THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

NORTH FALLS OFFSHORE WIND FARM

Natural England's comments on 9.14 Further Information Regarding Marine Mammals (Rev 0) [REP1-057]

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

25 April 2025

Appendix E4 Natural England's comments on 9.14 North Falls Further Information Regarding Marine Mammals [REP1-057]

1. Overview

Natural England welcomes the updates the Applicant has made in line with our advice regarding:

- the sensitivity of seals to disturbance whereby the assigned sensitivity score has been changed to 'Medium' (Section 2.1.1)
- the cut-off date for inclusion of other Offshore Wind Farms (OWFs) into the Cumulative Effect Assessment (CEA) and in-combination assessment and inclusion of the projects with unknown construction timelines (Section 2.6)
- the correction to the RIAA Part 3 relating to SNS SAC summer area (Section 3.2)

However, with regards to the iPCoD modelling, Natural England strongly disagrees with the Applicant's conclusions for the following reasons:

- Over-reliance on iPCoD as the main assessment tool
- Apparent 'cherry-picking' of the least impactful outcomes resulting in non-significant effects
- Assessment has not been carried out based on the most conservative method (for the project alone, cumulative, and in-combination)
- Approach is not in line with EIA methodology.

2. Risk of Collision with Vessels (Section 2.2)

Natural England notes that the Applicant maintains its position regarding the risk of collision sensitivities used in the Environmental Statement (ES) (Section 2.1.2). We uphold our original advice that sensitivity to collision risk should be '*Medium*' for all species due to the potential severity of the impact resulting in injury or death of the animal. We acknowledge the references used to justify the Applicant's position, however other stranding datasets from the North Sea (Frontiers | Pathological findings in stranded harbor porpoises (Phocoena phocoena) with special focus on anthropogenic causes) show that 4% of stranded harbour porpoises (25 out of 612) died due to anthropogenic causes (and most likely due to ship collisions). Thus, despite the low likelihood, the potential for injury and death remains of concern.

Natural England welcomes the clarification regarding calculation of the number of marine mammals at risk due to increase in vessel numbers. We are also content with the additional information provided (Section 2.2).

3. Clarification for iPCoD Modelling (Section 2.5)

3.1 Summary

Natural England maintains its position regarding the Applicant's iPCoD modelling, and we do not consider that the Applicant has addressed our comments sufficiently. Instead of giving due

consideration to all assessment methods, the Applicant has relied on iPCoD as the primary assessment method, upon which outcomes and conclusions are based. Moreover, there are significant issues with the assessment presented in this document with an apparent 'cherry-picking' of the least impactful outcomes, resulting in non-significant effects. Natural England considers this approach not to be in line with our advice nor with the precautionary principle of the EIA methodology. Therefore, we reiterate our original advice in our Relevant Representation [RR-243]:

"Natural England does not agree with the project-alone assessment of disturbance impacts from piling as we have concerns with how the results of the interim Population Consequences of Disturbance (iPCoD) modelling are presented. We also advise that the impact significance is presented based on each approach taken to assessing disturbance, not just based on the iPCoD modelling. We cannot agree with the assessment conclusions of the project-alone disturbance effects at this stage."

"Natural England advises that the significance of the disturbance impact must be presented for each of the approaches used to determine cumulative disturbance, dose-response, and population modelling (iPCoD) in this case. Each approach and subsequent assessment of impact significance provides necessary information for Natural England to inform its advice.

"We advise that the Applicant should not present the iPCoD modelling results alone, and that an assessment of cumulative impacts to cetacean species is presented using the approach that generates the worst-case numbers disturbed."

In general, Natural England views the iPCoD as a tool to help support the conclusions of the assessment that had not been supported by robust evidence[1]. However, we acknowledge the evidence gaps in the relationship between sound, disturbance and population impacts and assumptions and uncertainties built into the model. Furthermore, there is limited understanding of how disturbance leads to health, reproduction and consequently population level impacts in marine mammals. Thus, the results of the model are only **an indication** of the possible population impacts and should be interpreted with **caution**. Although the model can be used as a tool alongside other methods for assessing the impacts of disturbance (EDR and dose response), it does not mean the results of the modelling should dictate the final significance conclusion. Going forward, a new iPCoD model iteration using species energetics will be published imminently which would provide a higher level of confidence in the outputs.

