – APP-040)		
MMO-178	Marine Management Organisation	5. Environmental Statement (ES) 5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)	5.7.3 The MMO considers that the data sources identified are largely appropriate and the evidence being proposed is consistent with that submitted for operations of a similar nature.	Noted.
MMO-179	Marine Management Organisation	5. Environmental Statement (ES) 5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)	5.7.4 Please see specific comments on the Draft Marine Mammal Mitigation Protocol (MMMP) below. This outline MMMP details how the Applicant would mitigate the risk of auditory injury to marine mammals. Both piling and UXO clearance have the potential to produce underwater noise capable of causing auditory injury to marine mammals. It is noted that pre-construction, separate Marine Licences for UXO clearance will be sought, with the necessary information (including the final MMMP for UXO clearance) being provided through the marine licensing process. A summary of the proposed measures to mitigate potential impacts from UXO clearance have been provided within the Draft MMMP for information purposes only. The MMO largely defers to Natural England and other relevant SNCBs for comments on the outline Site Integrity Plan (SIP) for the Southern North Sea (SNS) Special Area of Conservation (SAC).	Noted.
MMO-180	Marine Management Organisation	5. Environmental Statement (ES) 5.7 Underwater Noise (Chapter 12 Marine Mammals –	5.7.5 Consideration of the cumulative sound exposure predictions in the MMMP: The MMO previously advised that the MMMP (and the cumulative sound exposure during installation) should be based on the worst-case number of piles in a 24- hour period. This is because the recommended guidance (NOAA (NMFS, 2018) / Southall et al. (2019)) applies to a period of 24 hours for the cumulative sound exposure (SELcum). Thus, it follows that the worst case is the maximum amount of noise that could occur in 24 hours, not just for a single pile. The Applicant has responded with the following: “The mitigation proposed for piling will be carried out prior to each pile, and therefore mitigation should be based on the potential for effect from each	The Applicant notes the MMO's comment and will amend the Draft MMMP so that the sequential piling impact results are presented and mitigation measures are based on these. It must be noted the Draft MMMP [APP-242] impact ranges will remain largely the same, as by the time the subsequent piles are installed the fleeing receptor is at such a distance that the additional exposure is small.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		APP-026 and Chapter 26 – Noise and Vibration – APP-040) Comments on the Draft Marine Mammal Mitigation Protocol	individual pile, rather than the total piles to be installed within 24 hours”.	
MMO-181	Marine Management Organisation	5. Environmental Statement (ES) 5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040) Comments on the Draft Marine Mammal Mitigation Protocol	5.7.6 The MMO does not agree that as mitigation will be carried prior to each pile, mitigation should be based on the potential for effect from each individual pile, rather than the total piles to be installed within 24 hours. Even if mitigation is required prior to piling at each location (which is, nevertheless, standard practice), this does not negate the fact that an animal may still be exposed (to underwater noise) more than once from multiple piles. The Developer should put forward an appropriate justification to explain why the cumulative sound exposure of two piles is not required in their MMMP. In the absence of a sufficient argument, the MMO strongly recommends that mitigation is required prior to piling of foundations at each pile location, and the mitigation requirements should be based on the predicted PTS ranges for the cumulative exposure for three monopiles and six pin piles installed sequentially (or whatever the finalised worst-case number of monopiles/pin piles installed in 24-hours will be).	See response to MMO-180 above.
MMO-182	Marine Management Organisation	5. Environmental Statement (ES) 5.7 Underwater Noise (Chapter 12 Marine	5.7.7 The MMO previously advised that the JNCC (2010) guidance recommends that if there is a pause in piling operations for a period of greater than 10 minutes, then the pre-piling search and soft-start procedure should be repeated before piling recommences. If a watch has been kept during the piling operation, the Marine Mammal Observer or Passive Acoustic Monitoring (PAM) operative should be able to confirm the presence or absence of marine mammals, and it may be possible to commence the soft-start immediately. However, if there has been no watch, the complete pre-piling search and soft-start procedure should be undertaken. The guidance	Continuous monitoring will be ensured throughout piling, including any break in piling, to ensure the MA is free from marine mammals before piling recommences. This will be made clear when finalising the MMMP post consent. However, we consider the requirement for another full soft-start period to be disproportionate, instead of the 5-6 hammer blows at low energy (<400kJ) which will allow any marine mammals that may have moved nearby during the break time to move away again without providing any excessive noise.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		<p>Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)</p> <p>Breaks in Piling</p>	<p>recommends that the soft-start duration should be a period of no less than 20 minutes. Any requested variation from a 20-minute soft-start should be agreed with the relevant agency and regulator. The MMO recommended that the guidance is adhered to, and the full soft start is implemented (not 5 to 6 blows at the starting hammer energy as is proposed in the MMMP).</p>	
MMO-183	Marine Management Organisation	<p>5. Environmental Statement (ES)</p> <p>5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)</p> <p>Breaks in Piling</p>	<p>5.7.8 The Applicant has responded stating that “Procedures have been amended based on Natural England comments to ensure the MA (Monitoring Area) will continue to be monitored during breaks in piling”. Provided that the MA is being continually watched/monitored during the full break in piling (of more than 10 minutes but less than two hours), and the monitoring operatives can confirm that marine mammals are not present, then the MMO has no major objections to the altered soft-start procedure, provided Natural England and JNCC are content with the proposals. The Draft MMMP confirms that the full mitigation procedure is required for any breaks in piling of more than two hours.</p>	Noted.
MMO-184	Marine Management Organisation	<p>5. Environmental Statement (ES)</p> <p>5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)</p>	<p>5.7.9 As advised in March 2024, references to bubble curtains are made throughout the Draft MMMP. Paragraph 104, for example, notes the ‘potential use of bubble curtains if high-order UXO detonation is required, taking into account the environmental conditions within which they could be effective’. Paragraph 117 further states that the required Acoustic Deterrent Device (ADD) activation period for low-order clearance, high-order detonation with bubble curtain (if required) and high-order detonation without bubble curtain, will be determined based on the maximum potential area for PTS impact ranges.</p>	Comment linked to MMO-186 below.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		Noise Abatement (Bubble Curtains)		
MMO-185	Marine Management Organisation	<p>5. Environmental Statement (ES)</p> <p>5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)</p> <p>Noise Abatement (Bubble Curtains)</p>	5.7.10 In fact, paragraph 119 acknowledges that it is likely that an ADD alone would not provide sufficient deterrence from the full PTS ranges for harbour porpoise (for the larger UXO sizes, for a high-order clearance), and therefore additional mitigation options would be required for a high-order clearance of a device of 120kg or higher.	Comment linked to MMO-186 below.
MMO-186	Marine Management Organisation	<p>5. Environmental Statement (ES)</p> <p>5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)</p> <p>Noise Abatement</p>	5.7.11 It is the understanding of the MMO that bubble curtains will be required for all high-order detonations, and this should be clear in the final MMMP. The MMO suggests that the Applicant consults with the specific UXO contractor to determine the appropriate parameters for safely deploying bubble curtains. If environmental conditions are not conducive to the use of a bubble curtain, then the MMO recommends postponing any high-order detonations until conditions are suitable.	Noted and the Draft MMMP will be amended to ensure it is clear that if high-order clearance is required then NAS must be used.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		(Bubble Curtains)		
MMO-187	Marine Management Organisation	<p>5. Environmental Statement (ES)</p> <p>5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)</p> <p>Transboundary Impacts</p>	5.7.12 The MMO considers that transboundary impacts have been considered in the EA and the MMO largely defers to the relevant SNCBs for comments on this matter.	Noted.
MMO-188	Marine Management Organisation	<p>5. Environmental Statement (ES)</p> <p>5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)</p> <p>Cumulative Exposures</p>	5.7.13 The MMO notes that Paragraph 75 of Appendix 12.4 Underwater Noise Technical Assessment confirms that the cumulative exposures (for other construction activities such as cable laying and dredging etc.) are based on the noise source being present for 12 hours in any 24-hour period. However, this is at odds with the previous paragraph (74) which states that “for the cumulative exposure ranges for these noise sources it has been assumed that the noise will be present for 24 hours a day”. The MMO presumes para 75 is a mistake and this should be ‘24 hours’ and not 12 hours. Appendix 12.3 states that all (other construction) sources have been assumed to operate constantly for 24 hours to give a worst-case assessment of the noise (which is appropriate).	<p>Noted. In line with the comment, the text in paragraph 75 should read:</p> <p>“Table 1.25 includes the assessment of the potential for PTS onset due to the cable laying, suction dredging, trenching, and rock placement activities that may occur in either the construction or operation and maintenance phases. The cumulative exposures are based on the noise source being present for 24 hours in any 24 hour period.”</p> <p>The Applicant acknowledges this comment and agrees this is a mistake in the text.</p>
MMO-189	Marine Management Organisation	5. Environmental Statement (ES)	5.7.14 For monopiles, the current noise modelling assumes three monopiles (17m diameter) installed in a 24-hour period with a maximum hammer energy of 6,000kJ. Note for the PEIR, the modelling was based on two monopile foundations (17m	Noted. A more precautionary approach to cover any potential worst-case scenario was updated and assessed in the ES Chapter 12 Marine Mammals [APP-026] compared to the initial PEIR.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		<p>5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)</p> <p>Overview of Modelling Results (Selected)</p>	diameter) installed in a 24-hour period (maximum 6,000kJ hammer).	
MMO-190	Marine Management Organisation	<p>5. Environmental Statement (ES)</p> <p>5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)</p> <p>Overview of Modelling Results (Selected)</p>	5.7.15 For pin piles, the PEIR assumed four pin piles (3.5m diameter) would be installed in a 24-hour period, with a maximum hammer energy of 3,000kJ. In the current ES assessment, it is expected that six pin pile foundations (6m diameter) will be installed in a 24-hour period, with a maximum hammer energy of 4,400kJ.	Noted. A more precautionary approach to cover any potential worst-case scenario was updated and assessed in the ES Chapter 12 Marine Mammals [APP-026] compared to the initial PEIR.
MMO-191	Marine Management Organisation	<p>5. Environmental Statement (ES)</p> <p>5.7 Underwater</p>	5.7.16 The largest marine mammal impact ranges are predicted for the worst case monopile and pin pile scenarios at the East modelling location. Maximum PTS injury ranges are predicted for Low-Frequency (LF) cetaceans, with ranges of up to 7.0km; Very High Frequency (VHF) cetaceans show maximum PTS ranges of up to 3.3km. When comparing the impact ranges for a single pile installation and sequential pile installations, the	Noted.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		<p>Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)</p> <p>Overview of Modelling Results (Selected)</p>	overall increases for the sequential scenarios results are minimal, as by the time the subsequent piles are installed, the fleeing receptor is at such a distance that the additional exposure is small. The largest increases seen in impact ranges for these scenarios are only a few hundred metres.	
MMO-192	Marine Management Organisation	<p>5. Environmental Statement (ES)</p> <p>5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)</p> <p>Overview of Modelling Results (Selected)</p>	5.7.17 For fish, the largest recoverable injury ranges (203 dB SELcum threshold) in species of fish are predicted to be 9.4km (single monopile) and 6.7km (single pin pile); 1km assuming a stationary receptor for both the three sequentially installed monopiles scenario and the six sequentially installed pin piles scenario. TTS ranges (186 dB SELcum threshold) are predicted up to 33km (single monopile), 28km (single pin pile); 42km for sequential pile installations. When comparing the impact ranges for a single pile installation and sequential pile installations, the ranges are significantly increased for a stationary receptor	Noted.
MMO-193	Marine Management Organisation	<p>5. Environmental Statement (ES)</p> <p>5.7 Underwater Noise (Chapter 12 Marine</p>	5.7.18 Section 4.1, and Table 4-2, presents the maximum predicted unweighted peak sound pressure level (SPLpeak) and the single strike sound exposure level (SELss) noise levels at a range of 750m from the source. For the SELss metric, the MMO observes that the monopile values (for a 17m diameter pile and 6,000kJ hammer energy) are only 0.5–1dB above the corresponding pin-pile values (for 6m diameter piles and 4,400kJ hammer energy). This is somewhat at odds with the emerging evidence from literature, which suggests that the pile diameter is a very important factor in the scaling of piling noise (von Pein et al., 2020). At the same time, the MMO is aware that	The Applicant is aware of the von Pein <i>et al</i> (2020 and more recent 2022) reports and disagrees with some of its conclusions. The pile diameter term of the scaling equations the authors propose may 'fit' the extremes of the data, but a visual interrogation of the plots in the paper shows that the increases at larger diameters do not in fact lead to significant increases. The indicated trend for noise vs pile diameter in von Pein <i>et al</i> (2022) does not fit with the empirical data used for the assessment, which, although not extending to 17m piles, does show a good fit and trend from less than 1m up to approximately 10m. The blow energy has a much greater influence than pile diameter, and also tends to increase with pile diameter. The Applicant stands by the predictions of the assessment.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		<p>Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)</p> <p>Comments on the Predicted Noise Level at 750m from the Noise Source (Section 4.1)</p>	the INSPIRE model is based on existing empirical data, which presumably does not yet exist for the parameters relevant to the monopile foundation at this windfarm, and thus needs to be extrapolated up to the scale anticipated for the current application.	
MMO-194	Marine Management Organisation	<p>5. Environmental Statement (ES)</p> <p>5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)</p> <p>Comments on the Worst-Case SPLpeak Predicted Levels at 750m, Compared to the Worst-Case PTS Predictions for VHF</p>	5.7.19 The MMO notes that when considering the maximum hammer energy of 6,000kJ for monopiles, the unweighted SPLpeak predictions at 750m range from 202.0 to 202.4dB depending on the modelling location (Table 4-2). These values slightly exceed the PTS threshold value of 202dB SPLpeak for VHF cetaceans under the Southall et al. (2019) impulsive criteria. This indicates that the maximum PTS ranges for VHF cetaceans would be slightly larger than 750m. However, the summary results in Tables 4-3 (East location), 4-7 (South location) 4-11 (West location), predict maximum ranges of only 680m, 660m, and 610m respectively for VHF cetaceans.	The Applicant acknowledges the apparent inconsistency, and this is related to model resolution for each of these runs. The VHF PTS modelling was undertaken at a higher resolution to determine the impact ranges; a lower resolution was used for the predictions at specific distances, which leads to these small discrepancies. The results from the modelling undertaken at a higher resolution specifically for the VHF PTS impact ranges has been used to provide a robust assessment of PTS on VHF cetaceans.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		Cetaceans (202dB Peak Pressure Threshold).		
MMO-195	Marine Management Organisation	<p>5. Environmental Statement (ES)</p> <p>5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)</p> <p>Comments on the Worst-Case SPLpeak Predicted Levels at 750m, Compared to the Worst-Case PTS Predictions for VHF Cetaceans (202dB Peak Pressure Threshold).</p>	<p>5.7.20 The purpose of the noise monitoring during construction is to determine the actual underwater noise levels on site for comparison with the modelled levels presented in the ES. The MMO acknowledges that the measurements taken during installation will be constrained by various factors such as the piling plan and site limitations and a direct (like-for-like) comparison with a modelled scenario is unlikely to be possible. Nevertheless, even if the piling locations and choice of transects would not be matched precisely, both modelling and monitoring should provide enough information to deduce some envelope of received level curves in each case. Thus, some sort of comparison/s in the form of 'level vs range' plots (for comparable hammer strike energies), with the associated envelopes of variability, should be possible and would be expected. Therefore, the MMO recommends that such a plot is provided.</p>	<p>The underwater noise modelling will be updated post consent to inform the MMMP, based on the final design envelope, at which time the requested plot will be provided.</p>
MMO-196	Marine Management Organisation	<p>5. Environmental Statement (ES)</p> <p>5.7 Underwater Noise</p>	<p>5.7.21 This assessment is provided within the ES for information purposes only. A separate Marine Licence (ML) application for UXO clearance will be submitted post-consent, once detailed information on the locations and extent of UXO required to be cleared is known.</p>	<p>Noted.</p>

