



N O R T H F A L L S

Applicant's comments on other Deadline 2 submissions and Applicant's responses on comments to Relevant Representations

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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 3 for the Examination was Tuesday 18 March 2025.
- 1.1.3 This document has been prepared by the Applicant for submission at Deadline 3 on Tuesday 18 March 2025, and responds to other submissions received at Deadline 2 and comments on Relevant Representations made at Deadline 2.

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 2 by Interested Parties, as well as the Applicant's response on comments to Relevant Representations made at Deadline 2 by Interested Parties.

2. APPLICANT’S COMMENTS ON OTHER DEADLINE 2 SUBMISSIONS

2.1 Deadline 2 submissions where the Applicant has no comments

Table 2.1 Deadline 2 submissions where the Applicant has no comments

PINS Ref	Party	Title of document	Applicant’s Response
REP2-037	Flanders Heritage Agency	Letter received from Flanders Heritage Agency- agency of the Flemish Government	No comment.
REP1-067 (Deadline 1)	Marine Management Organisation	Comments on Relevant Representations from other Interested Parties, Initial Statements of Common Ground and Further Comments From Marine Management Organisation	The Applicant has no further comment and would refer to the Applicant’s response to Relevant Representations from Statutory Consultees and Non Prescribed Consultees [REP1-045], which includes responses to the MMO.
REP2-044	Marine Management Organisation	Submission Summary	No comment.
REP2-052	Natural England	Cover Letter	No comment.

2.2 Applicant’s Response to Essex County Council [REP2-035]

Table 2.2 Applicant’s Response to Essex County Council

Applicants Ref	Theme	Comments from Essex County Council	Applicant’s Response
REP2-035_a	Traffic and Transport	<p>7.16 Outline Construction Traffic Management Plan (OCTMP) (Rev 1) (Clean) [REP1-039]</p> <p>The Council welcome the following changes to the OCTMP:</p> <ul style="list-style-type: none">• Additional text at paragraph 35 and 37• Amendments at Table 3.1• Additional text at paragraph 67• Amendments at Table 4.1• Additional text at paragraph 106• Additional text at paragraph 114 and 116• Additional text at paragraph 122 <p>As set out in the Council’s LIR [REP1-065], the content of the CTMP does reduce our concerns; we are looking for the following changes:</p> <p>1) Clarity on what pre commencement works will be covered by the management plan (as per the current Five Estuaries OCTMP) we are looking for a commitment where if the scale of any works exceeds 20 two-way movements on the same day, the workforce would be required to adhere to use of the agreed OCTMP construction routes.</p> <p>2) That the approval of the CTMP would be discharged by the highway authority.</p>	The Applicant has scheduled a meeting with Essex County Council on the 20 March 2025 where it is proposed to discuss the content of the Outline Construction Traffic Management Plan with an aim of agreeing where updates may be required.

Applicants Ref	Theme	Comments from Essex County Council	Applicant's Response
		<p>3) Confirmation that the timing of HGV movements will be monitored and reported.</p> <p>4) Confirmation that a high proportion of HGVs will be equipped with GPS (or another suitable method) to monitor routing.</p> <p>5) Further commitments towards monitoring of staff mode share and commitments towards achieving at least the 1.5 persons car share ratio or equivalent sustainable travel percentage, with aspirations for higher proportions.</p> <p>6) A review process to ensure the staff exhibit the shift patterns or if they do not that the impacts are not material.</p> <p>7) Timing of any AIL movements through Colchester to be 'off-peak'.</p> <p>8) Reference to a Framework Highways Agreement for technical approval of the highway works.</p> <p>9) Clarity around the road safety commitments at paragraph 84 and 85 in terms of the extent of the mitigation and how it will be delivered. As per our response to ExA question 17.1.5 below.</p> <p>10) Inclusion of a Road Safety Review process.</p> <p>11) Agreement on a road inspection and remediation process.</p> <p>12) Provision of monitoring reports to the highway authority.</p> <p>The Council is looking for proportionate, pragmatic management measures to reduce the likelihood of the development exceeding its assessed impact and to achieve reasonable levels of sustainable travel (reflecting EN-1) taking into consideration the relative accessibility of the site.</p>	
REP2-035_b	Public Rights of Way	<p>Page 12 (sheet 9 of 16):</p> <p>The plan for Footpaths 3 and 8 Tendring shows an out-of-date alignment and number for Footpath 3. Please see the attached Highways Act 1980 s119 diversion order confirmed by the Planning Inspectorate on 5.01.24 after my referral of it to them. The footpath has also been renumbered as Footpath 25 Tendring.</p> <p>The footpath used to head across the field towards Wolves Hall Farm, but it now runs along the western field edge (see dashed lines on the order plan in the order) before connecting to Wolves Hall Lane.</p> <p>The applicant is expected to obtain their highways (PROW) information prior to PINS confirming the order.</p> <p>This footpath will still require a temporary closure to facilitate their works, but in a different location to that shown on their plan and a different path number too, so an amended plan will be required for the final PAMP. No other discrepancies have been found between their plans and the PROW mapping. (image)</p> <p>Outline Public Rights of Way Management Plan (PROWMP) (APP-252)</p> <p>ECC PROW Team has not assessed/validated the proposed mitigations for each individual PROW as that would require an in-depth knowledge of every footpath and bridleway, which we do not necessarily have.</p> <p>Instead, the PROW team has looked at the applicant's analysis of these PROW and the principals that they have applied to mitigating the impact.</p>	Please refer to the response provided in the Applicant's Response to Local Impact Reports (LIRs) [REP2-023] , Applicants reference LIR_ECC_4.4, for the Applicant's response to the points raised here.

