



N O R T H F A L L S

Offshore Wind Farm

Applicant's comments on other Deadline 1 submissions

Document Reference: 9.20
Volume: 9
Date: March 2025
Revision: 0

Project Reference: EN010119



| | |
|---------------------------|--|
| Project | North Falls Offshore Wind Farm |
| Document Title | Applicant’s comments on other Deadline 1 submissions |
| Document Reference | 9.20 |
| Supplier | NFOW |

This document and any information therein are confidential property of North Falls Offshore Wind Farm Limited and without infringement neither the whole nor any extract may be disclosed, loaned, copied or used for manufacturing, provision of services or other purposes whatsoever without prior written consent of North Falls Offshore Wind Farm Limited, and no liability is accepted for loss or damage from any cause whatsoever from the use of the document. North Falls Offshore Wind Farm Limited retains the right to alter the document at any time unless a written statement to the contrary has been appended.

| Revision | Date | Status/Reason for Issue | Originator | Checked | Approved |
|-----------------|-------------|------------------------------------|-------------------|----------------|-----------------|
| 0 | March 2025 | Deadline 2 | NFOW | NFOW | NFOW |
| | | | | | |
| | | | | | |
| | | | | | |

Contents

| | | |
|-----|--|----|
| 1. | Introduction | 5 |
| 1.1 | Introduction | 5 |
| 1.2 | Purpose of the document | 5 |
| 2. | Applicant's comments on other deadline 1 submissions | 6 |
| 2.1 | Deadline 1 Submissions where the Applicant has no comment | 6 |
| 2.2 | Deadline 1 Submissions where the Applicant will provide comment (where applicable) at Deadline 3 | 6 |
| 2.3 | Applicant's Response to T and R Fairley Farming Partnership [REP1-02]... | 7 |
| 2.4 | Applicant's Response to Bobby Swift [REP1-078]..... | 9 |
| 2.5 | Applicant's Response to Penelope Swift [REP1-081]..... | 10 |
| 2.6 | Applicant's Response to The Corporation of Trinity House of Deptford Strond [REP1-076] | 10 |
| 2.7 | Applicant's Response to Natural England [REP1-071]]..... | 11 |
| 2.8 | Applicant's Response to MMO Deadline 1 Submission [REP1-068] | 11 |

Tables

| | | |
|-----------|---|----|
| Table 2.1 | Submissions where the Applicant has no comment | 6 |
| Table 2.2 | Submissions where the Applicant will provide comment (where applicable) at Deadline 3 | 6 |
| Table 2.3 | Applicant's Response to T and R Fairley Farming Partnership | 7 |
| Table 2.4 | Applicant's Response to Bobby Swift | 9 |
| Table 2.5 | Applicant's Response to Penelope Swift | 10 |
| Table 2.6 | Applicant's Response to The Corporation of Trinity House of Deptford Strond..... | 10 |

| | |
|---|----|
| Table 2.7 Applicant's Response to Natural England..... | 11 |
| Table 2.8 Applicant's Response to MMO Deadline 1 Submission | 11 |

1. INTRODUCTION

1.1 Introduction

- 1.1.1 This document has been prepared by North Falls Offshore Wind Farm Limited ('the Applicant') in relation to the North Falls Offshore Wind Farm (hereinafter referred to as 'North Falls' or the 'Project').
- 1.1.2 The Examining Authority's Rule 8 letter **[PD-008]** confirmed that Deadline 1 for the Examination was Tuesday 18 February 2025.
- 1.1.3 This document has been prepared by the Applicant for submission at Deadline 2 on Tuesday 4 March 2025, and responds to submissions made at Deadline 1.

1.2 Purpose of the document

- 1.2.1 This document provides comments, where appropriate and relevant, on other submissions that were made at Deadline 1 by Interested Parties.
- 1.2.2 Please see the Applicant's Response to the Local Impact Reports (LIRs) **[9.21 (Rev 0)]** for specific comments on the local authorities' LIRs.

