



N O R T H F A L L S

Offshore Wind Farm

Applicant's Written Summary of Oral Submissions at the Open Floor Hearing (OFH1)

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1. INTRODUCTIONS

1.1 Background

- 1.1.1 Open Floor Hearing 1 (**OFH2**) was held on 29 January 2025. The hearing provided an opportunity for registered Interested Parties (**IPs**) and other local people to make oral representations about the application. Each IP making an oral submission was requested to provide a written summary note to the ExA for Deadline 1 (18 February 2025).
- 1.1.2 Three IPs spoke at OFH1:
 - 1.1.2.1. Tamsin Fairley, on behalf of T Fairley and Sons Limited, Robert Fairley Limited, T & R Fairley Farming Partnership;
 - 1.1.2.2. Simon Amstutz, on behalf of Suffolk and Essex Coast and Heaths National Landscape Partnership; and
 - 1.1.2.3. Rachel Fletcher, on behalf of the Ardleigh Parish Council.

1.2 Purpose of Document

- 1.2.1 This document sets out the Applicant's response to the comments made at OFH1. The comments have been grouped by the Applicant by IP. Where the Applicant has made commitments on the topic, the relevant application documentation is identified.

1.3 Summary of the Applicant's Oral Submissions at OFH1

- 1.3.1 Claire Brodrick, Legal Director at Pinsent Masons LLP, on behalf of the Applicant, thanked the IPs for their comments and clear and detailed submissions on a wide range of topics. Ms Brodrick stated that the Applicant would respond in writing to the submissions made.
- 1.3.2 Ms Brodrick explained that there were opportunities for IPs to work with the Applicant particularly in respect of development of the outline management plans. The Applicant is working closely with Five Estuaries and the County and District Councils on the outline management plans which remain live documents throughout the Examination. Ms Brodrick encouraged the Ardleigh Parish Council and others to review those management plans and put forward any suggestions or mitigation measures that could address their concerns or concerns received from the local communities.

1.3.3 In respect of the comments made at the OF1 (and the Preliminary Meeting) relating to the potential for an offshore connection, Ms Brodrick noted that the Applicant's Co-ordination Report **[AS-006]** sets out North Falls' long-term engagement in the Offshore Transmission Network Review (OTNR commencing from 2020) and then subsequently, the Department of Energy Security and Net Zero (**DESNZ**) project, the Offshore Coordination Support Scheme (**OCSS**).

1.3.4 Ms Brodrick explained that in September 2024, after the submission of the DCO application, DESNZ decided not to grant funding for the OCSS. However, the Project still includes works packages to enable an offshore connection should that come forward in the future by a third party. Ms Brodrick confirmed that the onshore connection option is currently the only viable connection for the Project.

Post hearing note: The Applicant has submitted an updated Co-ordination Report at Deadline 1 (2.5 Co-ordination Report (Rev 2)) which provides an update on this engagement following DESNZ's decision not to grant further funding for the OCSS in September 2024 post-submission of the DCO Application.

1.3.5 Ms Brodrick explained that the site selection process for the landfall location and this onshore substation is set out in detail in Chapter 4 of the Environmental Statement **[APP-020]**.

1.3.6 Ms Brodrick noted that a number of the submissions made at OFH1 related to the management of land during the construction process. Ms Brodrick referred to the Outline Code of Construction Practice (**CoCP**) **[APP-248 but updated for Deadline 1]** which sets out all of the measures that will be taken in relation to the management of soil during construction. These measures address the concerns raised relating to the compaction of soil and restoration. The CoCP also includes measures relating to drainage and groundwater and access to land during construction. Ms Brodrick noted that discussions are ongoing with individual landowners to address specific concerns relating to their land. Any losses that are suffered would be compensated.

1.3.7 Ms Brodrick explained that a detailed cumulative effects assessment has been carried out and reported on within each chapter of the Environment Statement. Section 6.7.3 of ES Chapter 6 EIA Methodology **[APP-020]** sets out the methodology for determining what projects should be included within the cumulative effects assessment for each chapter. The Applicant and the promoter of the Five Estuaries Offshore Wind Farm project have sought to co-ordinate and collaborate where practicable in order to minimise both projects' environmental and social effects however the Applicant cannot commit to a joint programme of construction at this stage for various reasons including consenting delays, routes to market for the windfarms and supply chain challenges.