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		(Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040) Comments on Appendix 12.5 Unexploded Ordnance Clearance Information and Assessment		
MMO-197	Marine Management Organisation	5. Environmental Statement (ES) 5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040) Comments on Appendix 12.5 Unexploded Ordnance Clearance Information and Assessment	5.7.22 After conducting a spot check on the predicted ranges for both low order and 0.5kg charge weights, as well as the largest (high order) charge weight of 750kg plus donor, the MMO can confirm that the predictions in Tables 1.5 and 1.6 appear to be reasonable.	Noted.
MMO-198	Marine Management	5. Environment	5.7.23 Section 1.4.3.3 states the following: “The number of harbour porpoise, minke whale, grey seal and harbour seal that	Comment linked to MMO-199 below.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
	nt Organisatio n	al Statement (ES) 5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040) Comments on Appendix 12.5 Unexploded Ordnance Clearance Information and Assessment	could potentially be impacted by a high-order UXO detonation (up to 750kg NEQ), and low-order clearance (0.5kg) has been estimated based on the maximum potential PTS impact ranges (Table 1.7). For high-order detonation of the maximum potential UXO with an NEQ of 750kg plus donor charge, the magnitude for PTS is assessed as a worst-case (Table 1.7) to be: <ul style="list-style-type: none"> • Medium for harbour porpoise and minke whale • Low to medium for grey seal • Negligible to medium for harbour seal” 	
MMO-199	Marine Manageme nt Organisatio n	5. Environment al Statement (ES) 5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040) Comments on Appendix 12.5 Unexploded Ordnance	5.7.24 The MMO would question the ‘Medium’ rating for harbour porpoises, especially when 1,981 individuals are predicted to be at risk of PTS (refer to Table 1.7). Similarly, for TTS, the assessment concludes that for the high-order detonation of the maximum potential UXO with an NEQ of 750kg plus donor charge, the magnitude for TTS is assessed as a worst-case scenario (Table 1.8) to be ‘Low’ for harbour porpoises and minke whales, ‘Negligible’ for grey seals, and ‘Negligible to low’ for harbour seals. For harbour porpoises, a total of 6,832 individuals are at risk of TTS, which casts doubt on the ‘Low’ magnitude rating.	The Applicant notes this comment and maintains its position regarding the magnitude levels used in the assessments, justification on the magnitudes are provided in the document Further Information Regarding Marine Mammals (Document Reference 9.14) submitted at Deadline 1.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		Clearance Information and Assessment		
MMO-200	Marine Management Organisation	<p>5. Environmental Statement (ES)</p> <p>5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)</p> <p>Comments on Appendix 12.5 Unexploded Ordnance Clearance Information and Assessment</p>	5.7.25 The above comment also pertains to section 1.4.4.3 of the report and the extent of impact from disturbance caused by UXO. Based on a 26km Effective Deterrence Range (EDR) for high-order detonation with no mitigation, a total of 6,832 harbour porpoise are at risk, but this has been assessed as 'Low' magnitude (see Table 1.10).	See response above for MMO-199.
MMO-201	Marine Management Organisation	<p>5. Environmental Statement (ES)</p> <p>5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and</p>	5.7.26 Section 1.4.4.6 of the report concludes that “no mitigation measures are required to minimise potential disturbance to marine mammals due to UXO clearance”. However, implementing mitigation measures like low order clearance methods and noise abatement will help reduce risks of auditory injury as well as behavioural disturbances (notwithstanding the fact that using an ADD will intentionally cause some disturbance or displacement (in order to prevent auditory injury)).	<p>The Applicant agrees that UXO clearance requires appropriate mitigation measures to be applied, details of potential mitigation measures for UXO clearance are described in the Draft MMMP [APP-242].</p> <p>In Appendix 12.5 of the ES [APP-100] the conclusion that “no mitigation measures are required to minimise potential disturbance to marine mammals due to UXO clearance” was based on the assessment findings. However, this paragraph will be amended in the Draft MMMP [APP-242] to say ‘mitigation measures will be undertaken for UXO clearance to minimise any potential disturbance’.</p>