2. APPLICANT’S COMMENTS ON OTHER DEADLINE 1 SUBMISSIONS

2.1 Deadline 1 Submissions where the Applicant has no comment

Table 2.1 Submissions where the Applicant has no comment

| ExA Ref | Party | Document Title | Applicant’s Response |
|----------|--------------------------------|--|---|
| REP1-075 | The Coal Authority | Cover Letter | No comment. |
| REP1-080 | Glynis Robertson | Requests to be heard at any subsequent OFH to be held after OFH1 | No comment. |
| REP1-072 | Port of London Authority | Written summaries of oral submissions made at the PM or hearings | No comment. |
| REP1-079 | Cllr Fellowes | Requests to be heard at any subsequent OFH to be held after OFH1 | No comment. |
| REP1-073 | Suffolk County Council | Written summaries of oral submissions made at the PM or hearings | No comment. |
| REP1-062 | Babergh District Council | Written summaries of oral submissions made at the PM or hearings | No comment. |
| REP1-069 | Natural England | Cover Letter | No comment. |
| REP1-070 | | Risk and Issues Log | No comment. The Applicant understands this document reflects Natural England’s Relevant Representation which the Applicant responded to at Deadline 1 [REP1-044] . |
| REP1-066 | Marine Management Organisation | Summaries of all RR exceeding 1500 words | No comment, the Applicant has responded to the MMO’s Relevant Representations at Deadline 1 [REP1-045] . |

2.2 Deadline 1 Submissions where the Applicant will provide comment (where applicable) at Deadline 3

Table 2.2 Submissions where the Applicant will provide comment (where applicable) at Deadline 3

| ExA Ref | Party | Document Title | Applicant’s Response |
|----------|--------------------------------|--|--|
| REP1-067 | Marine Management Organisation | Comments on Relevant Representations from other Interested Parties, Initial Statements of Common Ground and Further Comments | The Applicant will provide comments (where applicable) at Deadline 3 as per the Examination Timetable. |
| REP1-061 | Anglian Water | Responses to ExQ1 | The Applicant will provide comments (where applicable) at Deadline 3 as per the Examination Timetable. |

| ExA Ref | Party | Document Title | Applicant's Response |
|----------|------------------|--|---|
| REP1-084 | Glynis Robertson | Written Summary of Oral submission at PM hearing | The Applicant notes this submission was published on 28 February 2025. Given the limited time between publication and Deadline 2, the Applicant will provide a response at Deadline 3 (in the event comments are required). |