- 1.3.8 In respect of the width of the easement required for the cables, Ms Brodrick referred to the Statement of Reasons **[AS-028]** which sets out why the Applicant requires the flexibility with respect to the proposed easement width for the cable corridor at this stage until detailed design has occurred and the easement width is finalised including to allow for micro-siting and further surveys pre-construction. Ms Brodrick explained that the Applicant does not accept submissions that the land between North Falls and Five Estuaries projects within the easement will become sterilised because farming activity will be able to continue on that land.
- 1.3.9 In respect of National Landscapes, Ms Brodrick noted that the Applicant will describe how it has discharged the duty to seek to further the purpose of conserving and enhancing the natural beauty of the relevant area pursuant to section 85 of the Countryside and Rights of Way Act 2000 in writing at Deadline 1. For example, through design evolution, site selection and consideration of alternatives. Ms Brodrick confirmed that there are no proposed works within a National Landscape.

1.4 Concerns Raised by IPs and the Applicant's Response

| ID | Issue Raised | Applicant's Response |
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| Tamsin Fairley, on behalf of T Fairley and Sons Limited, Robert Fairley Limited, T & R Fairley Farming Partnership | | |
| TF-01 | We are broadly concerned about the impacts of works in the cable route on farming during construction and after reinstatement. | <p>The Applicant acknowledges the respondent's concerns regarding the importance of soil and the potential impact to farming operations. While there will be a temporary impact to agriculture and soils during construction, following completion, land along the onshore cable route will be reinstated and available for its former use.</p> <p>The Project's infrastructure has been designed to minimise impacts on above ground receptors, including agricultural land. All cabling infrastructure will be buried below at least 0.9m depth to ensure that agricultural practices can continue following the completion of construction. The Draft Development Consent Order (submitted at Deadline 1) secures that no stage of the onshore works may commence until a Soil Management Plan has been approved by the relevant planning authority.</p> <p>Any soil management plan must accord with Outline Code of Construction Practice (submitted at Deadline 1). This document provides an outline on soil management (Section 1.6) and agricultural land management (Section 1.7). The</p> |

| ID | Issue Raised | Applicant's Response |
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| | | <p>onshore works for North Falls must be carried out in accordance with the approved Soil Management Plan, which will define the site-specific mitigation measures and good industry practice techniques required to protect soil resources.</p> <p>For further information regarding the consideration of impacts on agricultural land, please see ES Chapter 22 Land Use and Agriculture [APP-036].</p> |
| TF-02 | <p>We are concerned about the safety of field entrances and tracks where shared use is proposed between farmers and construction workers. Field entrances and shared used tracks would be used by both construction vehicles and harvest farming vehicles. We are concerned about how this joint use will operate to enable construction and farming to occur concurrently.</p> | <p>Where practicable and in order to reduce impacts on agricultural productivity, the planning and timings of works will be discussed with landowners and occupiers. Section 22.6.1.2 and Table 22.3 of ES Chapter 22 Land Use and Agriculture [APP-036] provides further information on the consideration of impacts on access during construction.</p> <p>The Access to Works Plan [APP-204] provides further details on proposed access and crossings during construction.</p> |
| TF-03 | <p>We are concerned about the potential width of the cable corridor easement, the final location of the cables within that easement for the North Falls project (the Project) and the Five Estuaries project and the risk that the cables might be located at the extremities of the easement which would increase restrictions on farming.</p> | <p>The onshore cable route passes through agricultural land, which will be restored to its previous condition and available for its original use. The land can therefore continue to be used for agriculture upon completion of construction activities. Plate 5.20 of ES Chapter 5 Project Description [APP-019] illustrates a typical construction swathe cross-section for open cut trenching for North Falls and Five Estuaries. The Applicant</p> |

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| | <p>The ultimate easement will be 20m wide for each project within a broader 90m area. Landowners could be left with a sterilised section of in the middle of that 90m area between the two cable corridors.</p> <p>The Project and the Five Estuaries project should be constructed at the same time to limit impacts and sterilised area.</p> | <p>therefore does not accept the argument of sterilisation made by the IP.</p> <p>The co-ordination with other NSIPs has been detailed out in the Co-ordination Report (submitted at Deadline 1). This includes co-ordination with Five Estuaries as demonstrated in Section 7.</p> <p>There are a number of factors between now and construction completion that may result in differing programmes between the projects. These include consenting delays, routes to market for the windfarms and supply chain challenges. The projects would like to construct at the same time to minimise impacts and costs for the projects, however, due to the risks mentioned above, this cannot be guaranteed.</p> |
| TF-04 | <p>We are concerned about ongoing damage to soil structure as a result of the Project. We expect to see reduced yields for a number of years (possibly 10+ years after cables buried). We have examples of areas where farms have experienced reduced yields for 20-30 years. We suggest a restriction to summer working is implemented to mitigate damage to soil structure which has been employed on other schemes to success.</p> | <p>Please see the Applicant's response to TF-01 regarding concerns about damage to soil structure.</p> <p>The Applicant will review any additional information provided by the respondent in relation to the potential for reduced yields as a result of damage to soil structure and the implementation of a restriction to summer working on other schemes.</p> |