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		<p>Vibration – APP-040)</p> <p>Comments on Appendix 12.5 Unexploded Ordnance Clearance Information and Assessment</p>		
MMO-202	Marine Management Organisation	<p>5. Environmental Statement (ES)</p> <p>5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)</p> <p>Comments on the Offshore In-Principle Monitoring Plan</p>	5.7.27 It is appropriately recognised (in section 5.7.3 of the plan) that monitoring is an important element in the management and verification of the actual Project impacts. If piled foundations are used in the final project design, underwater noise monitoring of the first four piles of each piled foundation type will be undertaken with the methods agreed with the MMO and relevant SNCBs in the preconstruction period.	Noted.
MMO-203	Marine Management Organisation	<p>5. Environmental Statement (ES)</p> <p>5.7 Underwater Noise (Chapter 12 Marine</p>	5.7.28 The MMOs notes that the Applicant has agreed for one of the first four piles to be within an area anticipated to generate the greatest underwater noise emissions. This is likely to be determined through detailed ground investigations, with areas of hard substrate and / or depth being correlated with higher anticipated noise emissions. The MMO recommends that where possible, the 'worst case' piles should be the first four to be installed.	See response to MMO-106.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		<p>Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)</p> <p>Comments on the Offshore In-Principle Monitoring Plan</p>		
MMO-204	Marine Management Organisation	<p>5. Environmental Statement (ES)</p> <p>5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040)</p> <p>Comments on Chapter 12 Marine Mammals</p>	<p>5.7.29 Paragraph 181: “A MMMP for piling (Section 12.8) in accordance with the Draft MMMP (Document Reference: 7.7) would reduce the risk of PTS from a single strike of both monopiles and jacket pin piles, at the maximum hammer energy, and from the cumulative exposure of one monopile and one jacket pin pile. Mitigations will be undertaken for each pile, and therefore should be designed to ensure they cover for the potential impact of the installation either one monopile or one jacket pin pile, as required (as well as for any simultaneous piling events)”. As noted above under Question 11 (point 28), even if mitigation is required prior to piling at each location, this does not negate the fact that an animal may still be exposed (to underwater noise) more than once from multiple piles. The Developer should put forward an appropriate justification to explain why the cumulative sound exposure of two piles is not required in their MMMP. In the absence of a sufficient argument, the MMO strongly recommends that mitigation is required prior to piling of foundations at each pile location, and the mitigation requirements should be based on the predicted PTS ranges for the cumulative exposure for three monopiles and six pin piles installed sequentially (or the worst-case number of monopiles/pin piles installed in 24-hours).</p>	<p>The Applicant notes the MMO's comment and will amend the Draft MMMP so that the sequential piling impact results are presented, and mitigation measures are based on these. It must be noted the Draft MMMP [APP-242] impact ranges will remain largely the same as by the time the subsequent piles are installed the fleeing receptor is at such a distance that the additional exposure is small.</p>
MMO-205	Marine Management Organisation	<p>5. Environmental Statement (ES)</p> <p>5.7 Underwater Noise (Chapter 12 Marine Mammals –</p>	<p>5.7.30 The MMO can confirm that the ranges predicted for marine mammals and fish species, in general, look plausible, including the resulting impact ranges when considering single vs sequential foundations. The MMO sense checked the various impact ranges both for fleeing and stationary receptors, the differences when considering monopile versus pin-pile scenarios, as well as the scaling of impact ranges with the number of sequential piles. It should be noted that this sense checking was informed by the modelling assumptions detailed in the report (e.g., the choice of source level (SL) values and their setup for monopile vs. pinpile, see comment 46 below) and thus is not intended to serve as validation of the modelling outputs,</p>	<p>Noted.</p>