2.3 Applicant's Response to T and R Fairley Farming Partnership [REP1-02]

Table 2.3 Applicant's Response to T and R Fairley Farming Partnership

| Applicants Ref | Theme | Comments from T and Fairley Farming Partnership | Applicant's Response |
|----------------|-------------------------------|---|---|
| D1_TRFP_01 | Preconstruction Soil Analysis | Detailed soil analysis needs to be undertaken prior to any intrusive surveys, enabling works and construction at regular intervals to measure topsoil and subsoil depths, compaction, organic matter, N, P, K, Mg etc. | <p>Section 1.6 of the Outline Code of Construction Practice [REP1-033] (OCoCP) acknowledges that there is the potential for soil compaction and erosion as well as changes to soil drainage during the construction process. As a control measure, a Soil Management Plan (SMP) will be prepared (secured by a Requirement of the draft DCO [REP1-011]) in advance of construction by a suitable and competent soil specialist to include soil analysis to BS3882 to identify current soil nutrients and contaminants. Measures set out in the Ministry of Agriculture, Fisheries and Food (MAFF) (2000) Good Practice Guide for Handling Soils and Defra (2009) Construction Code of Practice for the Sustainable Use of Soils on Construction Sites will also be adopted which includes the seeding of topsoil bunds with legume to fix nutrients and keep the soil live. This limits soil loss and the requirement for significant inputs when the land is reinstated.</p> <p>Additionally, the Applicant has produced a Construction Practice Addendum (CPA) which will be appended to voluntary agreements being sought with landowners. The CPA provides a commitment to landowners entering into voluntary agreements that soil surveys will be undertaken by a soil specialist prior to commencement of construction works, to include recording soil nutrient levels on a per-field basis as part of the survey. This commitment aligns with the requirements of the SMP.</p> <p>It would be disproportionate to undertake the same level of soil surveys prior to undertaking intrusive surveys and enabling works. Intrusive surveys and enabling works involve localised operations over a short period of time with comparatively low risks of soil mixing between locations. The soil surveys would therefore be of limited benefit to landowners.</p> <p>The Applicant wishes to clarify that any proven losses as a result of fluctuating soil nutrient levels would be compensated under the Compensation Code and there is an obligation for the Project to reinstate the land to a condition no worse than the condition that existed prior to the commencement of construction works.</p> |
| D1_TRFP_02 | Timing of Works | <p>Winter working must not be permitted. A Spring to Autumn working window should be implemented with specific measurable indicators to restrict working periods in unsuitable weather conditions. At present the CoCP submitted in the DCO and the construction practice addendum provided with the voluntary agreements makes vague reference to best practice but does not restrict the Applicant, in a measurable way, from working in weather conditions that would result in works not being carried out in the best interest of the land and soils.</p> <p>We are requesting that the Applicant is required to adhere to specific controls based on measurable indicators such as levels of rainfall in order to determine if working conditions are suitable and that Land Owners should have the ability to request a Soil</p> | <p>The Applicant refers to section 1.6 of the Outline Code of Construction Practice [REP1-033] (OCoCP) which details soil management throughout construction. As mentioned, a Soil Management Plan will be produced as part of the Code of Construction Practice to define site specific mitigation measures and good industry practices, which includes timing of works. All mitigation and practices will be adopted as per the Ministry of Agriculture, Fisheries and Food (MAFF) (2000) Good Practice Guide for Handling Soils and Defra (2009) Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.</p> <p>Where land is used temporarily for construction, the Project has designed the onshore cable route sections so that a number of them can be constructed in a single Spring to Autumn season. This is not practicable for all sections, as access is limited to certain parts of the onshore cable route and is difficult due to the nature of the road network in some areas,</p> |