| ID | Issue Raised | Applicant's Response |
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| TF-05 | <p>We are concerned about impacts related to cable depth and request that cable burial depth is at a minimum of 1.2m and that a commitment to this depth is secured in the DCO.</p> <p>Cable depth at less than 1.2m can cause issues relating to drainage and irrigation.</p> | <p>The Project's infrastructure has been designed to minimise impacts on above ground receptors, including agricultural land. All cabling infrastructure will be buried below at least 0.9m depth (and typically at 1.2m deep) to ensure that agricultural practices can continue following the completion of construction.</p> <p>Section 1.8 of the Outline Code of Construction Practice (submitted at Deadline 1) outlines proposed control measures in respect of surface water, groundwater and drainage management. It specifies that a Construction Surface Water Drainage Plan will be developed as part of the Code of Construction Practice to ensure effective ongoing drainage of surrounding land. The Applicant confirms that land drains and irrigation will be maintained wherever practicable during construction and reinstated upon conclusion of the works. In addition, a post-construction drainage scheme will be developed and where applicable integrated with existing drainage systems. Following completion of the construction works, an easement will be established for the protection of the installed infrastructure. If repairs or maintenance is subsequently required to drainage or irrigation systems, the landowner will be able to undertake such activities. However, prior approval from the owner and operator of the infrastructure must be obtained to ensure the safety of the installed asset and those conducting the work.</p> |

| ID | Issue Raised | Applicant's Response |
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| | | <p>The Applicant is seeking to jointly instruct an independent drainage consultant to undertake an assessment of existing drainage systems by carrying out an initial walkover survey prior to construction. The investigations will inform the pre-construction drainage design and identify if alterations are required to be made to the existing drainage system. Further details regarding construction drainage management are provided in the Outline Code of Construction Practice (submitted at Deadline 1).</p> |
| TF-06 | <p>Restrictive covenants restricting farming activities should not be imposed over the cable burial area as there is a risk that farmers could inadvertently breach that via vehicles sinking into ground. Restrictive covenants could also restrict drainage and irrigation repairs if landowners are required to notify North Falls first before attending to the work and could suffer loss from delay.</p> | <p>Please see the Applicant's response to TF-05.</p> <p>The Applicant refers to paragraphs 5.4.3 to 5.4.7 of the Statement of Reasons [AS-028] which set out the justification for the imposition of restrictive covenants. The proposed restrictive covenants are necessary and proportionate to protect the cables from damage.</p> |
| TF-07 | <p>We are concerned about the ongoing profitability of farming businesses that are severed by the cable route during construction in relation to accessing areas with existing machinery etc.</p> | <p>Wherever practicable, access to severed land for farm vehicles and agricultural machinery will be maintained. Where necessary and feasible, crossing points would be discussed and agreed with landowners and occupiers by the Agricultural Liaison Officer pre-construction.</p> |

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| | | <p>Further, where practicable and in order to reduce impacts on agricultural productivity, the planning and timings of works will be discussed with landowners and occupiers.</p> <p>Section 22.6.1.2 and Table 22.3 of ES Chapter 22 Land Use and Agriculture [APP-036] provides further information on the consideration of impacts on access during construction.</p> |
| TF-08 | <p>We are concerned about impacts stemming from the compaction of soil on farmland related to the construction and use of the haul road.</p> <p>We understand that the land will not be able to be fully returned to its current state and that there will be reduced yield across its length.</p> | <p>The Project's infrastructure has been designed to minimise impacts on above ground receptors, including agricultural land. The Draft Development Consent Order [APP-005] secures that no stage of the onshore works may commence until a Soil Management Plan has been approved by the relevant planning authority. Any soil management plan must accord with Outline Code of Construction Practice [APP-248]. This document provides an outline on soil management (Section 1.6) and agricultural land management (Section 1.7). The onshore works for North Falls must be carried out in accordance with the approved Soil Management Plan, which will define the site-specific mitigation measures and good industry practice techniques required to protect soil resources.</p> <p>For further information regarding the consideration of impacts on agricultural land, please see ES Chapter 22 Land Use and Agriculture [APP-036].</p> |