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
		APP-026 and Chapter 26 – Noise and Vibration – APP-040) General Comments	but a check of their plausibility under the presented assumptions.	
MMO-206	Marine Management Organisation	5. Environmental Statement (ES) 5.7 Underwater Noise (Chapter 12 Marine Mammals – APP-026 and Chapter 26 – Noise and Vibration – APP-040) General Comments	5.7.31 The MMO notes that similar impact ranges are predicted for both monopile and pin pile foundations, when considering fleeing receptors. Although the piling profile used for monopile scenarios deliver more than twice the cumulative strike energy (per pile) than the corresponding pin pile profile, the differences in predictions are very minor. The reasons for this situation arise from the fact that a disproportionately large portion of the cumulative sound exposure is experienced by the fleeing receptors in the early stages of piling where they are closer to the pile location. As illustrated and explained in Section 3.3 of the report, the pin pile scenario reaches its maximum energy over a shorter period of time (compared to the monopile scenario) and it also reaches a faster strike rate sooner and this seems to balance out the lower maximum and lower overall cumulative energy of the pin-pile vs. monopile profiles. Additionally, any subsequent piles (i.e., going up to 3 monopiles or 6 pin-piles) result in negligible additional cumulative exposure for fleeing receptors, although in the case of stationary receptors (i.e., fish) the additional piles result in a scaling up of the SELcum impact ranges. The MMO was able to successfully verify all of the above patterns within the modelling sense-checking exercise	Noted.
MMO-207	Marine Management Organisation	5. Environmental Statement (ES) 5.8 Offshore Ornithology (Chapter 13 – Offshore Ornithology – APP-027)	5.8.1 The MMO defers to Natural England as SNCB and supports any comments raised in relation to the Ornithology. The MMO will continue to be part of the discussions relating to securing any mitigation and monitoring or other conditions required within the DMLs.	Noted
MMO-208	Marine Management	5. Environmental Statement (ES)	5.9.1 The MMO notes that some areas in which the activities are proposed, are frequented by inshore commercial fishing operations, specifically those areas within 20 nautical miles (nm) of the shore, where the cable corridor is proposed; East Anglian whelk potters and some lobster fishermen often fish outside of	Activity by whelk potters and lobster fishermen within and outside 20 nm of the shore is captured in Section 6.2 of ES Appendix 14.1 [APP-105]. Demersal fishing activity within 12 nm of the shore is also identified and described in this Section.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
	Organisation	5.9 Commercial Fisheries (Chapter 14 Commercial Fisheries – APP-028)	12nm from the Suffolk and Essex coasts, primarily setting baited whelk pots on soft ground, but also lobster pots in the areas close to shipwrecks. Further inshore, inside of 12nm, the activities may interact with fishing operations which target demersal fish species using bottom towed gear, long lines, and static and drifting gill nets.	
MMO-209	Marine Management Organisation	5. Environmental Statement (ES) 5.9 Commercial Fisheries (Chapter 14 Commercial Fisheries – APP-028)	5.9.2 The proposed activities are likely to interfere with fishing operations in a navigational capacity and a spatial capacity, i.e., the increase in construction, survey and supply vessel traffic could interfere with transiting fishing vessels and reduce access to the grounds on which they deploy their gear. Recreational use of the seas for sailing, angling and water sports may also be disturbed by the transiting of contractor vessels.	Temporary loss and reduced access to fishing grounds, increased steaming times to fishing grounds and interference with fishing activities is assessed for all fleets during construction in Section 14.6.1.1, 14.6.1.3 and 14.6.1.4 ES Chapter 14 Commercial Fisheries [APP-028] respectively.
MMO-210	Marine Management Organisation	5. Environmental Statement (ES) 5.9 Commercial Fisheries (Chapter 14 Commercial Fisheries – APP-028)	5.9.3 The MMO notes that disturbance of the seabed during dredging operations, drilling and the placement of rock berms and concrete mattresses could have a small impact on shellfish stocks (namely whelk, edible crab and European lobster) owing to the release of sediment into the water column. However, with the sediment in the area(s) largely consisting of light material like sand, it is likely that any suspended benthic material will disperse quite freely in the tidal current before resettling on the seabed nearby, in a low density/concentration.	The impact on commercial fishing as a result of impacts on exploited fish and shellfish species during construction is assessed in Section 14.6.1.6 ES Chapter 14 Commercial Fisheries [APP-028] . Furthermore, the impacts of physical disturbance and temporary habitat loss, increased SSCs and sediment re-deposition and re-mobilisation of contaminated sediments are assessed in Sections 11.6.1.1, 11.6.1.2 and 11.6.1.3 ES Chapter 11 Fish and Shellfish Ecology [APP-025] .
MMO-211	Marine Management Organisation	5. Environmental Statement (ES) 5.9 Commercial Fisheries (Chapter 14 Commercial Fisheries – APP-028)	5.9.4 The whelk fishery off the East Anglia coast is one of the few local fisheries which operates year-round (weather permitting) so fishing operations targeting whelk could incur disturbance at any time during the proposed activities. All other fisheries in the locality could incur disturbance during their specific seasons, i.e., the herring fisheries in autumn and late winter/spring, the European seabass fishery in spring and autumn, the sole fishery in summer and autumn etc.	It is noted in Section 6.2.2.1 ES Appendix 14.1 [APP-105] that whelks are landed year-round in the study area, and this is incorporated into the impact assessment. The seasonality of all other key fish species landed in the area is also described in this Section.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
MMO-212	Marine Management Organisation	5. Environmental Statement (ES) 5.10 Shipping and Navigation (Chapter 15 – Shipping and Navigation – APP-029)	5.10.1 The MMO defers to the Maritime and Coastguard Agency and Trinity House on matters of shipping and navigation and supports any comments raised. The MMO will continue to be part of the discussions relating to securing any mitigation, monitoring or other conditions required within the DMLs.	Noted.
MMO-213	Marine Management Organisation	5. Environmental Statement (ES) 5.11 Marine and Intertidal Archaeology (Chapter 16 – Offshore and Intertidal Archaeology and Cultural Heritage – APP-030)	5.11.1 The MMO defers to the Historic England on matters of marine archaeology and supports any comments raised. The MMO will continue to be part of the discussions relating to securing any mitigation, monitoring or other conditions required within the DMLs.	Noted.
MMO-214	Marine Management Organisation	5. Environmental Statement (ES) 5.12 Seascape and Landscape (Chapter 29 – Seascape, Landscape and Visual Impact Assessment – APP-043)	5.12.1 The MMO defers to Natural England as the SNCB, along with Historic England and the Local Planning Authorities on matters of Seascape, Landscape and Visual Resources and supports any comments raised. The MMO will continue to be part of the discussions relating to securing any mitigation and monitoring or other conditions required within the DMLs.	Noted.

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
MMO-215	Marine Management Organisation	6. Summary 6.1 General Comments	6.1.1 The MMO has multiple concerns in relation to both the details within the ES and the conditions within the DMLs.	The Applicant has responded to the MMO's specific comments provided in this response.
MMO-216	Marine Management Organisation	6. Summary 6.1 General Comments	6.1.2 While some work is required to ensure that it is fit for purpose, we do not consider that this will be burdensome for the Applicant.	The Applicant has responded to the MMO's specific comments provided in this response.
MMO-217	Marine Management Organisation	6. Summary 6.1 General Comments	6.1.3 We strongly request that the Applicant proactively engages with the MMO throughout the process in order to ensure the assessment is as smooth as possible and agreements can be reached through the Statement of Common Ground (SoCG) or Principle of Disagreement (PAD).	The Applicant is engaging with the MMO to develop a SOCG.

2.25 Applicant's Comments on Relevant Representations Received from Port of Tilbury London Limited (AS-036 and AS-037)

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
POT-01	Port of Tilbury		Just to be clear we are not registered as an interested party but you have accepted our submission can you just clarify please We will make a relevant rep at deadline 1 but would also like PINS to take note we have had no consultation from the North Falls team at all and given we are the largest port on the Thames I am somewhat disappointed we have not been consulted directly. In my view we should have been a direct consultee	The Applicant did not consult Port of Tilbury as the Applicant's Project does not affect Port of Tilbury – nor was Port of Tilbury identified as a prescribed consultation body or relevant statutory undertaker. The Applicant has however consulted Port of London Authority and Harwich Haven Authority extensively. Moving forward the Applicant will include the Port of Tilbury in its ongoing engagement around cable burial and installation methodology.
POT-02	Port of Tilbury		I represent Port of Tilbury London Limited and would like to register our interest in the North Falls project and any potential impact on the operations of the port and access for vessels entering the Thames. Regards Peter Ward Commercial Director	The Applicant is engaging with all of the ports on cable burial depths and burial methodology, for the purpose of assessing sufficient cable burial depths are evaluated to allow for port access of larger vessels with deeper keel depth in a theoretical future case, whilst also minimising disturbance impacts on shipping activities during the cable installation and cable burial process. The Port of Tilbury have been and will continue to be included in this process. The benthic impacts around cable burial continue to be evaluated and assessed alongside shipping activities.