| Applicants Ref | Theme | Comments from T and Fairley Farming Partnership | Applicant's Response |
|----------------|--------------------------------|---|--|
| | | Expert and/or other independent third party expert to be called upon to determine if it is appropriate for works to be carried out in the event of disagreement. | <p>requiring longer cable route sections. In these areas, and where activity duration dictates, infrastructure will need to remain in place over winter due to the impacts of activities such as haul road construction/decommissioning. Therefore, restricting construction during the winter season will lengthen the programme, and the impacts of construction.</p> <p>For activities that will impact the soil over winter months and where practicable, the planning and timings of works will be discussed with landowners and occupiers in order to reduce impacts on agricultural productivity. The OCoCP and the CPA also refer to the appointment of an Agricultural Liaison Officer who will undertake discussions with landowners to identify ways in which the impacts of construction works can be mitigated.</p> |
| D1_TRFP_03 | Period of Construction | We understand the Applicant intends to open the whole trench, install all the ducting and pull the cable before any reinstatement works take place which will result in the land along the route being left open and soils stored for a considerable period, causing prolonged damage to soils unnecessarily. We consider the route should be divided into stages if it is not achievable to complete the ducting installation within a spring-autumn work window for the whole route, as is being implemented on the Norfolk Vanguard West scheme. | <p>The Applicant refers to section 5.7.3.2.1 of ES Chapter 5 Project Description [APP-019] which confirms in paragraph 231 that cable duct installation works would be a continuous activity with a 'work front', with installation being undertaken within one section of the onshore cable route before moving on to the next. In any given location, once the cable ducts have been installed the trenches would be backfilled and the work front would continue moving onto the next section. This would minimise the amount of land being worked on at any one time.</p> <p>Paragraph 257 of section 5.7.3.3 confirms cables would be pulled through the pre-installed ducts later in the construction programme. During the cable pulling works, trenches would not need to be completely reopened and the cable pull would take place from joining bays located approximately every 500m along the onshore cable route.</p> <p>Following completion of the works, all areas of the onshore cable route including cable trenches, spoil storage, haul road and temporary construction compounds will be reinstated to a condition no worse than the condition that existed prior to the commencement of construction works. This process will be continuous during construction as each area of the works is completed.</p> |
| D1_TRFP_03 | Coordination between NF and VE | To prevent the land from being unnecessarily impacted twice, we are requesting that whichever developer proceeds first (if not together), they must lay the ducting for the second developer or allow the second developer to install ducting at the same time, such that the scenario whereby the land is reopened up / or a separate trench is required further away from the first is avoided. | <p>As set out in Coordination Report [REP1-004], NFOWF and VEOWF have and continue to collaborate on a coordinated solution to minimise the impact on farmland in respect of the onshore substation and onshore cable route. The Applicant refers to Section 5.3.2 of ES Chapter 5 Project Description [APP-019] and Section 7 of the Co-ordination Report [REP1-004] which outlines the co-ordination with Five Estuaries to minimise both projects' environmental and social effects.</p> <p>As set out in Section 6.3 of Coordination Report [REP1-004], Build Option 2 represents the most coordinated construction. This involves the first project constructing and completing duct installation works for both NFOWF and VEOWF. The second project would then pull its electrical cables through the pre-laid ducts at a later date. There are a number of factors influencing the ability of NFOWF and VEOWF to deliver Build Option 2 between DCO consent and construction that may result in differing programmes between the projects. These include consenting delays to either project, projects being unsuccessful at Contract for Difference (CfD) auctions and supply chain constraints. Due to these considerations, the Applicant cannot confirm that Build Option 2 will be the approach taken for construction.</p> <p>There is currently no formal mechanism for anticipatory investment from a project, and the Electricity and Gas (Ownership Unbundling) Regulations 2014 as they stand at the moment discourage it. However, the Construction Scenarios defined in the Co-ordination Report [REP1-004] have been developed between NFOWF and VEOWF to minimise the impact on the land.</p> |

| Applicants Ref | Theme | Comments from T and Fairley Farming Partnership | Applicant's Response |
|----------------|---|---|--|
| D1_TRFP_04 | Weed Management on Top Soil and Sub Soil Stores | In the event the Applicant does not appropriately manage the control of weeds on stored soils, the Applicant should not be allowed to unreasonably withhold consent for land owners to carry out any necessary operations (subject to complying with CDM regulations) to manage weeds on stored soils, with reasonable costs of doing so to be recoverable from the Applicant. | Section 1.6 of the Outline Code of Construction Practice [REP1-033] (OCoCP) confirms that a Soil Management Plan (SMP) will be prepared (secured by a Requirement of the draft DCO [REP1-011]) in advance of construction by a suitable and competent soil specialist. Measures set out in the Ministry of Agriculture, Fisheries and Food (MAFF) (2000) Good Practice Guide for Handling Soils and Defra (2009) Construction Code of Practice for the Sustainable Use of Soils on Construction Sites will also be adopted which includes the seeding of topsoil bunds with legume to fix nutrients and keep the soil live. The OCoCP also confirms that weed control will be performed on topsoil and subsoil bunds. |
| D1_TRFP_05 | | We also want to make the Examining Authority aware that, due to an incentivised deadline, since the Open Floor Hearing, ourselves and other land owners along the route have reluctantly signed HoTs with the Applicant for the cable corridor easement however the option agreements are yet to be completed and a satisfactory construction practice addendum has also not yet been agreed. | <p>The Applicant refers to Statement of Reasons [AS-028] Appendix B where the Summary of Negotiations outlines the position between the Applicant and the respondent's representative, who was part of a Land Agent Group. The Heads of Terms were issued to the Land Agent Group on 19 April 2023 prior to populated Heads of Terms being issued in April 2024. The Applicant issued a draft version of the Construction Practice Addendum to the respondent's professional advisor on 28 March 2024.</p> <p>The Applicant confirms that following continued engagement with the respondent's professional advisor, signed Heads of Terms for the cable route easement were received from the respondent on 11 February 2025. The Applicant's solicitor is currently drafting an option agreement to issue to the respondent's solicitor and remains hopeful a voluntary agreement can be reached.</p> |