Applicants Ref	Theme	Comments from Essex County Council	Applicant's Response
		<p>The applicant is required to clarify the following mitigation measures requirement:</p> <ul style="list-style-type: none"> • Does the use of trenchless techniques for the circuit installation mean that plant and materials vehicles will not need to cross the PROW where this is mentioned? • In respect of O&M access we obviously accept that this will be necessary and recognise that this is anticipated to involve a very small number of light vehicles driving at walking pace. <p>That notwithstanding, the applicant should reflect that most PROW (especially in a predominantly rural district like Tendring) will be naturally surfaced on clay soil and in many cases are therefore not suited to vehicular use (esp. in wet conditions). Should damage result from O&M vehicle use, we would of course expect those responsible to remedy it as vehicle use is not commensurate with these PROW and therefore not a public purse responsibility), whereas 4.3 Operation and maintenance Section 23 doesn't acknowledge the possibility of this circumstance in respect of remedial works. Where temporary diversions or closures are proposed, we would request that in addition to the sensible measures already indicated in the Outline PAMP, that key stakeholders (PROW Maintenance team, parish councils, main user groups e.g. Ramblers and EBA/BHS) are given prior notice where practically possible. It would also be very beneficial if the applicant's website provided information on temporary diversions and closures as well as providing their contact details for any issues to be reported. Although this information may already be included in the on-site signs, these may come off or become illegible due to the weather, dirt etc. and would not help those planning walks/rides in advance.</p> <p>We look forward to seeing more detail (routes and duration of the temp. diversions) in the final PROWMP.</p>	
REP2-035_c	Landscape	REP1-036 7.14 Outline Landscape and Ecological Management Strategy (Rev 1) (Tracked): We note that there is no specific reference to Green Infrastructure in the contents of the document and would seek inclusion of a section or subsection within the document which identifies how the OLEMP addresses GI.	The Applicant has submitted an updated version of the Outline Landscape and Ecological Management Strategy at Deadline 3 [7.14, (Rev 2)] which includes a subsection on the consideration of GI.
REP2-035_d	Green infrastructure	<p>REP1-012 dDCO</p> <p>Comments provided on 7 February 2025 are still relevant and provided below:</p> <ul style="list-style-type: none"> • It is recommended that landscaping be added to Substation Works 5.— (1) on page 44 (46 of 190). Construction of Work No. 11 (onshore substation) must not commence until details of that work, including landscaping, have been submitted to and approved by the relevant planning authority. • The Green Infrastructure Plan (APP-134) on page 18 refers to a landscaping plan, to ensure habitat creation is implemented throughout the project to off-set losses in biodiversity within the onshore project area. There is no further mention if this Landscaping Plan in the DCO. Page 45 (47 of 190) of the DCO for Work No 11 (Provision of landscaping 7.—(1)) states that no work shall commence until a written landscape scheme and associated work programme is produced in accordance with the Outline Landscape and Ecological Management Plan and has been submitted 	<p>Please refer to the response provided in the Applicant's Response to Local Impact Reports (LIRs) [REP2-023], Applicants reference LIR_ECC_4.7, for the Applicant's position in relation to the issues raised here.</p> <p>In response to the query raised regarding amending the Schedule 5 <i>Land in which only new rights etc., may be acquired</i>, the Applicant is content to add 'other vegetation' to paragraph (h) under Operational and Maintenance, and this has been included in the updated Draft Development Consent Order [REP2-007] submitted at Deadline 3.</p>

Applicants Ref	Theme	Comments from Essex County Council	Applicant's Response
		<p>to and approved by the discharging authority ...</p> <ul style="list-style-type: none"> • It is recommended for the Provision of landscaping 7.—“(1) to include the reference to plans in line with the recommendations to provide further clarity within the OLEMP that detailed plans will be produced. i.e. “written landscape schemes, plans...” • Five Estuaries windfarm have proposed changes to their DCO to better align with North Fall DCO. Including in relation to North Falls Draft DCO (page 74 (76 of 190)) Operational and Maintenance Access bullet point (h), where Five Estuaries have added text to this requirement ‘other vegetation’. I.e. repair, improve, renew, remove, relocate and plant trees, woodland, shrubs, hedgerows, seeding, other vegetation and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs and landscaping. Reference to other vegetation appears to be missing from North Falls DCO. <p>REP1-036</p> <p>The previous comments made on 7 February 2025 on APP-249 is still relevant for REP1- 036 and is provided below:</p> <p>Outline Landscape and Ecological Management Strategy (App-249/ REP1-036)</p> <p>We acknowledge the applicant's response to our previous comments from August 2021 regarding the EIA Scoping Opinion. It is appreciated that the recommendations for the need for a Construction Environment Management Plan (CEMP), Landscape and Ecology Management Plan (LEMP), phased delivery, biodiversity net gain (BNG), and restoration has been considered and the details that these documents would contain will be included in the Outline Landscape and Ecological Management Strategy (OLES).</p> <p>The OLEMS will then inform the final Ecological Management Plan (equivalent to a LEMP) and written Landscape Schemes.</p> <p>We note that there is no specific reference to GI in the contents of the document and would seek inclusion of a section or sub-section within the document which identifies how the OLEMP addresses GI.</p> <p>We support the dDCO requirement on page 46 (48 of 198) Ecological management plan 12.—(1) for no stage of the onshore works may commence until for that stage an ecological management plan in accordance with the outline landscape and ecology management strategy as appropriate for the relevant stage, has been submitted to and approved by the relevant planning authority.</p> <p>The OLEMS outlines the principles that align with the design vision for the landscape and GI. It incorporates recommendations from the BNG Strategy, ES, and GI Plan, stating that all ecological work described in the final EMP will be conducted under the guidance of the appointed North Falls lead Ecological Clerk of Works.</p>	

Applicants Ref	Theme	Comments from Essex County Council	Applicant's Response
		<p>It is understood that the responsibility for aftercare, including replanting and enhancing hedgerows and land not included in permanent works or approved landscaping area, will fall to the landowners. The OLEMS clarifies that the final EMP will include details on replacing failed planting along the onshore cable corridor (subject to agreement with landowners) like for like. It is noted that there has been, and will continue to be, consultation with Essex Wildlife Trust, Natural England, and the Environment Agency.</p> <p>The EMP to also ensure that discussions with landowners and local planning authorities (LPAs) will continue, with regular engagement to ensure agreements regarding the handover and potential long-term management of reinstatement planting not within the permanent works or approved landscaping area. This is to ensure that reinstatement meets legal requirements and expectations.</p> <p>The EMP should also specify who is responsible for GI assets (including any surface water drainage systems), the timelines for implementing each aspect of GI during the development phase to encourage early growth where feasible, maintenance activities and their frequencies, and the funding, management, and monitoring of GI assets for the permanent works and approved landscaping for the Onshore Substation. This ensures that appropriate management, maintenance arrangements, and funding mechanisms are in place to sustain the high-quality value and benefits of the GI assets.</p> <p>New Tree Planting and their early establishment</p> <p>The EMP to include measures for early establishment of new trees to be considered at the time of planting, which is often insufficient leading to poor survival rate of young trees. This should include weeding, mulching and watering. All newly planted trees with a trunk diameter of 6cm or more will be watered for three years via a buried watering tube, irrigation bag or irrigation well; applying 60 litres per visit, at least 14 times between May and September. Mulch, stakes, ties and weed establishment will also be inspected and actioned as required. Stakes and ties should be removed 3 years after planting.</p>	
REP2-035_e	Flood, Surface Water and Drainage	<p>Noting that Requirement 22 of the dDCO (REP1-011) requires an Operational Drainage Strategy, the LLFA also requests a requirement on temporary surface water drainage strategy for construction activities covering the whole project area, not just the onshore substation. This document is required to be submitted to and approved by the LLFA prior to commencement.</p>	<p>Measures to manage surface water drainage from construction activities in the onshore project area are included in the Outline Code of Construction Practice (OCoCP) [REP1-033]. As described in the OCoCP (Section 1.8), a Construction Surface Water Drainage Plan will be developed, as part of the CoCP, and agreed with the relevant regulators and implemented to minimise water within the cable trench and other working areas and ensure ongoing drainage of surrounding land. This typically includes interceptor drainage ditches being temporarily installed parallel to the trenches and soil storage areas to provide interception of surface water runoff and the use of pumps to remove water from the trenches during cable installation. Further detailed measures are set out in Section 1.8 of the OCoCP. The CoCP is secured by Requirement 8 of the draft DCO [REP2-007].</p> <p>The Applicant considers that this approach is proportionate and appropriate and therefore does not agree that the proposed amendments are necessary.</p>