2.27 Applicant's Comments on Relevant Representations Received from Dedham Vale Society [RR-076]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
DVS-01	Dedham Vale Society		The Dedham Vale Society works with its partners to preserve and protect the stunning landscapes, built heritage and bio-diversity of this extraordinary corner of Suffolk and North Essex, continuing the work it begun more than 80 years ago. We are passionate about preserving the rural beauty of The Dedham Vale.	<p>Figure 30.1.4 of the LVIA [APP-083] highlights the location of National Landscapes (NL) in relation to the proposed North Falls Substation. The southern extents of the Dedham Vale NL is just within 2km of the proposed North Falls Substation.</p> <p>The ZTV (Figure 30.1.2) [APP-083] highlights the very limited nature of visibility associated with the proposed North Falls Substation, from the Dedham Vale NNL.</p> <p>Viewpoint 8 (refer to Figure 30.2.8) [APP-088], which is taken from a location on the southern edge of the NL (Essex Way, Dedham Road) represents some of the closest and potentially 'worst case' views from the NL. From this location hedgerow and woodland cover, across the relatively flat intervening landscape between the southern edge of the NL and the North Falls Substation Site, play a notable screening role.</p> <p>A such, the potential for cumulative effects, in which the proposed North Falls Substation plays a role, is very limited.</p> <p>Any visibility of the Norwich – Tilbury Project Substation, in the vicinity of the North Falls/ Five Estuaries Substation Site, would therefore give rise to stand-alone effects associated with this project.</p>
DVS-02			We urge the Inspectors to examine very carefully the CUMULATIVE impact of the projects proposed in this part of East Anglia which will directly affect the Dedham Vale National Landscape, which this and related projects will irretrievably harm, and the ALTERNATIVES which would reduce the harm while still meeting the need for the project. CUMULATIVE IMPACT The Inspectors will be aware that 'functional interdependence is key. (Burrige v Breckland DC 2013[1] and Wingfield, R v Canterbury City Council 2019[2]) It means where one part of a development could not function without another it may indicate that they constitute a single project. In this case, functionally interdependent projects include Five Estuaries Wind Farm, North Falls Wind Farm, Tarchon Interconnector and National Grid's Norwich to Tilbury (NGET) project. They cannot function without each other. HARM The Inspectors must consider alternatives that meet the need to connect offshore wind farms to the transmission infrastructure while minimising harm. Documentation ('Grid Connection Optionality - Worst Case Assessment') from the sister project of North Falls, Five Estuaries, found that for every Environmental Impact Assessment topic listed the worst case arose from the onshore connection option. Furthermore, the co-location of the North Falls' substation with NGET's substation, Five Estuaries substation, Tarchon's substation and likely Tarchon's converter station leads to severe cumulative harm that outweighs project benefits. Offshore coordination with a landing point at brownfield near to where the power is needed is essential, reduces harm to	Please refer to the Applicant's Common Response – 008 .

			the environment and communities and saves money. We hope the inspectors will look into both points in detail during the examination.	
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2.28 Applicant's Comments on Relevant Representations Received from National Federation of Fishermen's Organisation [RR-238]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
NFFO-01	National Federation of Fishermen's Organisation		<p>The National Federation of Fishermen's Organisation (NFFO) represents the interests of commercial fishing businesses in England and Wales. We are registering as an interested party for this project as we feel that there are potential impacts to the commercial fisheries in the proposed area. Commercial fisheries have existed in the proposed region for generations, both UK and EU fleets, and are already faced with extensive spatial restrictions such as existing offshore wind developments, offshore cables, Marine Protected Areas and legislative restrictions in the region. The Outer Thames region is one of the most heavily impacted marine regions due to offshore developments and associated cable infrastructure. Further displacement of commercial fishing in the region will result in economic harm, through direct displacement, loss of earnings from the ground and additional operating costs due to increased steaming times during construction and operation of the project as well as contributing to the spatial squeeze on fisheries in the region. As with many responses the NFFO generate to wind farm applications, we have concerns about the lack of contemporary and site-specific data presented in the fish and shellfish ecology assessments, and a lack of focus on key commercial species that have a range that overlaps with the development area, specifically shellfish. Data has been presented from other wind farm projects and used to interpret impacts of the North Falls project, often from surveys that have not used the correct methodology for the assumptions made. We feel that the commercial fisheries assessment underestimates the impacts at almost every stage. The assumption that mobile gear vessels can simply move from the area during construction reduces the level of impact these fisheries will feel. This is an oversimplification and demonstrates a lack of understanding of how the fisheries in the region have been squeezed into a smaller and smaller marine space over progressive offshore wind developments, marine legislation and offshore cabling. This is further compounded by the misclassification and lack of understanding on drift netting that is one of the key stone fisheries methods used in the region. The spatial squeeze on fisheries in the region is one of the most extensive examples in the UK, this project is directly contributing</p>	<p>The potential impacts of the project on commercial fisheries have been assessed in ES Chapter 14 Commercial Fisheries [APP-028], including cumulative effects arising from other projects/activities and the introduction of Marine Protected Areas in the region.</p> <p>The Applicant notes that the most up to date available data was used to inform ES Chapter 14 Commercial Fisheries [APP-028] and ES Chapter 11 Fish and Shellfish [APP-025]. With specific reference to the data included in Chapter 11 Fish and Shellfish [APP-025], the MMO considers the data sources to be appropriate for this assessment (MMO-172).</p> <p>The potential impact of construction activities on mobile fishing vessels include consideration of both the magnitude of the impact and the sensitivity of the receptor. Factors that affected the impact significance were the low activity levels by mobile gear vessels in the Project area, as well as the temporary nature of construction works and the proposed embedded mitigation measures.</p> <p>A description of drift netting is provided in Section 9.7 of Annex 1 ES Appendix 14.1 [APP-105]. Throughout the Commercial Fisheries Impact Assessment [APP-028] it is classified as a static / passive gear method and is grouped with other static / passive gear types (i.e. longlines and pots) for the assessments.</p> <p>Consideration has been given to the potential for sections of cables to become exposed during the operational phase in the assessment (Section 14.6.2.6 ES Chapter 14 Commercial Fisheries [APP-028]). A wide range of embedded mitigation measures are described in Table 14.4 ES Chapter 14 Commercial Fisheries [APP-028], where it is stated that in the event that cable exposures are identified during the operational phase, the location of these will be published via the standard notices with additional liaison to be undertaken with fisheries stakeholders. Where appropriate, additional temporary measures would also be put in place (e.g. surface marker buoys, use of guard vessels, etc). This is also a requirement under Condition 15 (12) of Schedule 8 of the Generation Asset's DML.</p> <p>The Applicant notes that a Statement of Common Ground (SOCG) for the NFFO is also being developed.</p>

			to this expanding issue. Displacement effects are assessed as not significant for all fisheries assessed, we disagree with this assessment. It has come to our attention in the interim period between public consultation and examination that other offshore wind developments in the Outer Thames region are experiencing extensive cable exposures that were meant to have been buried to a sufficient depth to avoid exposure. This is extremely concerning to commercial fisheries as the “return to fish” is one of the key mitigation strategies that developers use to mitigate their impacts on the sector. If it is not actually safe to return to fish due to cables becoming exposed then this mitigation strategy needs reviewing with alternatives suggested. We welcome the development of a Fisheries Liaison and Co-existence Plan and see this as an integral and important step to minimise and if needed mitigate impacts on the region's fisheries. However, we feel that a Statement of Common Ground will be needed to ensure that the fisheries concerns, that to date have not been accounted for in the assessment, are considered during the decision to consent the North Falls project	
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2.29 Applicant's Comments on Relevant Representations Received from Suffolk & Essex Coast & Heaths National Landscape Partnership [RR-316]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
SECHNLP-01	Suffolk & Essex Coast & Heaths National Landscape Partnership		<p>The Suffolk & Essex Coast & Heaths National Landscape Partnership is a grouping of around 20 organisations that act as a champion for the nationally designated Suffolk Coast & Heaths Area of Outstanding Natural Beauty, AONB. It should be noted that many of those organisations that make up the Partnership are statutory authorities. These and other members of the Partnership are likely to submit their own relevant representations reflecting their own remit and the views of the Partnership should not be interpreted as the view of the individual organisations that make up the Partnership. The Partnership consider the main issues and impacts are:</p> <p>i) The impacts of the proposals on the nationally designated Suffolk Coast & Heaths Area of Outstanding Natural Beauty, in particular the defined characteristics of the area as described in Natural Beauty and Special Qualities documents.</p> <p>ii) How the proposals seek to comply with local and national policy, in particular the obligation on relevant authorities that the Partnership considers includes statutory authorities and statutory undertakers who 'must seek to further the purposes of an AONB' when undertaking its activities, as</p>	<p>i) ES Chapter 29 Seascape, Landscape and Visual Impact Assessment [APP-043] concludes in Table 29.1 that there will be no significant impacts on the special qualities of the Suffolk Coast & Heaths Area of Outstanding Natural Beauty (now defined at the Suffolk and Essex Coast and Heaths National Landscape) (SEHCNL). The ES chapter sets out the following reasoning:</p> <ul style="list-style-type: none"> • Taking a precautionary approach to the assessment, the scale of change on certain perceptual aspects of the SECHNL special qualities is judged to be medium, although other special qualities will be entirely unchanged. • The geographical extent of the change will be small, limited to coastal areas within around 40km of the Offshore Above-sea Development, between Bawdsey Manor and Orford Ness. • This will affect a very localised area of the coastal edge, in the context of this large-scale designation. • Effects will also be limited to days with clear weather. • For the vast majority of the SECHNL, which is largely beyond 40km from the Offshore Above-sea Development, and due to the increased distance and the reduced visibility from inland areas, the scale of change will be small or negligible. • On clear days, operational wind farms including East Anglia One, Greater Gabbard and Galloper will also be visible. The Offshore Above-sea Development will be seen in the context of these existing offshore wind farms. • The Offshore Above-sea Development will intensify the effects associated with existing offshore wind farm development that influence certain perceptual special qualities of the SECHNL. • The contribution of existing offshore turbines to the seascape horizon is acknowledged in the special qualities of the SECHNL, where it is acknowledged that they divide opinion.

