



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES  
2010

NORTH FALLS OFFSHORE WIND FARM

**Appendix G3 to Natural England's Deadline 3 Submission**  
**Natural England's Red Throated Diver Compensation Advice on the Applicant's**  
**Deadline 1 Documents**

For:

The construction and operation of North Falls Offshore Wind Farm, located approximately 40 km from the East Anglia Coast in the Southern North Sea.

Planning Inspectorate Reference EN010119

18 March 2025

## Appendix G3 Natural England's Red Throated Diver Compensation Advice on the Applicant's Deadline 1 Documents

In formulating these comments, the following documents have been considered:

- [REP1-022] North Falls 7.2.3 Habitats Regulations Assessment Appendix 3 Red Throated Diver Compensation Document (Rev 1) (Tracked)
- [REP1-024] North Falls 7.2.3.1 Habitats Regulations Assessment Annex 3A Outline Red-Throated Diver Compensation Implementation and Monitoring Plan (Rev 1)

**Table 1: Natural England's advice on: Outer Thames Estuary Special Protection Area (OTE SPA) Red-Throated Diver (RTD) Compensation**

Document reviewed	Update made	Issue resolved? <a href="#">Yes/No/Progressed</a>
REP1-022	<i>"As a consequence of Natural England's clear and consistent preference for RTD compensation to be delivered in Scotland, the Applicant has not progressed site selection in Finland any further."</i>	Yes

## 1. Detailed Comments

### **1.1 Scale/extent of the Measure – Increasing Productivity by Provision of Nest Rafts**

Natural England advised in our Relevant Representation (Appendix G [RR-243]) that there was no robust way to quantify the scale of compensation to be delivered. This was due to the mismatch between the expected benefits (increased productivity) and the nature of the impact (habitat loss/degradation). Nonetheless, we considered that the scale of the measure should be cognisant of the fact that a significant impact needed to be compensated for, namely displacement effects arising over 108.7km<sup>2</sup> of the OTE SPA. In that light, we did not judge that the scale of nest raft installation proposed was likely to deliver sufficient or significant benefits to the RTD population or National Site Network (NSN) coherence, with regard to the scale of impact.

The Applicant continues to propose the installation of nesting rafts and/or habitat management at 20 sites, suggesting that this could result in 5-7 additional RTD juveniles entering the population each year. Natural England agree but applied a further calculation using juvenile survival rates to determine that (assuming 6 additional chicks fledge) this may equate to just 2 adult birds per year that could then recruit into the breeding population. We note there is some uncertainty around all these calculations, especially due to the reliance on relatively poorly evidenced demographic rates.

In defence of their original position, the Applicant now argues that “... *the compensation would start to benefit the non-breeding season marine SPA component of the NSN before the additional fledglings reach maturity*” [Section 8.4.2 REP1-022].

Natural England question the relevance and significance of any benefit that these additional juvenile RTDs confer to the NSN. The Applicant presumably considers their potential contribution to non-breeding ‘abundance’ Conservation Objectives within those SPAs to be of value. We would highlight that even if recruitment into the breeding population is not the objective, some 40% of the additional juveniles fledged each year might be expected to perish over their first winter. Thus, it is not clear how a benefit can be construed from the measure’s total (surplus) productivity, or indeed how the ecological effectiveness of the measure can be judged in-lieu of proper consideration of juvenile survival rates.

Natural England are not persuaded that any significant ‘benefit’ will accrue to ensure the coherence of the NSN by way of juvenile birds being present in marine SPAs during the non-breeding season, noting that some of these birds are expected to perish over winter as environmental conditions become more challenging. Any benefit arising would only last as long as each juvenile bird persists.

Further, we suggest that the Applicant’s position does not align with the measure’s primary aim. A compensatory measure to increase breeding success must ultimately aim to also increase recruitment of breeding birds into the population to be ecologically effective. In this sense, the measure is closely aligned with many other compensatory measures. For example, efforts to increase kittiwake breeding success through the provision of Artificial Nesting Structures (ANS) are judged against their ability to deliver new recruits into the breeding population. Natural England acknowledges the uncertainties around this function, not least due to potential interactions of demographic rates. It is not clear that increasing juvenile production always leads to proportionate increases in recruitment due to other limiting factors. Nonetheless, we continue to advocate for the consideration of additional individuals recruiting into the breeding population as being of fundamental importance to any consideration of ecological effectiveness of this measure. It is therefore more legitimate to

consider the potential benefits of the measure to the UK breeding population of RTD, and their interaction with the NSN of sites classified for the species, as the principal mechanism for delivering benefits.

Finally, if the increased abundance of RTDs of any age and status were to be considered a benefit in and of itself, it might be sensible to judge if the increased number of birds could be detectable against the background of natural variation in population. Clearly, the addition of approximately six birds per annum, with four of those expected to perish over the following two years, would not be detectable in the context of any non-breeding SPA population of RTDs.