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| | | The Applicant's position is that the land used for the haul road will be fully restored. |
| TF-09 | We are concerned about the extent of proposed freehold acquisitions at Norman's Farm. The scope of acquisition has increased significantly from initial conversations with North Falls (from 25 acres to 75 acres). This will have long terms effects on profitability and sustainability of the business. | <p>The Applicant refers to ES Chapter 4 Site Selection and Assessment of Alternatives [APP-018] which details selection of the site for the proposed substation.</p> <p>The Applicant continues to hold productive conversations with landowners and refers to Table 5.28 of ES Chapter 5 Project Description [APP-019] which sets out the maximum onshore substation platform footprint as 280 x 210m (~14.5 acres) for North Falls only. However, land is also required for landscaping, to mitigate local landscape and visual effects to an acceptable level, for the provision of drainage and for environmental mitigation works which have been developed in co-ordination with Five Estuaries. The development of the substation has considered environmental, physical, technical, commercial, social aspects and feedback from early engagement with communities and stakeholders.</p> <p>The Applicant considers that the extent of land acquisition is reasonable and necessary.</p> <p>The Applicant acknowledges that private losses may be incurred as a result of the Project. Compensation is available to those entitled to claim it under the relevant provisions of the compensation code.</p> |

| ID | Issue Raised | Applicant's Response |
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| TF-10 | <p>We are concerned about the differences in design for the onshore substation site between the Project and Five Estuaries project.</p> <p>As currently designed, we prefer the Project's design but have been informed by Five Estuaries that the Project's design will not be acceptable because of its proposed landscaping plan.</p> <p>This is a confusing and difficult situation to deal with given we are not certain which design will ultimately be built on the site.</p> | <p>The Applicant acknowledges the IP's concerns.</p> <p>The proposed substation has been designed to incorporate landscaping and visual mitigation measures to reduce its visibility and integrate it as sensitively as possible into the surrounding environment. The Design Vision [APP-234] seeks to enhance and strengthen the landscape character of the North Falls setting, ensuring that a sensitive and high-quality development is successfully integrated within the local environment.</p> <p>The Applicant submits that its substation design including its proposed landscaping and visual mitigation measures is a strong and appropriate design option to provide necessary Project infrastructure and to address the potential for localised landscape and visual effects associated with the proposed North Falls onshore substation.</p> |
| Simon Amstutz, on behalf of Suffolk and Essex Coast and Heaths National Landscape Partnership | | |
| SA-01 | <p>Recent reforms in December 2023 (plus related guidance) have strengthened the duty of relevant authorities under section 85 of the Countryside and Rights of Way Act 2000 in relation to decision making in respect of land affecting an Area of Outstanding Natural Beauty (AONB). The ExA</p> | <p>The Applicant refers to its response to Suffolk and Essex Coast and Heaths National Landscape Partnership's Relevant Representation set out in section 2.29 of the Applicant's Responses to Relevant Representations Received from</p> |

| ID | Issue Raised | Applicant's Response |
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| | should consider how North Falls has met this duty and how that compliance has been demonstrated. | Statutory Consultees and Non Prescribed Consultees submitted at Deadline 1 (Document Ref 9.2). |
| SA-02 | The ExA should consider all impacts of the Project on AONBs and national landscapes including those that do not reach the environmental impact assessment threshold. | <p>The Applicant has considered potential impacts of the onshore and offshore components of the Project on seascape, landscape and visual resources including, relevantly, the Suffolk Coast & Heaths Area of Outstanding Natural Beauty (now defined as the SECHNL) in ES Chapter 29 Seascape, Landscape and Visual Impact Assessment [APP-043].</p> <p>That chapter concludes in Table 29.21 that there will be no significant impacts on the special qualities of the SECHNL.</p> <p>The Applicant considers that this assessment is appropriate and proportionate.</p> |
| SA-03 | The ExA should consider impacts on AONBs stemming from both the offshore and onshore elements of the Project and cumulative impacts with other proposals. | <p>Please see the Applicant's response to SA-02.</p> <p>Cumulative effects on seascape, landscape and visual resources are considered in section 29.7 of ES Chapter 29 Seascape, Landscape and Visual Impact Assessment [APP-043].</p> |