		<p>written in section 245 of the Levelling Up and Regeneration Act (2023). The Partnership consider this duty applies to all relevant authorities including (but not limited to) the applicant, Local Authorities, the Planning Inspectorate and Secretaries of State. It is considered an active duty.</p> <p>iii) How the proposals will impact other National Landscape stakeholders such as local communities quality of life and impacts on local businesses, including but not limited to the visitor economy.</p>	<ul style="list-style-type: none"> • The Offshore Above-sea Development will not greatly extend the spread of turbines across the horizon. It will introduce turbines into an area of the skyline which has already been altered by existing offshore wind farm development. • The project will also contribute to the “developing story of the Suffolk’s Energy Coast”. • Overall, the magnitude of impact to the special qualities of the SECHNL will be locally low along the coast, and negligible further inland. • This is not considered to translate into significant effects on the special qualities of the SECHNL. <p>ii) Section 245 of the Levelling-up and Regeneration Act 2023 (LURA) came into effect on 26 December 2023. It changed the wording to section 85 of the Countryside and Rights of Way Act 2000 (CRoW Act) and amends the duty placed on relevant authorities when undertaking any function in relation to, or so as to affect, land in Areas of Outstanding Natural Beauty which are now known as ‘National Landscapes’.</p> <p>Relevant authorities must now ‘seek to further’ the purpose of conserving and enhancing the natural beauty of National Landscapes. This replaces the previous duty on relevant authorities to ‘have regard to’ their statutory purposes.</p> <p>Section 85 (A1) of the CRoW Act (2000) (as amended by the LURA 2023) states: <i>“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”</i></p> <p>It is noted that to date no draft regulations have been published to provide further details as to how a relevant authority is to comply with the duty. However, the Applicant notes that guidance was recently published by Defra on the 16 December 2024 titled ‘Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes’, for which regard has been had in this written response.</p> <p>It is noted that the Defra Guidance explicitly states that the duty applies to decision making in respect of nationally significant infrastructure projects. It is also noted that the Defra Guidance states that:</p> <p><i>“Consideration of what is reasonable and proportionate in the context of fulfilling the duty is decided by the relevant authority and should take account of the context of the specific function being exercised.” (emphasis added).</i></p> <p>The duty does not over-ride other statutory duties and this is noted in the Defra Guidance:</p> <p><i>“The duty does not prevent relevant authorities from undertaking their statutory functions and discharging their legal duties and other responsibilities. The duty is intended to complement these requirements by ensuring that the purposes for which Protected Landscapes are designated for are recognised in reaching decisions and undertaking activities that impact these areas.”</i></p> <p>The Defra Guidance confirms that the duty applies to functions undertaken outside of the designation boundary including the setting of a National Landscape. This is consistent with paragraph 5.10.8 of NPS EN1 which states that:</p> <p><i>“The duty to seek to further the purposes of nationally designated landscapes also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. In these locations, projects should be designed sensitively given the various siting, operational, and other relevant</i></p>
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				<p><i>constraints. The Secretary of State should be satisfied that measures which seek to further the purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development."</i></p> <p>It is therefore the Applicant's position that a relevant authority must exercise judgment as to whether the measures proposed as part of the Project to avoid and reduce impacts on the statutory purposes of the SECHNL are appropriate, reasonable and proportionate and whether it would be appropriate, reasonable and proportionate to require any further measures to further the purpose of the SECHNL.</p> <p>This includes consideration of:</p> <ul style="list-style-type: none"> • the scale, extent and significance of any harm to the SECHNL; • the policies in NPS EN1 and EN3 regarding minimising and mitigating landscape effects and Critical National Priority CNP) infrastructure; and • whether the Project has been designed sensitively taking into account siting, engineering, operational and other relevant constraints. <p>It is the Applicant's position that the duty does not oblige a relevant authority to give less weight to other important relevant considerations nor to reduce the scale of a proposed development to minimise the potential impacts on the SECHNL.</p> <p>The Project offshore and onshore infrastructure is not within the boundary of the SECHNL but the offshore array will be visible from within it, albeit some distance away (circa 40km). As outlined in paragraph 37 of ES Chapter 4 Site Selection and Alternatives [APP-018] the former northern array for North Falls was removed to reduce impacts on the SECHNL. The maximum number of turbines has also reduced since the PEIR stage to 57 of the smallest turbines (down from 72); or 34 of the largest turbines in the design envelope (down from 40). The site selection process has given due weight to the SECHNL, as a National Landscape, and has sought to further its purposes by reducing the potential effects arising from the array area.</p> <p>Given the Project's Order Limits do not fall within the SECHNL and the distance from the array area to the coastline within the boundary of the National Landscape, of circa 40km, the inclusion of any other measures specifically to further the purposes of the SECHNL would not be considered reasonable, proportionate or appropriate, in the context of concluding no significant effects on the special qualities of the SECHNL from the Project (as detailed in the Applicant's response to part i) above).</p> <p>.</p> <p>iii) Effects on social and community facilities are assessed in ES Chapter 31 Socio Economics [APP-010]. Due to the distances involved in the location of the SECHNL from the project, the potential is for onshore construction activity to impact on social and community infrastructure is considered unlikely.</p> <p>Effects on tourism and recreation of both the construction and operational phases are assessed in ES Chapter 32 Tourism and Recreation [APP-046]. Published evidence on the impacts on tourism of Offshore Wind Farm developments is reviewed in the Chapter in Section 32.5.6 of the Chapter, which indicates that the substantial majority of studies identify no deterrent to people visiting or returning to an area as visitors as a result of OWF developments and their associated infrastructure, and their operation. Assessment of the impacts of construction activity on onshore recreation activity did not identify any significant effects, taking into account the following:</p>
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				<ul style="list-style-type: none"> - Mitigation embedded into the design of the project set out in detail in ES Chapter 31, Table 32.3, which would address any potentially adverse impacts on the use and enjoyment of Public Right of Way; - Short-term, transient and reversible impacts on the users of onshore recreation and tourism assets, with effects on visibility not uniform as construction activity moves along the cable route (Chapter 31, Section 32.6.2.1.2); - The incorporation of air quality mitigation measures incorporated into the OCoCP to ensure that enjoyment of recreational and tourism assets is not adversely affected; - Noise and vibration impacts which will be confined to localised areas on the onshore cable route, which the assessment concludes will be unlikely to alter the behaviour of visitors and users of recreational assets. <p>The ES chapter refers to evidence presented in the examination of the Scottish Power Renewables East Anglia ONE North and East Anglia TWO Offshore Windfarms (OWF) based on its analysis of 11 areas with OFW's located within 40km of the shoreline (including Norfolk Coast National Landscape, which is linked to multiple OWF and located along the East Anglia coast). This study found no evidence that pointed to a relationship between the construction and operation of OWFs and an overall reduction in tourism activity, visitor spending or tourism-related employment. The ES chapter further notes [paragraph 32.5 4.3.4] that the SECHNL is located around 13km north of the proposed landfall for North Falls at its closest point, and 40.1km from the nearest turbine. It also refers [paragraph 32.5.6.3] to the presence of several OWFs that form part of the existing seascape from the Suffolk Coast, the majority operational before 2019.</p>
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2.30 Applicant's Comments on Relevant Representations Received from UK Chamber of Shipping [RR-343]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
UKCOS-01	UK Chamber of Shipping		The UK Chamber of Shipping is the trade association for the UK shipping industry, representing more than 200 members, operating around the UK and globally in excess of 1000 vessels equalling 18 million GT in capacity. The Chamber represents the full breadth of the shipping industry, including dry bulkers and tankers, passenger transport (cruise & ferry), offshore supply and construction, towage, and specialist, as well as professional service providers with shipping interests. The Chamber fully supports the Government's obligations to achieve Net Zero by 2050 and welcomes the development of offshore renewable energy to succeed in this obligation. The ports and shipping industries play an essential in enabling those targets to be achieved by providing bases and vessels for construction,	<p>Noted. The Navigational Risk Assessment (NRA) process [APP-106, APP-107 and APP-108] has included extensive consultation with the Chamber of Shipping and vessel operators which were members of the Chamber of Shipping members.</p> <p>As detailed in the NRA, significant changes to the boundary of the array area changes were made post PEIR to remove all overlap with the Sunk TSS lanes and precautionary areas, and an Structure Exclusion Zone (SEZ) has been committed to in the draft DCO [AS-022] whereby, unless otherwise agreed with the MCA, all surface piercing infrastructure will be at least 1nm from the local routeing measures. These changes were implemented following feedback from shipping and navigation stakeholders including the Chamber of Shipping.</p> <p>The Applicant will continue to engage with the Chamber of Shipping on any relevant matters during examination.</p>