Natural England remain satisfied that the installation of nest rafts for RTD represents a viable and potentially ecologically effective option for compensation, subject to further information being provided regarding specific locations for delivery (including landowner agreement), and that benefits arising from the measure can contribute to NSN coherence. However, we continue to advise that the Applicant should take a more ambitious approach to the scale of the measure, to ensure a more significant benefit than an increase of 2 breeding adults is delivered, and thus give some comfort that the compensation proposed can be judged as commensurate with the estimated impact.

**Table 2: Natural England's Advice On: Red-Throated Diver Compensation**

<b>Document reviewed: [REP1-022] North Falls 7.2.3 Habitats Regulations Assessment Appendix 3 Red Throated Diver Compensation Document (Rev 1) (Tracked)</b>			
<b>NE Ref</b>	<b>Section</b>	<b>Key Concern and/or Update</b>	<b>Natural England's Advice to Resolve Issue</b>
1	9.4.2 Para 133	Shetland is not included in the locations identified for long listing in the bulleted list.	We advise the Applicant to correct this text..
2	12.2 Para 158	<p><i>"NFOR has, and continues to, engage with SPR to explore potential collaboration, however opportunities for North Falls to provide additional benefit to the data collection required for the EA1N/2 projects have not currently been identified. NFOR expects to be invited to join a working group being established by SPR and intends to contribute to this group."</i></p> <p>We note that no tangible progress has been made towards securing a suite of measures. It appears that a clear proposal defining actions in collaboration with SPR is increasingly unlikely within the Examination timetable.</p>	<p>Natural England continue to advocate for the delivery of a package of measures.</p> <p>Any progress made towards identifying opportunities for relevant and novel data collection or other actions that could ultimately inform strategic measures to benefit RTD, especially at the impacted site, should be submitted into Examination for review.</p>
<b>Document reviewed: [REP1-024] North Falls 7.2.3.1 Habitats Regulations Assessment Annex 3A Outline Red-Throated Diver Compensation Implementation and Monitoring Plan (Rev 1)</b>			
<b>NE Ref</b>	<b>Section</b>	<b>Key Concern and/or Update</b>	<b>Natural England's Advice to Resolve Issue</b>
1	3.3 Para 22	<i>"Recognising that it is the Applicant's position that RTD compensation should not be required, landowner agreements will be secured post consent, if the SoS's decision determines that compensation is required."</i>	Under these circumstances, it is very difficult to advise on the likelihood of the measure being securable by the project. There have been no similar attempts by offshore wind farm (OWF) developers to undertake a project of this nature. As well as increasing the number of proposed locations, we advise that the

		<p>The Applicant does not propose taking any further action to secure the measure ahead of the SoS's decision. Crucially, this includes any effort to secure sites for delivery of nest raft installation.</p> <p>Natural England would highlight that other compensatory measures requiring landowner collaboration have tended to suffer significant issues and barriers to progress when trying to secure agreements in the post-consent phase.</p>	<p>Applicant should continue to make efforts to secure sites for nest raft installation.</p>
	<p>3.5 Para 34</p> <p>3.8</p> <p>3.8.3 Para 63</p>	<p>Natural England are concerned about the approach to long term monitoring of the nest raft/habitat intervention measure. We note that the Applicant states that,</p> <p><i>"It is expected that monitoring of RTD breeding success will be required for the first three years or until the measure is deemed to be operating successfully. The need for ongoing monitoring will be discussed with the RTDCSG and agreed with the SoS."</i></p> <p>Natural England would expect that some level of monitoring would be required to evidence that the measure remains effective for the lifetime of the project. We note that the Applicant also states that <i>"If breeding success is demonstrated to be higher at lochs with rafts installed or habitat management undertaken (i.e. the compensation aim has been achieved), no adaptive management will be required. Instead, the RTDCSG, in discussion with the Project, will agree a programme of ongoing monitoring which balances collection of necessary data whilst minimising unnecessary disturbance</i></p>	<p>Natural England are content that expert knowledge has been applied by the Applicant to propose a sensible and sensitive approach to monitoring. However, we advise that the approach to long-term monitoring could be clarified within the document.</p> <p>Natural England suggest that regardless of prior success, some level of monitoring will be required to evidence ongoing efficacy, and this should be clearly acknowledged by the Applicant.</p>

		<p><i>(e.g. annual monitoring may no longer be required, or only conducted at a subset of sites)."</i></p> <p>Natural England are in general agreement with this approach, noting that careful consideration should be given to the nature of ongoing monitoring within the Red-Throated Diver Compensation Steering Group (RTDCSG).</p>	
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