Applicants Ref	Theme	Comments from Essex County Council	Applicant's Response
REP2-035_f	Code of Construction Practice (CoCP) (Noise and vibration)	It is noted that a final CoCP is required to be approved by the discharging authority under Requirement 8 of the draft DCO (REP1-011). The Councils is of the view that reference should also be made for a complaint investigation mechanism in the Outline CoCP for investigation on noise and vibration complaints.	The Applicant has submitted an updated version of the Outline Code of Construction Practice (OCoCP) [REP1-033] at Deadline 3 [7.13, (Rev 2)] which includes a reference to a procedure for investigating noise and vibration complaints during the Project's construction.
REP2-035_g	Cumulative impacts	In the LIR (RER1-065), the Councils raise concerns on the cumulative impacts of the various DCO projects within the area, in particular the co-location of the 3 substations from Five Estuaries, North Falls and the Norwich to Tilbury projects. It is noted that a Joint Noise Complaint Protocol is prepared and agreed between North Falls, Five Estuaries and National Grid for the Norwich to Tilbury DCO. The Councils have commented on this document as part of the Five Estuaries Examination, however, this is not yet submitted for this Examination. The Councils maintain the view that a Joint Noise Complaint Handling Protocol is absolutely necessary, to protect the amenity of adjacent local residents during the operational phase of the as proposed sub stations, to ensure a coordinated and consistent approach to addressing noise complaint(s) during operational stage quickly and concisely so any noise complaint can be actioned in good time.	Please refer to the response provided in the Applicant's Response to Local Impact Reports (LIRs) [REP2-023] (Applicants reference: LIR_ECC_4.15). The Applicant has submitted the latest version of the Onshore substations operational noise and the outline noise complaints protocol [9.32] into the Examination at Deadline 3.

2.3 Applicant's Response to Marine Management Organisation - Comments on Pre-Examination Procedural Deadline Submissions, comments on the updated DCO/DML [REP1-011] and comments on the Statement of Common Ground [REP2-043]

Table 2.3 Applicant's Response to Marine Management Organisation

Applicants Ref	Theme	Comments from Marine Management Organisation	Applicant's Response
REP2-043_a	MMO comments on the updated DCO/DML [version REP1-011]	2.1 The MMO acknowledges the revisions to the draft DCO (dDCO) which have been submitted by the Applicant in their Deadline 1 submission. The MMO provided initial comments on the dDCO in its Deadline 1 submission, which have been included for reference in Table 1. The MMO hopes to see further amendments to the dDCO during the examination process.	There is a significant degree of repetition in Section 2 of the MMO's Written Submission at Deadline 2 [REP2-043] of points made in the MMO's Relevant Representation. The Applicant responded to the MMO's initial comments on the dDCO and DMLs in its response to the MMO's Relevant Representation [REP1-045], see rows MMO-13 to MMO-33. To limit further repetition, the Applicant has responded selectively to the further submissions made by the MMO in its Written Submission. A failure to respond to any particular point made by the MMO in [REP2-043] should not be construed as acceptance of that point.
REP2-043_b	Transfer of the Benefit of the Order	Transfer of the Benefit of the Order 2.2.1. The MMO objects to the provisions relating to the process of transferring and/or granting the deemed marine licences set out in the draft DCO at Article 5. 2.2.2. If the application for the DCO is granted, the MMO will be the regulatory authority responsible for the enforcement of the provisions of the DMLs. As a result, it must retain a record of the DML and who holds the benefit of that licence in order to be able to fulfil its statutory responsibilities as it does in respect of any other Marine Licence.	The Applicant's position in respect of Article 5 of the dDCO is unchanged. The drafting of Article 5 of the dDCO is considered lawful, reasonable, precise, and enforceable. The principle of providing for transfer of the benefit of DMLs is based on well-established precedent in the form of numerous made DCO and DMLs for offshore wind farm projects, including most recently the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (further examples are cited in answers below). The MMO has raised the same or similar concerns in many DCO Examinations (e.g. Hornsea Four) and the MMO's concerns (legal and/or administrative) have not to the Applicant's knowledge been shared or adopted by any previous Examining Authority or by the Secretary of State.