2.4 Applicant's Response to Bobby Swift [REP1-078]

Table 2.4 Applicant's Response to Bobby Swift

| Applicants Ref | Comments from Bobby Swift | Applicant's Response |
|----------------|---|---|
| NFOW-AFP064 | Dear Sir/Madam, We would like to carry on declaring interest in what is happening with the North Falls wind farm project. We are very worried about the cable corridor as this appears to be coming very near to our property and boundaries and what impact it will have on future projects we want to do on our land, also the disruption to us when the cable corridor is being installed eg; being able to have access to get in and out of our drives as these are in use day and night. This is a worrying time and hope you understand our concerns in this matters. | <p>The Applicant's land agent met with Bobby Swift and Penelope Swift on 26th February 2025 to discuss their Deadline 1 submissions.</p> <p>The respondents were concerned that the projects (NFOWF and VEOWF) would restrict the potential development of their property based on sight of an out-of-date plan.</p> <p>The respondents were shown the latest Land Plans [AS-018] identifying the coordinated Order Limits and were advised on how the projects would be developed in the event it is consented including information on the haul road and accesses.</p> <p>The Outline Construction Traffic Management Plan [REP1-039] includes the provisions for a Community Liaison Officer who would be responsible and first point of contact for informing the community on traffic related matters during works.</p> <p>The respondents confirmed that they did not have any concerns regarding the projects based on the updated information but would continue to follow progress through Examination.</p> <p>The Applicant will continue to engage with the respondents should any further enquiries be made.</p> |

2.5 Applicant's Response to Penelope Swift [REP1-081]

Table 2.5 Applicant's Response to Penelope Swift

| Applicants Ref | Comments from Penelope Swift | Applicant's Response |
|----------------|---|---|
| NFOW-AFP140 | Dear Sir/Madam, We would like to carry on declaring interest in what is happening with the North Falls wind farm project. We are very worried about the cable corridor as this appears to be coming very near to our property and boundaries and what impact it will have on future projects we want to do on our land, also the disruption to us when the cable corridor is being installed eg; being able to have access to get in and out of our drives as these are in use day and night. This is a worrying time and hope you understand our concerns in this matters. | Please see the Applicant's response to NFOW-AFP064. |

2.6 Applicant's Response to The Corporation of Trinity House of Deptford Strond [REP1-076]

Table 2.6 Applicant's Response to The Corporation of Trinity House of Deptford Strond