			<p>operation & maintenance, and decommissioning. The Chamber also asserts that the planning process and framework must support the wider shipping industry through site selection which avoids or minimises disruption or economic loss to the shipping and navigation industries, with particular regard to approaches to ports and to strategic routes essential to regional, national and international trade, lifeline ferries, as stated within Paragraph 2.8.328 of NPS EN-3. The Chamber also asserts that when considering a specific site in isolation or cumulatively, navigational safety must be upheld and that developments are appropriately positioned to enable existing and future commercial navigation to continue safely and efficiently. As stated within Paragraph 2.8.331 of NPS EN-3 it is Government policy that all types of offshore transmission should not be consented where they would pose unacceptable risks to navigational safety after mitigation measures have been adopted. The Chamber has been closely involved in the planning process for North Falls OWF prior to DCO application, through Scoping, PEIR, and Hazard Workshops in the development of the Navigational Risk Assessment. The site as put forward by the Crown Estate as a Round 3 extension was unacceptable for a variety of safety, legal and commercial reasons, and the Chamber advocated for significant changes to the Red Line Boundary. The development area has been significantly reduced to mitigate impact on receptors however the Chamber may however wish to provide further detailed representation. The Chamber may wish to raise specific comment in areas amounting to, site boundaries and impact on Allision and Collision Risk, interaction with international IMO Routeing Measures, export cable burial and interaction with deep water routes, and deviation of commercial routeing.</p>	
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2.31 Applicant's Comments on Relevant Representations Received from The Cruising Association [RR-333]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
TCA-01	The Cruising Association		The Cruising Association represents the interests of its members (recreational boaters) in UK waters and other parts of the world. We are keen to maintain freedom of passage through windfarms and to try to ensure that they do not unreasonably restrict sailing activities.	Noted. The Navigational Risk Assessment (NRA) [APP-106; APP-107; and APP-108] and ES Chapter 15 Shipping and Navigation [APP-029] demonstrate that impacts of the Project on shipping, including recreational vessels, have been mitigated to As Low as Reasonably Practicable (ALARP), and not significant in EIA terms. The Applicant consulted with the Cruising Association in the process of the NRA.

2.32 Applicant's Comments on Relevant Representations Received from Harwich Harbour Fishermens Association [RR-125 and AS-039]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
HHFA-01	Harwich Harbour Fishermen's Association		I am a member representing 22 vessels of Harwich Harbour Fisherman's Association and other associations making approximately a total of 50 vessels on the North Falls Commercial Fisherman Working Group. Most the fishers are operating under 10m vessels with a large majority single handed using multiple fishing methods and, I submit the associations concerns, comments and formal objection regarding the proposed application to the North Falls Proposed project.	Noted.
HHFA-02	Harwich Harbour Fishermen's Association		We have engaged in some discussions through the working group, and we appreciate the efforts by the developers to have open and meaningful discussion with our members and initially their team approach to some of our members was way below what we have experience with other project. There are still to date matters that are of serious concern such as their position that not all methods of fishing will be impacted, if approval is given will create some major issues for all the inshore fleet on the east coast.	<p>Available fisheries data, information from relevant publications and consultation with local fisheries stakeholders has informed the baseline. The methodology used to assess the potential impacts on commercial fisheries is provided in section 14.4.3 (ES Chapter 14 Commercial Fisheries, [APP-028]).</p> <p>The assessment of the likely significance of the effects of the project on relevant commercial fisheries receptors caused by each identified impact is given in Section 14.6.</p> <p>Consideration has been given in ES Chapter 14 Commercial Fisheries [APP-028] to all fishing methods of relevance to the area of the Project (Section 14.6) with impact significance varying depending on the receptor sensitivities and magnitude of the various impacts and ranging from negligible to moderate. The Applicant notes that a wide range of embedded mitigation measures are accounted for in the assessments as detailed in table 14.4 (ES Chapter 14 Commercial Fisheries [APP-028]). In addition, an outline FLCP has been submitted and describes the various mitigation measures that will be employed (Section 4.1 [APP-243]).</p> <p>The Applicant notes that consultation with fisheries stakeholders is ongoing, including with the HHFA via the CFWG and will continue post-consent.</p>
HHFA-03	Harwich Harbour Fishermen's Association		The Fishers only have previous experience on how past and ongoing wind farm projects have been managed and how they have compromised the commercial activities of fishers within the Harwich and east coast area. Sometimes a disruption payment has cushioned the impact during construction, but we wish to stress that this objection has nothing to do with money; we just do not want any more wind farms, for the reason highlighted, and WE HAVE OUR SHARE AND WHEN WILL ENOUGH BE ENOUGH!	Noted.
HHFA-04	Harwich Harbour Fishermen's Association		In the past the developers have agreed to pre and post construction surveys to possible mitigate the impact on Fishers but because of the uncertain stability of the seabed on the east coast (continually shifting seabed) what may be satisfactory one day does not give the guarantee it will be safe to fish in the future. We have in all discussion stated that cables will not stay	The project has proposed a wide range of embedded mitigation measures (Table 4-4) which will reduce impacts on commercial fishing and have been accounted for when identifying effect significance (ES Chapter 14 Commercial Fisheries, [APP-028]). These are listed in Section 14.3.3 and in the Outline FLCP (2023) [APP-244], and include, in relation to cable exposure, commitments to bury cables to a minimum of 0.6m where practicable and to evaluate appropriate protection measures for cables that cannot be buried to this depth. The final burial depth will be based on the CBRA to ensure that every cable is sufficiently