Applicants Ref	Theme	Comments from Marine Management Organisation	Applicant's Response
		<p>2.2.4. The purpose of these provisions is to ensure that there is at all times a record of the person who has the benefit of the licence. That is because pursuant to the 2009 Act section 65(1), no person may carry on a licensable marine activity, or cause or permit any other person to carry on such an activity, except in accordance with a marine licence granted by the appropriate licensing authority. A person who contravenes section 65(1), or fails to comply with any condition of a marine licence, commits an offence (see section 85(1) of the 2009 Act).</p> <p>2.2.5. Thus, it is a key part of the enforcement provisions of the 2009 Act, that the MMO maintains a record of the person who has the benefit of a marine licence at all times.</p>	<p>The Applicant's position is perfectly reasonable and, as such, the Applicant does not propose to amend Article 5 of the dDCO to remove the power to transfer the benefit of the DMLs.</p> <p>The Secretary of State is required to consult with the MMO under article 5(6) prior to approving any such transfer or grant in relation to a DML (save in narrowly defined circumstances where the Secretary of State's consent is not required per article 5(8)).</p> <p>Article 5(9) provides that the MMO may amend any deemed marine licence granted under Schedule 8, 9 or 10 of the DCO to correct the name of the undertaker to the name of the transferee or lessee under article 5.</p> <p>Therefore, the Applicant does not consider that the proposed approach gives rise to any impediment in relation to the MMO's ability to fulfil its duties in relation to enforcement of DMLs.</p>
REP2-043_c	The current draft DCO Article 5 Procedure	<p>The current draft DCO Article 5 Procedure</p> <p>2.2.8. Article 5(3) provides a power to the undertaker to:</p> <p>"a) transfer to the transferee the whole of any of the deemed marine licences and such related statutory rights as may be agreed between the undertaker and the transferee; or</p> <p>b) grant to the lessee for the duration of the period mentioned in paragraph (2)(b), the whole of any of the deemed marine licences and such related statutory rights as may be so agreed."</p> <p>2.2.9. The consent of the Secretary of State to a transfer/grant pursuant to Article 5(2) or 5(3) is required except where Article 5(6) applies. Where the Secretary of State's consent is required, the dDCO Article 5(4) provides that:</p> <p>The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person of the benefit of the provisions of the deemed marine licences (see dDCO Article 5(6))</p> <p>The MMO notes that it is not explicitly stated that the undertaker must consult the Secretary of State before making an application for consent under this article by giving notice in writing of the proposed application.</p> <p>2.2.10. The Secretary of State's consent to the transfer or grant of a DML is not required and thus, there is no requirement for consultation with the MMO prior to the undertaker making that transfer or grant where:</p> <p>"a) the transferee or lessee is the holder of a licence under section 6 of the 1989 Act (licences authorising supply etc.)."</p>	<p>The Applicant notes that the MMO submissions refer to some incorrect paragraphs and its submissions do not appear to fully reflect the drafting of Article 5 of the dDCO for North Falls.</p> <p>The power in dDCO Article 5(3) to transfer or grant a DML is subject to paragraphs (5) and (6).</p> <p>Paragraph (5) provides: "The undertaker must consult the Secretary of State before making an application for consent under this article by giving notice in writing of the proposed application."</p> <p>Paragraph (6) provides: "The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person of the benefit of the provisions of the deemed marine licences".</p> <p>Therefore, save where the narrow exceptions in paragraph (9) applies, the transfer of a DML explicitly requires:</p> <ol style="list-style-type: none"> 1. Consultation with the Secretary of State prior to seeking consent; 2. Consent from the Secretary of State; and 3. Consultation with the MMO before the Secretary of State can give consent. <p>This drafting can, again, be found in numerous made DCOs and is well-precedented.</p>
REP2-043_d	The Basis for Objection	<p>The Basis for Objection</p> <p>2.2.11. The MMO raises objection to Article 5 in relation to:</p> <p>a. The procedure seeking to duplicate the existing statutory regime set out in s72 of the 2009 Act;</p> <p>b. The proposed procedure being cumbersome, more administratively burdensome, slower and less reliable than the existing statutory regime set out in s72 of the 2009 Act;</p>	<p>Responses to these specific points are provided below, where considered necessary.</p>

Applicants Ref	Theme	Comments from Marine Management Organisation	Applicant's Response
		<p>c. No pre-consultation required with the Secretary of State;</p> <p>d. The power for an undertaker to grant a DML;</p> <p>e. The power to grant a DML for a period of time;</p> <p>f. The basis for disapplication of the need for Secretary of State's consent to a transfer/grant for DML is unrelated to any matters relating to marine licensing.</p> <p>g. The absence of any power provided to the MMO to change the DML held in its records to reflect any transfer.</p> <p>h. The overall effect on the ability of the MMO to enforce the marine licensing regime in respect of any transferred or granted DML.</p>	
REP2-043_e	Previous DCOs	<p>Previous DCOs</p> <p>2.2.12. It is acknowledged that DCOs previously granted have removed the effect of s72 of the 2009 Act and made provision for the transfer of DMLs including by way of example, Sheringham Dudgeon OFW, Times Tideway Tunnel DCO and Sizewell C DCO.</p> <p>2.2.13. However, it is to be noted that in very few, if any, do the relevant ExAs explain the rationale for the approach adopted. The same is true of the relevant decision letters. To date, the Applicant has not provided the MMO with any ExA Report or Decision letter which explains why the approach it seems to adopt in the dDCO is appropriate nor indeed to be preferred to the existing statutory procedures.</p> <p>2.2.16. None of the ExA Reports or Decision Letters relating to the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 raised by the Applicant contain any rationale for the transfer provisions. In addition to this, no other projects (Hornsea Four Offshore Wind Farm Order 2023, East Anglia One North Offshore Wind Farm Order 2022, East Anglia Two Offshore Wind Farm Order 2022, Sizewell C or Thames Tideway Tunnel) contain any rationale.</p> <p>To date, the Applicant has not identified any reasoned justification in any previous decision which explains why the transfer process which it proposes is justified and to be preferred over the existing statutory mechanism</p> <p>2.2.17. The MMO, of course, accept that there is a need for consistency in decision-making. However, a decision maker is not bound by previous decisions and can depart from them where there is good reason to do so.</p>	<p>In addition to the examples cited opposite by the MMO, please see also following examples (not an exhaustive list):</p> <ul style="list-style-type: none"> - Hornsea Four Offshore Wind Farm Order 2023 (article 5), - Hornsea Three OWF 2020 (article 5), - East Anglia Three Offshore Wind Farm Order 2017 (article 5) and - Galloper Wind Farm Order 2013 (article 7). <p>In the context that a power to transfer the benefit of a DML is an entirely common and normal provision to include in a DCO, and not a departure from any established norm, it is unsurprising that there is no detailed analysis in the ExA Reports or Decision Letters relating to the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024.</p> <p>The ability to transfer the benefit of the DML was considered in detail in relation to the application for the Hornsea Four project where the MMO adopted a position similar to that set out in respect of this Application. In the Hornsea 4 Offshore Wind Farm examination, the MMO submitted that "there is already a mechanism for transferring the DMLs under the Marine and Coastal Access Act 2009 (MCAA). In the MMO's view Article 5 should be reserved to the transfer of the Order and should not refer to the DMLs. The DMLs should be considered separately and dealt with under MCAA" (Hornsea 4 examination library reference AS-031, Additional submission, accepted at the discretion of the Examining Authority).</p> <p>The Examining Authority in that case rejected the MMO's request noting that the provision had been included in the recently made Orders for Norfolk Vanguard, Norfolk Boreas, East Anglia ONE North and East Anglia TWO.</p> <p>It is therefore clear that this issue has been considered by multiple/ different Secretary of State on multiple occasions in the past, in the context of various infrastructure projects, and the concept of DML transfer provisions has been found to be legitimate and justified.</p> <p>The onus is accordingly on the MMO to justify and set out the particular reasons, specific to North Falls (as opposed to generic submissions taking issue with the approach taken to date by the Secretary of State), that justify the MMO's position and provide compelling reasons for why the Secretary of State should depart from the established norm and exclude transfer of benefit provisions in this case.</p> <p>The Applicant agrees that a decision maker is not bound by previous decisions, however the principle of consistency in decision-making is an important one.</p>