| Applicants Ref | Theme | Comments from Trinity House | Applicant's Response |
|----------------|---------------------------|---|--|
| | Colouring of Structures | With regard to 'Colouring of Structures', as provided for in Schedule 8, Part 2, s.17, Schedule 9, Part 2, s.18, and Schedule 10, Part 2, s.17 of the draft DCO, Trinity House requests that the wording be amended to reflect the agreed standard navigation conditions as follows: <i>"Except as otherwise required by Trinity House the undertaker must paint all structures forming part of the authorised project yellow (colour code RAL 1023) from at least HAT to a height as directed by Trinity House. Unless the MMO otherwise directs, the undertaker must paint the remainder of the structures grey (colour code RAL 7035)."</i> | The Applicant has updated the wording in the updated draft DCO [6.1, (Rev. 3)] submitted at Deadline 2. |
| | Lighting and Marking Plan | With regard to 'Lighting and Marking Plan', as provided for in Schedule 8, Part 2, s.16(3) and s.21(1)(i), Schedule 9, Part 2, s.17(3) and s.22(1)(i), and Schedule 10, Part 2, s.16(3) and s.21(1)(i) of the draft DCO, Trinity House requests that the wording be amended to reflect the agreed standard navigation conditions by changing the aforementioned 'Lighting and Marking Plan' to read ' <i>aids to navigation management plan</i> '. | The Applicant has updated the wording in the updated draft DCO [6.1, (Rev. 3)] submitted at Deadline 2. |
| | 'Close Out' Report | With regard to 'Close Out Report[s]', as provided for in Schedule 8, Part 2, s.33 and Schedule 9, Part 2, s.34 of the draft DCO, Trinity House requests that the wording of the first sentence of each aforementioned clause be amended as follows: <i>"The undertaker must submit a close out report to Trinity House, the MMO, MCA, UKHO and the relevant statutory nature conservation body within three months of the date of completion of construction."</i> | The Applicant has updated the wording in the updated draft DCO [6.1, (Rev. 3)] submitted at Deadline 2. That the close out report must be submitted to the MMO under the provisions referred to by TH is not required, as it is provided for by the respective preceding conditions. |

2.7 Applicant's Response to Natural England [REP1-071]]

Table 2.7 Applicant's Response to Natural England

| ExA Ref | | Applicant's Response |
|----------|---|--|
| REP1-071 | Appendix I2 to the Relevant Representations of Natural England Seascape, Landscape and Visual Impact Assessment | <p>The Applicant has provided a separate document to respond to Natural England's submission. This was considered preferable given the format of Natural England's document.</p> <p>Please see the Applicant's Response to Natural England's Relevant Representation Appendix I2 Seascape, Landscape and Visual Impact Assessment [9.22 (Rev 0)].</p> |

2.8 Applicant's Response to MMO Deadline 1 Submission [REP1-068]

Table 2.8 Applicant's Response to MMO Deadline 1 Submission

| ExA Ref | Summary of Comments on Other Deadline 1 Submissions | Applicant's Response |
|----------|---|---|
| REP1-068 | <p>Section 2</p> <p><i>The MMO has worked with the Applicant to prepare a SoCG which will be submitted at Deadline 1. The MMO will continue to work with the Applicant outside of the written process to ensure issues are being moved to resolution where possible.</i></p> | As noted in the Progress of Statements of Common Ground [9.11 (Rev 1)] the Applicant continues to engage with the MMO with respect to the drafting of an SoCG. |
| REP1-068 | <p>Section 3</p> <p><i>The MMO would highlight that the Underwater noise policy papers have been published, by DEFRA, JNCC, NE and Cefas. These set out the direction of travel into reducing the noise at source for piling and sets out further detail on how UXO mitigation</i></p> <ul style="list-style-type: none"> <i>Reducing noise policy</i> <i>UXO position statement</i> <i>NE/JNCC/Cefas joint position on Noise Abatement</i> <p><i>3.1.2 The MMO has included links above but will enter these into the examination at Deadline 2 (if another interested party has not done this at Deadline 1). The MMO would ask the Applicant how the publication of these documents changes their Applicant and what updates will be made and at which deadline. This will assist in manging resources to review the most up to date information.</i></p> | The Applicant notes the reference to underwater policy papers in Section 3 and will provide comment at the appropriate forthcoming Deadline. |



NORTH FALLS

Offshore Wind Farm



RWE

HARNESSING THE POWER OF NORTH SEA WIND

North Falls Offshore Wind Farm Ltd

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

To contact please email contact@northfallsoffshore.com

© 2024 All Rights Reserved

North Falls Offshore Wind Farm Limited Registered Address: Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, SN5 6PB, United Kingdom
Registered in England and Wales Company Number: 12435947

NorthFallsOffshore.com



RWE