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| Rachel Fletcher, on behalf of the Ardleigh Parish Council | | |
| RF-01 | <p>The Examination and DCO process is confusing and challenging. Ardleigh Parish Council (APC) would appreciate further opportunities to express views and more time to prepare responses and review documents etc throughout the process given resourcing issues and councillor availability.</p> | <p>The Applicant acknowledges this concern and notes that the Examining Authority has not set the timetable for the Examination in its Rule 8 Letter [PD-008].</p> |
| RF-02 | <p>We are concerned about the cumulative effects of various projects in the region on the Ardleigh Parish area. The Ardleigh Parish area is the epicentre for various projects in the region and must deal with cumulative impacts of traffic and constriction for all projects. We invite the ExA to the Ardleigh Parish area to understand these impacts to get a feel for the town.</p> <p>Cumulative effects from Nationally Significant Infrastructure Projects, garden community projects, housing developments and mineral extraction projects all contribute to impact of cumulative effects in the region.</p> <p>All projects in the region have not sufficiently coordinated – this feels like a piecemeal approach to development.</p> | <p>A detailed cumulative effects assessment (CEA) has been carried out and reported on within each ES chapter [APP-033 to APP-047]. Both the Five Estuaries Offshore Wind Farm ('Five Estuaries') and the Norwich to Tilbury project have been considered within the CEA for each chapter.</p> <p>The Applicant and VEOWL (the promoter of Five Estuaries) have sought to co-ordinate and collaborate where practicable in order to minimise both projects' environmental and social effects. As a result, the two projects have undertaken co-ordinated design, resulting in a co-located onshore substation designs, and the development of adjacent onshore cable routes. The Applicant is also including within its DCO application the option to construct the onshore cable route civil engineering works (cable trenching and duct installation), for Five Estuaries, to minimise disruption to environmental receptors and local communities.</p> |

| ID | Issue Raised | Applicant's Response |
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| | | <p>The Norwich to Tilbury project proposals are at an earlier stage of development. The Applicant has engaged with NGET, as the promotor of the Norwich to Tilbury project, to explore options for collaboration to minimise the effects arising certain element of the proposals, e.g. traffic and transport. This engagement will continue through the ongoing design development of the Norwich to Tilbury project.</p> <p>All relevant schemes where information is available in the public domain (including, for example Tendring/Colchester Borders Garden Community) have been considered within the CEA for each ES chapter.</p> <p>Full details of how the Applicant has co-ordinated with other developers can be found in the Co-ordination Report (submitted at Deadline 1).</p> |
| RF-03 | <p>We are concerned about the social and health and wellbeing impacts of the Project and other developments on the Ardleigh Parish area. The character of the Ardleigh Parish area is changing significantly and residents are experiencing related anxiety and feelings of powerlessness.</p> | <p>The Applicant acknowledges these concerns.</p> <p>The effects on the health and wellbeing of local residents as a result of the construction and operation of the Project, together with cumulative effects, is assessed in ES Chapter 28 Human Health [APP-042].</p> |

| ID | Issue Raised | Applicant's Response |
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| RF-04 | The APC supports an offshore integrated grid connection option. | <p>The Applicant's Co-ordination Report (submitted at Deadline 1) sets out North Falls' long-term engagement in the Offshore Transmission Network Review, (OTNR commencing from 2020) and then subsequently, the Department of Energy Security and Net Zero (DESNZ) project, the Offshore Coordination Support Scheme (OCSS). The OCSS was a UK Government led project facilitated, managed and directly funded by DESNZ.</p> <p>On the 3 September 2024 (two months after North Falls DCO submission), the Secretary of State for DESNZ decided not to grant further funding to explore the potential for offshore cable and offshore grid connection coordination as part of the OTNR "Early Opportunities" workstream and advised key stakeholders accordingly. Whilst the workstream identified that an offshore cable and grid connection point was technically feasible, it identified the potential for significant additional costs and delay.</p> <p>While the Secretary of State has decided not to grant further funding for this workstream, an offshore cable coordinated connection point remains a grid connection option within the North Falls DCO application.</p> |

| ID | Issue Raised | Applicant's Response |
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| RF-05 | <p>Many people in the region are suffering from consultation fatigue given that various DCO processes for a number of projects have occurred in quick succession.</p> | <p>With three Nationally Significant Infrastructure Projects (North Falls Offshore Wind Farm, Five Estuaries Offshore Wind Farm and National Grid Electricity Transmission's (NGET) Norwich to Tilbury Project) in the pre-application development stage and affecting the same area, the Applicant has been mindful of the potential for consultation fatigue amongst its stakeholders and has attempted to align with these other projects to schedule consultation in a way that would minimise the risk of fatigue. However, given the requirements under the Planning Act 2008 for engagement and consultation, alongside differing project timelines, it was not always possible to completely avoid the risk.</p> <p>The Applicant believes its approach to coordinating with Five Estuaries and NGET's Norwich to Tilbury Project to avoid overlapping consultations, as far as practicable, as well as clear communication about how the projects relate to each other, is proportionate.</p> <p>More information about how the Applicant has considered and mitigated the risk of consultation fatigue can be found in Section 1.6 of the Applicant's Consultation Report [APP-215].</p> |



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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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