Applicants Ref	Theme	Comments from Marine Management Organisation	Applicant's Response
		2.2.18. If the Secretary of State in the present case determined that on balance, the existing statutory mechanisms relating to transfer of marine licences is to be preferred to the mechanism proposed in the dDCO, then it is open to him to so determine provided he gives reasons for so doing. The absence of any reasoned decision which determines the point previously and which provides a rationale for departing the existing statutory mechanism is a reason to look at this issue again	As per the response above, the MMO has not provided any good reasons that are specific to North Falls or any rationale for looking at this issue again.
REP2-043_f	Pre-application consultation with the Secretary of State	Pre-application consultation with the Secretary of State 2.2.22. The MMO notes that there is not a mechanism for pre-consultation with the Secretary of State – should the Secretary of State decide to include the transfer of benefit this pre-consultation would be welcomed in the form of the following wording: “(X) The undertaker must consult the Secretary of State before making an application for consent under this article by giving notice in writing of the proposed application.”	The MMO submissions are factually incorrect on this point. Article 5, paragraph (5) of the dDCO is in precisely these terms and requires prior consultation
REP2-043_g	The Grant of a DML	The Grant of a DML 2.2.23. dDCO Articles 5(2)(b) and 5(3)(b) seek to make provision for the undertaker to “grant” another person the “benefit of the provisions of the Order (including the deemed marine licences for Article 5(3)(b)) and such related statutory rights as may be so agreed” or “the whole of any of the deemed marine licences and such related statutory rights as may be so agreed”. 2.2.24. This appears to be drawn from Article 9(1)(b) of the Sizewell C DCO, although it is unclear from the wording of that provision whether the power to grant “the benefit of the provisions of this Order and such related statutory rights” includes the power to grant a new DML to a third party. Further, the rationale for the inclusion of such a power or the basis upon which it is to be exercised is not explained in the DCO, the ExA Report or the Decision Letter for the Sizewell C project. 2.2.25. The Applicant has not justified or explained: a. Why it is necessary for it to have the power to grant a DML; b. Why it is necessary for it to have the power to grant a DML when it would have a power to transfer a DML; c. The basis on which such a power to grant will be exercised; d. The basis on which it will determine whether or not to grant a DML e. The basis on which it will determine the conditions to be imposed on the grant of a DML; f. Why it is appropriate for it to be able to grant DMLs without the consent of the Secretary of State or the MMO. 2.2.26. The MMO considers that the power sought for the undertaker to grant a DML would confuse and usurp its statutory function. It would allow licences to be granted on terms wholly different from those accepted as part of the DCO process. The power to grant a DML should therefore be removed from the dDCO.	There is multiple precedent for the Applicant's drafting of article 5 (3)(b). See also, for example: article 5(3)(b) of the Hornsea Four Offshore Wind Farm Order 2023; article 5(2)(b) of the Hornsea Three Offshore Wind Farm Order 2020 and article 5(2)(b) of the East Anglia Three Offshore Wind Farm Order 2017. The provision as proposed by the Applicant would not allow licences to be granted on terms wholly different from those accepted as part of the DCO process as claimed by the MMO. The Applicant is content to change the word “grant” in article 5(3)(b) to “transfer”, to make clear that the power is a transfer mechanism.

Applicants Ref	Theme	Comments from Marine Management Organisation	Applicant's Response
		2.2.27. In the event that its primary position that the existing statutory mechanism should remain applicable is rejected, the MMO considers that, at most, the power to transfer the benefit of an existing DML to another person is all that is required.	
REP2-043_h	A Time Limited DML	<p>A Time Limited DML</p> <p>2.2.28. dDCO Article 5 (3)(b) seeks to make provision for a DML to be granted by the undertaker to another person for a limited period of time.</p> <p>2.2.29. The only precedent for this provision which the MMO has found is Article 9(1)(b) of the Sizewell C DCO, to the extent that that power applies to DMLs (which is unclear). The Sheringham DCO does not provide a power for the undertaker to grant a DML for a limited period of time.</p> <p>2.2.30. The Applicant has not explained why these provisions are necessary or why a departure from the statutory provisions within the 2009 Act is justified.</p> <p>2.2.31. In the event that its primary position that the existing statutory mechanism should remain applicable is rejected, the MMO considers that, if the intention is to enable the transfer of the benefit of a DML to a third party for a defined period of time, with the benefit of that DML then reverting to the undertaker at the end of that period, a provision can be drafted to give effect to this.</p>	See answers above. Sizewell C DCO is not the only precedent for this approach.
REP2-043_i	Power to Amend DMLs to Reflect a Transfer	<p>Power to Amend DMLs to Reflect a Transfer</p> <p>2.2.35. The MMO is a statutory body. As a result, it can only act where it has statutory power to do so. The dDCO provides for the transfer of a DML, however it does not give the MMO the power to amend the DML it holds in its records upon notification that a transfer is to occur. This has the potential to cause real difficulties going forward since, in the absence of such a power, the MMO records will not be changed. This is likely to cause significant administrative difficulties and could result in obstacles to enforcement.</p> <p>2.2.37. If the Secretary of State was to retain the Article, then the MMO would still require the Applicant to submit a DML variation to the MMO to ensure the undertaker is updated to the correct entity within the DML and within the MMO's systems</p>	Article 5(9) provides that the MMO may amend any deemed marine licence granted under Schedule 8, Schedule 9 or Schedule 10 of the Order to correct the name of the undertaker to the name of the transferee or lessee under article 5.
REP2-043_j	Overall Effect on Ability to Enforce	<p>Overall Effect on Ability to Enforce</p> <p>2.2.38. As drafted, the ability to transfer licences, grant licences for a limited time, or transfer/grant without consultation and without providing a power for the MMO to amend its records, will give rise to significant enforcement difficulties for the MMO and has the potential to prejudice the operation of the system of marine regulatory control in relation to the proposed development. Further, the dDCO procedure is administratively burdensome and time consuming.</p> <p>2.2.39. All of these difficulties can be avoided by retaining the existing statutory regime which is simple to operate and relatively speedy. The best way forward for all concerned is to retain the statutory procedure for transfer as set out in s72 of the 2009 Act.</p>	For the reasons set out above, the Applicant does not agree that the ability to transfer DML on the basis provided by article 5 of the dDCO will give rise to "significant enforcement difficulties" or prejudice the system of marine regulatory control. This approach is commonplace and has been a feature of OWF DCOs for at least a decade and the MMO has submitted no evidence to substantiate that it is experiencing, or has had, any difficulties relating to enforcement of DMLs.