3.2 Clarifications to the Project Alone impacts from Underwater Noise due to Piling Assessment (Section 2.5.1):

- 2.5.1.1. Harbour porpoise - The magnitude of impact to harbour porpoise for project alone using the dose response approach is *Medium*, which when combined with a *medium* sensitivity, leads to a *Moderate* impact significance. Thus, the dose response method should be used to inform the conclusions of the assessment being more precautionary than the IPCoD modelling outcomes. Natural England does not support the Applicant's method of defining significance from the iPCoD model results for the project alone. The method is not conservative as other threats (such as bycatch, prey availability and shipping) which also impact populations, are not included in the model.

[1] Here in most case, the assessment outcomes based on the dose response were robust enough not to warrant to be replaced and dominated by iPCoD.

Therefore, conclusions on the significance of impacts at the population level also need to take account of other threats that could cause a decline at a population level.

- Table 2-9 – Natural England questions the predicted outcomes for harbour seals whereby the 'mean impacted as % of unimpacted' is higher than 100%.

3.3 Cumulative Assessment (Section 2.6)

- Table 2.10 - Cumulative disturbance for harbour porpoise due to piling using dose response shows that over 30,000 harbour porpoises (9.09% of the NS MU) could be disturbed during a single piling event. This is a marked contrast to the iPCoD modelling predicting a negligible effect on the harbour porpoise population over time due to piling (Table 2-13). Thus, the dose response outcome cannot be ignored.

- Table 2-14 -The iPCoD modelling predicted a decline in the minke whale population of up to 7.25% over the modelled period and a decline of 3.49% over the first five years. This decline is of concern and thus cannot be classed as non-significant. We disagree with the conclusion:

- *"For minke whale, the potential magnitude of impact for the CEA for disturbance from underwater noise from piling is assessed as low, due to there being less than a 1% population level impact on average per year over the first six years…"*

  The justification of less than 1% decline on average per year is not robust enough to conclude non-significant effects.

  - Table 2-17 – The outputs of the modelling for '*mean impacted as % of unimpacted*' are showing consistently that the impacted population of harbour seals is larger than unimpacted. This is questionable given that the population of harbour seals is widely known to be declining, and it is unreasonable to expect that an impacted population would be larger. The results of this modelling should be disregarded.

- Table 2.18 – This table should be amended to include the outcomes of all the assessments not just iPCoD in line with our original advice. The outcomes of the dose response assessment are not considered while they indicate greater effects.

  Thus, we disagree with the conclusions stated in the *2.6.2.5. Effect significance* as they are based solely upon iPCoD modelling. This has not been acknowledged in the text of this section which is misleading and not in line with our original advice.

- Table 2-26 - We strongly disagree with the information presented in this table. There is an apparent 'cherry-picking' of the least significant outcomes which leads to an assessment of low magnitude for the cumulative disturbance. For example, using the results of the iPCoD modelling (population level impact over the first 6 years) as the worst-case disturbance at North Falls. Whilst values for other activities have been derived by other means and cannot be added together (e.g. '<1% population level impact over first six years' + 'numerical values'). Adopting this approach, has resulted in the total number of harbour porpoises impacted by all noisy activities being less than OWF only impacts (Table 2-10).

Consequently, we consider that calculation of the total number of animals impacted is not valid and cannot be used to support the conclusion of low magnitude in all cases

Instead, the figures presented in Table 2.10, 2.11 and 2.12 should be used to calculate the total number of animals disturbed. In this case, the resulting number of animals impacted would be much greater. For example, in the case of harbour porpoises, total number of animals disturbed would be 34,180 which is 10.08% of the relevant MU population resulting in **High** magnitude.

- 2.6.8 Effect significance - We strongly disagree that "*This is deemed to be a conservative assessment based on the worst-case scenario for OWFs constructing at the same time as North Falls."* This is due to the Applicant not using the most conservative method to inform the assessment.

3.4 In-combination Assessment (Section 3)

The same comments regarding the cumulative assessment also apply to the in-combination assessment (Section 3) i.e. Natural England disagree with the interpretation and presentation of results, as well as the outcome of the assessment.