			buried in certain sections, which is exactly what has occurred on the Gabbard, Gunfleet and other wind farms. Any exposed cable is a serious snagging hazard and could have serious consequences for the vessels safety and no skipper is willing to endanger his vessel and crew. The applicant will I am sure say they will follow best practice techniques but will not be able to give cast iron guarantees that cables will be buried and stay buried. The licence conditions will state the seabed should be restored however, again from our experience it will not happen in certain areas. Every cable crossing will have to be covered, and each covering will create additional hazards!	protected from any hazards that may occur above it. Additionally, the measures also include a post-lay and cable burial inspection surveys, as well as subsequent rectification works (Condition 21(h)(ii) of Schedule 8 and Condition 22(h)(li) of Schedule 10.) Zones for cable crossings of the export cable have been identified in Export Cable Crossing Zone Plan [Applicant Doc. Reference 9.17 (Rev 0)] submitted at Deadline 1. These have been minimised as far as practicable to minimise hazards. Crossings in the array area will depend on the final configuration of the arrays, and will be defined in the detailed design stage.
HHFA-05	Harwich Harbour Fishermen's Association		Over the recent years our fishing activities has been restricted over extremely large areas due to the provision of previous and ongoing sustainable renewable energy schemes and any additional projects on the east coast must be given serious consideration. These sites were regular fishing grounds used by our members but are now no longer available. The knock-on effect is that all the fishing activities have been condensed into much smaller areas, with our members struggling to have viable areas to work. Any new additional wind farm will compound this issue, hence our objection.	The cumulative effects arising from the development of this Project alongside existing infrastructure in the area is assessed in Section 14.7.3 of ES Chapter 14 Commercial Fisheries [APP-028]. Within this assessment Long-term loss or restricted access to fishing grounds and Displacement of fishing activity into other areas for UK fishing fleets are assessed (Sections 14.7.3.1 and 14.7.3.2 respectively).
HHFA-06	Harwich Harbour Fishermen's Association		There are ongoing proposals on the east coast that will, if approved, compound the issues further, such as the numerous major cable installations, existing windfarms, East Anglia 3 Construction soon to start, East Anglian1N, East Anglian2 and Five Estuary in the planning stages. Couple that ongoing dredging, aggregate extraction and Marine Conservation Zones, soon there won't be a clear area for fishers to undergo their lawful commercial activities.	The cumulative effects arising from the development of this Project alongside existing infrastructure in the area is assessed in Section 14.7.3 of ES Chapter 14 Commercial Fisheries [APP-028]. Within this assessment Long-term loss or restricted access to fishing grounds and Displacement of fishing activity into other areas for UK fishing fleets are assessed (Sections 14.7.3.1 and 14.7.3.2 respectively).
HHFA-07	Harwich Harbour Fishermen's Association		It is our believing that certain species of fish are deterred and because of the ongoing works and vibrations, existing arrays and cables now avoiding the Thames estuary. For example, one of the main revenue streams in the winter months was cod. They are caught north and south of the Thames estuary in abundance but haven't been seen in our area for approximately 12 years coincidently the same time as construction stated within our working area. There are continual areas of turbines whether we motor North or South now forming a barrier that they don't seem to want to enter or travel through.	Consideration has been given to the potential of underwater noise impacts on fish and shellfish species, including those of commercial importance. This takes into account the outputs of the underwater noise modelling presented in ES Chapter 14 Commercial Fisheries [APP-028] which presents the realistic worst-case scenario. The impact on commercial fishing as a result of impacts on exploited fish and shellfish species during construction is assessed in Section 14.6.1.6 ES Chapter 14 Commercial Fisheries [APP-028]. This was informed by a number of studies e.g. Stenberg et al. (2015), Van Hal et al. (2017), Bergström et al., 2013. Furthermore, the impact of underwater noise and vibration from piling for foundation installation as well as underwater noise and vibration from other construction activities are assessed in Sections 11.6.1.4 and 11.6.1.5 ES Chapter 11 Fish and Shellfish Ecology [APP-025]. respectively. The impacts of Underwater noise and vibration and EMFs during operation are also assessed in Sections 11.6.2.5 and 11.6.2.6 ES Chapter 11 Fish and Shellfish Ecology [APP-025].
HHFA-08	Harwich Harbour Fishermen's Association		An additional effect to our members is that, because of the local inshore areas being restricted, longer journey times will be forced on our members, increasing the carbon footprint and running costs of all our vessels. This will also place additional challenges to our members and some safety concerns, how far is it safe for a singlehanded vessel to travel safely?	The impact of increased steaming times to fishing grounds is assessed during construction in Section 14.6.1.3 and operation in Section 14.6.2.4 of ES Chapter 14 Commercial Fisheries [APP-028]. The Project has proposed a wide range of embedded mitigation measures (Table 14-4) which will reduce impacts on commercial fishing and are listed in Section 14.3.3 and in the Outline FLCP (2023) [APP-244].

HHFA-09	Harwich Harbour Fishermen's Association		The present government has stated commitment to ensure fishing remains sustainable on the East Coast, continual reductions of accessible fishing ground for the coastal commercial fishing fleet brings this commitment into doubt.	Noted.
HHFA-10	Harwich Harbour Fishermen's Association		If the North Falls proposal is granted approval, the local fishing fleet (our members) will suffer considerable changes to their existing fishing area, not just during construction but during the ongoing operation of the site, but it will also have long term effect on the future generation who hopefully would have inherited a credible and sustainable fishing industry on the east coast, which now must be in question. The proposed wind farm is totally opposed by our association.	Noted. The Project has proposed a wide range of embedded mitigation measures (Table 14-4) which will reduce impacts on commercial fishing and are listed in Section 14.3.3 (ES Chapter 14 Commercial Fisheries, [APP-028]) and in the Outline FLCP (2023) [APP-244].
HHFA-11	Harwich Harbour Fishermen's Association		<p>Hi</p> <p>Please include this documentation as additional information as part of our objection to the NF OWF which has been produced by MMO.</p> <p>MMO1382_Sensitivity-of-under-12-fleet-east-marine-plan-areas-to-offshore-wind_final-report.pdf (FYI Attachment not copied in this table)</p> <p>Please acknowledge receipt</p> <p>Regards</p> <p>Trevor Armstrong</p> <p>Secretary</p> <p>Harwich Harbour Fishermens Association</p>	Receipt acknowledged by the Applicant.

2.33 Applicant's Comments on Relevant Representations Received from Cobra Mist Limited [RR-057]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
CML-01	Cobra Mist Limited		Cobra Mist, as owner of a material part of the Orford Ness spit on the Suffolk coast, is concerned with any issues (both ecological and commercial) relating to the proposal to create a compensation nesting site for Lesser Black Backed Gulls on the Alde-Ore estuary.	<p>An option for LBBG compensation on land owned by Cobra Mist Ltd is included by the Applicant (Lesser Black-Back Gull Compensation Document, Document Reference [7.2.2, (Rev 1)]) in order to facilitate potential collaboration between the Projects, noting this is the area selected by Five Estuaries. At this stage, North Falls is not independently progressing this option. The Applicant confirms that no land subject to compulsory acquisition or temporary possession as identified within the Book of Reference [AS-026] [APP-007] and Land Plans [AS-018] [APP-198] is owned by the respondent.</p> <p>Should the Applicant require any land owned by the respondent at Orford Ness then it will engage accordingly and seek to acquire any reasonably required land and rights by voluntary agreement.</p>

2.34 Applicant's Comments on Relevant Representations Received from Five Estuaries Offshore Wind Farm Limited [RR-101]

Applicant's Ref	IP Name	Issue	Issue raised	Applicant's Response
FESWFL-01	Five Estuaries Offshore Wind Farm Limited		Five Estuaries Offshore Wind Farm Limited is the undertaker for the Five Estuaries Offshore Wind Farm DCO (PINS reference EN010115). The DCO application for Five Estuaries was submitted to the Planning Inspectorate on 25/03/2024. Five Estuaries Offshore Wind Farm Limited wishes to register as an Interested Party for the North Falls Offshore Wind Farm DCO Examination, as it may wish to participate in the Examination given the proximity of the two schemes and the work of the two projects on co-ordinating their proposals, including a proposed overlap of some of the onshore order limits and the coordination delivery approaches set out within the application. There is also commonality of certain stakeholders and the potential for similar or cumulative environmental effects and coordination of mitigation measures which would seek to minimise impacts on local communities. Protective provisions for the benefit of Five Estuaries Offshore Wind Farm Limited have also been included within the draft DCO for North Falls. The Examining Authority for the North Falls DCO Examination may also wish to direct related questions to Five Estuaries Offshore Wind Farm Limited.	Noted.

2.35 Applicant's Comments on Relevant Representations Received from the Belgian Government Representative, Kim Meeus [RR-191]

Applicant's Ref	IP Name	Issue raised	Applicant's Response
MOP-230.1	Rep No: 67691 Representation by the Belgian Government Representative, Kim Meeus	Galloper recommended shipping route	<p>The Galloper Recommended Ferry Route routeing measure intersects the North Falls array area. This routeing measure was originally introduced by the International Maritime Organisation (IMO) for use by ferries from Ostend (Belgium), however the associated ferry routes from Ostend are no longer active and have not been in use since 2009 as detailed in Section 10.3.2 of the Navigational Risk Assessment (NRA) [APP-106; APP-107; and APP-108].</p> <p>The Applicant has engaged with the Belgian Authority for Maritime Safety both as part of the NRA process [APP-106; APP-107; and APP-108] and post submission. This includes virtual meetings on the 30th September 2023, the 27th May 2024, and the 9th September 2024. As part of this, the Applicant has demonstrated that viable routeing options from Ostend, (Belgium), that do not use the Galloper Recommended Ferry Route are available via the provision of a Formal Safety Assessment (FSA) submitted to the Belgian Authority for Maritime Safety at their request. The Belgian Authority for Maritime Safety confirmed via email correspondence on the 20th January 2024 that "our consultation on the FSA is closed and the result is positive". The Applicant intends to submit the FSA into examination for reference.</p> <p>As a next step, the Applicant will engage with the MCA on progressing an application to the International Maritime Organization (IMO) for the Galloper Recommended Ferry Route to be removed.</p>

2. REFERENCES



HARNESSING THE POWER OF NORTH SEA WIND

North Falls Offshore Wind Farm Ltd

A joint venture company owned equally by SSE Renewables and RWE.

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