Applicants Ref	Theme	Comments from Marine Management Organisation	Applicant's Response
REP2-043_k	Force Majeure	<p>Force Majeure</p> <p>2.2.40. The MMO maintains its position regarding Force Majeure, as it is not necessary to be included within the DMLs. It is not something the MMO would include in standalone marine licences.</p> <p>2.2.41. The MMO understands that Force Majeure is about events, situations and circumstances that arise which are outside of a person's control.</p> <p>2.2.42. Currently the condition wording used is drafted to apply for stress of weather or any other cause which is very broad. It could cover anything, including causes which are entirely with the master's control such as negligence matters. Currently the MMO believes Condition 20 in Schedule 8 and 10 and Condition 21 in Schedule 9 does not meet the five tests as set out in the National Planning Policy Framework for a number of reasons:</p> <ul style="list-style-type: none"> • Necessary; • Relevant to planning; • Relevant to the development to be permitted; • Enforceable; • Precise; and • Reasonable in all other aspects 	<p>The Applicant disagrees that this wording is not necessary. It is noted that this provision has been included in the Sheringham Shoal and Dudgeon DCO (2024), the Awel y Mor DCO (2023), the Hornsea Four DCO (2023) and the East Anglia ONE North DCO (2022) as examples.</p> <p>This condition is therefore well preceded in recent offshore wind DCO decisions and has been repeatedly considered by the Secretary of State to meet the applicable tests. No change to the DMLs is proposed</p>
REP2-043_l	<p>Schedule 8, 9 and 10 (Deemed Marine Licences)</p> <p>Part 1: Paragraph 9</p>	<p>Schedule 8, 9 and 10 (Deemed Marine Licences)</p> <p>Part 1: Paragraph 9</p> <p>2.3.1. The MMO seeks changes to Part 1 paragraph 9 to both DMLs. The MMO's proposed amendments are shown in bold (the Applicant's wording struck through):</p> <p>"Any amendments to or variations from the approved details, plan or scheme must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the MMO that it is unlikely to will not give rise to any materially new or materially greater different environmental effects from those assessed in the environmental statement."</p> <p>2.3.2. This change is necessary to ensure that the power to amend or vary is consistent with the requirements of EIA regime as explained in the case of R. (Barker) v Bromley LBC [2007] 1 A.C.470. This case concluded that EIA will be required at stages subsequent to an initial grant of consent where those likely significant effects were not identified at the earlier consenting stage. It follows that a mechanism to permit a variation or amendment will not be lawful until it prevents any possibility of a materially new or different significant environmental effects arising as a result of the variation or amendment.</p>	<p>The Applicant does not agree with the proposed change. Please see the Applicant's comments at MMO-30 in [REP1-045] on this same point. The Applicant has the following additional comments:</p> <ol style="list-style-type: none"> 1. The EIA is based on a "Rochdale envelope" approach. The use of "greater" is appropriate in this context. The DML should not preclude 'lesser' environmental effects where those fall within the "Rochdale envelope". 2. The term "different" is imprecise. It is not clear whether it applies to new categories of effect (which in any event would be covered by the existing drafting, i.e. "materially new") or would also extend to any difference (e.g. magnitude) of an environmental effect that has been assessed (which would be problematic – see point 1 above). 3. The EIA Regulations envisage and allow for a 'multi stage' consenting process whereby the MMO and other regulators as applicable can request further environmental information or an updated ES if required when approving any plans, details etc. required by conditions prior to commencement of the licensed activities. This is a pragmatic system which recognises that circumstances can change and development details may necessarily evolve post-consent. <p>The Applicant's preferred drafting is therefore lawful and preceded (e.g. it is included in the Sheringham Shoal and Dudgeon Extension Projects Offshore Wind Farm Order 2024).</p>
REP2-043_m	<p>Condition 20 (Schedule 8, 10) and Condition 21 (Schedule 9)</p>	<p>2.3.3. Condition 20 of Schedule 8 and 10 and Condition 21 of Schedule 9, Force Majeure provides as follows:</p> <p>"(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</p>	<p>The Applicant's comments at MMO-78 of [REP1-045] relate to the MMO's comments on the Force Majeure condition. The Applicant's position is unchanged.</p>

Applicants Ref	Theme	Comments from Marine Management Organisation	Applicant's Response
		<p>deposits within or outside of the Order limits because the safety of human life and/or of the vessel is threatened (an "unauthorised deposit"), within 48 hours full details of the circumstances of the deposit must be notified to the MMO in the manner provided in condition 19(10)."</p> <p>2.3.4. The MMO has previously requested the removal of this clause. That is because it unnecessarily duplicates the effect of s.86 of the 2009 Act. If it is to be retained, then the relationship between this clause and section 86 of the 2009 Act should be clarified.</p> <p>2.3.5. The MMO welcomes the Applicant's comments regarding Force Majeure in point MMO-78 of document REP1-045 regarding the Applicant's response to Relevant Representations. The MMO is currently reviewing the Applicant's comment and will provide a response in due course.</p>	<p>However, the Applicant notes from MMO paragraph 2.3.5 that the MMO welcomes the comment and is reviewing it. The Applicant awaits further clarification by the MMO and will comment further if necessary in light of any further clarification.</p>

2.4 Applicant's Response to Natural England - Appendix L2 to Natural England's Deadline 2 Submission Natural England's comments on 7.10 Offshore In-Principle Monitoring Plan [APP-245] [REP2-053]

Table 2.4 Applicant's Response to Natural England

Applicants Ref	Comments from Natural England	Applicant's Response
REP2-053_a	Natural England welcomes the submission of the North Falls Offshore In Principle Monitoring Plan (IPMP) as part of the application. Further, we welcome the Applicant's inclusion of the general guiding principles for proposed monitoring (Section 3). We also refer the Applicant to Natural England's Best Practice Advice document which sets out our expectations in terms of monitoring. This document is available at: Environmental considerations for offshore wind and cable projects - Phase IV Best Practice Advice for Post-Consent Monitoring, Version 1.0, July 2022.pdf. Relevant sections are also included in Annex A of this document for reference.	<p>The In Principle Monitoring Plan (IPMP) [APP-245] (paragraph 16) states consideration has been given to Natural England's Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards. Phase IV (Parker et al., 2022).</p> <p>It is noted that Parker et al. (2022) states:</p> <p><i>"IPMPs outline the monitoring proposals and provide the framework for receptor-specific monitoring plan discussions at the post-consent phase"</i></p> <p><i>"IPMPs should set out the principle purpose(s) for the proposed monitoring, as well as an outline plan for topics and receptors to be monitored. IPMPs should provide a starting point for further discussions at the post-consent phase."</i></p> <p>The Applicant considers that the IPMP [APP-245] is appropriate in this regard and notes that the format and level of detail provided is consistent with that of other consented offshore wind farms.</p>
REP2-053_b	Natural England advises that this is a live document which is updated throughout examination and post consent to reflect the outcome of discussions and/or monitoring.	The IPMP will be kept under review during Examination and updated where required. Following consent, an Offshore Monitoring Plan would be developed in consultation with Natural England, in accordance with the IPMP and therefore the IPMP would no longer be a live document.
REP2-053_c	In recognition of the emphasis being placed by projects currently in the post consent phase on the IPMP when setting the monitoring requirements and parameters; Natural England highlights the importance of this document. Natural England emphasises the requirement to agree the scope of the IPMP and hypotheses which will be tested by the monitoring as part of the consenting phase.	<p>The importance of the IPMP is reflected in the draft DCO (Schedule 12, Part 3) which lists it as a document to be certified.</p> <p>In addition, the deemed marine licences secure that the offshore monitoring plan must be developed in accordance with the IPMP and in consultation with the relevant SNCB.</p>

Applicants Ref	Comments from Natural England	Applicant's Response
		The IPMP [APP-245] states the likely significant effects and receptors to be monitored, along with the reason for monitoring. This will inform the development of hypotheses in the post-consent offshore monitoring plan. The Applicant therefore considers that the IPMP [APP-245] is appropriate and notes that it is consistent with that of other consented offshore wind farms.
REP2-053_d	<p>Overall, Natural England feels that more detail could be provided in the IPMP in its current form. For example;</p> <ul style="list-style-type: none"> • What are the hypotheses the monitoring will be testing and how do they relate to the assessments undertaken in the ES? • How will the monitoring be designed to ensure that the desired outcomes can be achieved i.e. is the monitoring fit for purpose? • What are the indicative timings of the surveys? • Can lessons be learnt from previous thematic surveys and how will modifications to surveys design be incorporated between survey campaigns? • What does 'success' look like to demonstrate that no further monitoring is required? • What happens if the results do not support the null hypothesis? Is further monitoring required (with/without modifications)? If impacts are greater than predicted, do actions need to be undertaken to address these impacts? <p>How will further monitoring and actions be secured, is a change to the wording of the dML required? And if so, how will success of any action/s be monitored and what will be the success criteria before monitoring can cease?</p>	<p>The detailed information requested by Natural England will be provided in the post consent monitoring plan and developed in consultation with Natural England as the relevant SNCB. The framework approach secured by the IPMP enables the post-consent offshore monitoring plan to be informed by latest available information, such as detailed design of the Project and emerging monitoring results from other relevant projects, where possible.</p> <p>The need for further monitoring and actions is reflected in Section 3 of the IPMP which states <i>"The scope and design of all monitoring work should be finalised and agreed following review of the results of any preceding survey and / or monitoring work (i.e. an adaptive approach), including those surveys conducted in support of the Environmental Impact Assessment (EIA). This includes the potential for survey requirements to be adapted based on the results of the monitoring outlined in this document."</i></p> <p>There is accordingly no need for any changes to the wording of the dDML.</p>
REP2-053_e	To answer the above, Natural England considers the IPMP should focus on what the uncertainties and evidence gaps of the EIA and/or HRA are, rather than repeating the outcomes of the EIA only (Sections 5.1 - 5.8). We consider that establishing and agreeing the uncertainties and evidence gaps of the EIA and/or the HRA is necessary to inform what monitoring should be undertaken.	The HRA is reflected in the IPMP where relevant e.g. Section 5.8.2. The tables throughout Sections 5.3 to 5.8 list the effect being monitored, receptors and reasons for monitoring. This reflects the uncertainties/evidence gaps for which monitoring is necessary.
REP2-053_f	As per the Applicant's 'General Principles and Guidance' (Section 3) Natural England advises an approach mechanism in which the Applicant presents a clearly defined hypothesis or null hypothesis of no impact would be beneficial. Monitoring thereafter would aim to test this. We advise a review period during which Statutory Nature Conservation Bodies (SNCBs) and regulatory bodies such as the Marine Management Organisation (MMO) are consulted by the Applicant to assess the results of the first period of monitoring. For example, one mechanism that could be introduced for particular receptors would be a live document which is reflective of what the monitoring is observing, including consideration of species/habitat recovery.	<p>Detailed hypotheses will be provided in the Offshore Monitoring Plan. These will target the likely significant effects and reasons for monitoring set out in the IPMP [APP-245]. As discussed above, the Natural England Best Practice Guidance (Parker et al., 2022) states: <i>"IPMPs outline the monitoring proposals and provide the framework for receptor-specific monitoring plan discussions at the post-consent phase"</i></p> <p>The Applicant therefore considers that the IPMP [APP-245] is appropriate in this regard and notes that the format and level of detail provided is consistent with that provided by other consented offshore wind farms at the equivalent stage.</p>
REP2-053_g	We advise that monitoring should be effective in providing sufficient evidence pre-construction to inform the deployment of mitigation measures and similarly demonstrate the efficacy of mitigation measures during construction and post-construction. This is important to demonstrate compliance with the measures identified in assessments to mitigate significant impacts. It is also important to provide evidence to assess the significance of adverse effects, evaluate the success of mitigation measures and to help inform whether further remedial measures are required.	The IPMP outlines the monitoring which will inform mitigation requirements. The detailed methodology for the monitoring will be developed post consent, in consultation with Natural England and agreed with the MMO.
REP2-053_h	In relation to remedial measures, Natural England wishes to highlight the importance of ensuring that all relevant monitoring proposals for North Falls (and/or associated DCO/dML conditions) consider the aim of securing a mechanism for adaptive monitoring when unforeseen impacts are detected. Thus, ensuring remedial measures (i.e., adaptive management) are triggered should the results of monitoring demonstrate impacts that are significantly greater than predicted and/or incorrect assumptions were made following review of the conclusions of the environmental statement and supporting documents. We advise that the potential for certain monitoring to trigger the development	The need for further monitoring and actions is reflected in Section 3 of the IPMP [APP-245] which states <i>"The scope and design of all monitoring work should be finalised and agreed following review of the results of any preceding survey and / or monitoring work (i.e. an adaptive approach), including those surveys conducted in support of the Environmental Impact Assessment (EIA). This includes the potential for survey requirements to be adapted based on the results of the monitoring outlined in this document."</i>

Applicants Ref	Comments from Natural England	Applicant's Response
	of countermeasures (with associated monitoring of those measures) should be clearly stated in relevant tables of the IPMP and incorporated into the DCO conditions where relevant.	There is no need for any further provision in the DCO in this regard.
REP2-053_i	<p>Engineering and design related monitoring (Section 5.1)</p> <p>It is unclear to Natural England if this also encompasses monitoring surveys to inform final project design including those required to inform mitigation measures such as avoidance of certain sensitive receptors particularly environmental ones. If so, it would be useful if the Applicant could specify the purpose of each aspect of the engineering and design related monitoring in full. We highlight that geotechnical investigations will be critical to inform the cable burial risk assessment and in relation to reducing down the direct or indirect impacts to environmental receptors. We request that further details are provided to answer the questions posed in our overarching comments.</p>	<p>The surveys listed in Section 5.1 of the IPMP [APP-245] are for engineering purposes, including to inform detailed design. Some of these will overlap with monitoring for environmental purposes and wherever possible the Applicant will look to combine surveys.</p> <p>With regards to avoidance of certain sensitive receptors, this is listed in the relevant environmental sections e.g. Table 5.2 states: the reason for pre-construction monitoring as <i>“Determine the location and extent of any biogenic or geogenic reef feature present within areas of the Order Limits in which it is proposed to carry out any construction works to inform the appropriate mitigation if found”</i>.</p> <p>The need for a cable burial risk assessment as part of the post consent development of a cable specification and installation plan is secured in the DMLs (Schedule 8, Condition 21(1)(h) and Schedule 9, Condition 22(1)(h)). This plan must be developed in consultation with the relevant SNCB and agreed with the MMO.</p>

2.5 Harwich Harbour Fishermen's Association (HHFA) - Additional Submissions - Accepted at the Discretion of the Examining Authority [AS-047]

Table 2.5 Applicant's Response to HHFA Additional Submission

Applicants Ref	Theme	Comments from HHFA	Applicant's Response
AS-047_a	Commercial Fishing	<p>We, the Commercial Fishers Working Group have for sometime been trying to find common ground for the statement but due to a firm set policy of the developers RWE/SSE we have been unable to establish any common ground on a major issue of which type of fishing methods are impacted and we feel it is important that the planning team are aware. We have questioned the relevance of information in relation to the vessels represented on the CWFG. Having re-read the EIA documents submitted to planners I note that the evidence and statistics have been compiled from the over 10m vessels which mainly operate within the array site and further off shore. As I have already stated the entirety of the vessels represented by myself and the CFWG are under 10m vessels which mainly focused on inside the array site and cable route. We have questioned the relevance of information in relation to vessels represented on the CFWG. Although one could raise similarities between the two fleets sectors in real terms, the way the U10 vessels conduct fishing operations and the associated gears are very different, the same could be said for the business model with many boats being single handed and the rest having one crew at best. We have suggested that a section is added to the SOCG to outline that the CFWG does not believe the EIA represents our vessels, and indeed business, and so far the developer has not agreed. Therefore, at present mutual agreement on the impact conclusions on the CFWG vessels is not possible and SOCG will not be signed. I attach a report conducted by independent organisation commissioned by MMO, hopefully they have included it in their submission.</p>	<p>During a Commercial Fisheries Working Group (CFWG) meeting recently held (25/02/2025), it was noted that the Examining Authority had requested that a SoCG with Harwich Harbour Fishermen Association (HHFA) should be progressed (Procedural Decision 28/11/2024). At this meeting, it was agreed with the CFWG, including HHFA, that the SoCG should be extended to the CFWG as a whole. To facilitate this, emails were sent to the CFWG members on the 26/02/2025, the 04/03/2025 and the 13/03/2025 with potential dates for a meeting to aid the development of a SoCG.. In the most recent email, a meeting date of either the 26/03/205 or the 27/03/2025 was proposed. A final date for this meeting has yet to be agreed with the CFWG.</p> <p>The Applicant notes that SoCGs do not necessarily require both parties to agree on all matters and encourages the CFWG to participate in its development for the Project. This would allow setting a clear record of what matters are of concern to the CFWG members and their position, as well as the position of the Project.</p> <p>The Applicant notes that ES Chapter 14 Commercial Fisheries [APP-028] gives due consideration to both the under 10m and the 10m and over fishing fleets. Under 10m vessels are included in available MMO fisheries statistics by ICES rectangle presented in Figure 14.5, Figure 14.6 and Figure 14.13 (ES Chapter 14 Figures, [APP-059]). In addition, surveillance sightings data from the MMO and from the Kent & Essex Inshore Fisheries and Conservation Authority (K&EIFCA) are presented in Figure 14.3 and Figure 14.7 (ES Chapter 14 Figures [APP-059]).</p> <p>Furthermore, as noted in ES Chapter 14 Commercial Fisheries [APP-028] consultation was carried out to inform the ES with relevant stakeholders via the FLO and the CFWG. This consultation aimed to aid the characterisation of the fisheries baseline, including collection of</p>

Applicants Ref	Theme	Comments from HHFA	Applicant's Response
			<p>spatial data on fishing grounds (Figure 14.8, Figure 14.12 presented in ES Chapter 14 Figures, [APP-059]). Information on operating patterns and gear vessel/gear specifications collected through consultation with fisheries stakeholders is included in Appendix 14.1 [APP-105] (see Table 6.6 within). This predominantly includes information for vessels in the under 10m category. A summary of all the face-to face consultation undertaken via the FLO and through the CFWG to collect baseline information is outlined in Table 14.2 of Chapter 14 Commercial Fisheries [APP-028].</p> <p>With regards to the specific report attached to the letter issued by the CFWG on 7th March to the Planning Inspectorate, the Applicant notes that this report was not published until June 2024, at which point the EIA was complete to enable the Application documents to be compiled for submission in July 2024. The Applicant notes, however, that the information contained in this report does not affect the findings of ES Chapter 14 Commercial Fisheries [APP-028] which are based on project specific information and data, including consultation with the fishing industry and the CFWG.</p>



NORTH FALLS

Offshore Wind Farm



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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