

Wendy McKay, Lead Member of the
Examining Authority
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol BS1 6PN

Our ref: AE/2025/130509/01-L01
Your ref: EN010109
Date: 25 April 2025

Dear Ms McKay

**APPLICATION BY NORTH FALLS OFFSHORE WIND FARM LTD FOR NORTH
FALLS OFFSHORE WIND FARM.
ISSUE SPECIFIC HEARING 2: AGENDA ITEMS 3.1. REQUEST FOR WRITTEN
COMMENTS BY DEADLINE 4**

I write concerning Issue Specific Hearing 2 of 8 April 2025 and at the request of the Examining Authority to submit comments in writing.

Representations were made on behalf of the Environment Agency on two agenda items under 3.1 – Draft Development Consent Order (DCO): Schedule 1- Part 3 Requirements (8, 12, 14, 15, 22, 23) and Schedule 14 – Protective Provisions. Our comments are below:

Schedule 1 – Part 3 Requirements

8: Code of Construction Practice, 12: Ecological Management Plan, 14: European Protected Species; onshore, 15: Groundwater Monitoring, 22: Operational Drainage Strategy, 23: Horizontal Directional Drilling (HDD) Method Statement

We are concerned that we have not been named as a consultee for these Requirements which we believe is usual practice and enables the discharging authority to obtain clear guidance and make informed decisions when considering discharge. The Environment Agency has been a named consultee for recent offshore wind farm development consent orders including, but not limited to: Norfolk Boreas, Norfolk Vanguard, Hornsea Project Three, Sheringham and Dudgeon Extension projects and East Anglia ONE.

We note that the Applicant has stated that they intend for the draft DCO to be consistent with the Five Estuaries project because there will be a shared cable corridor if both projects are consented. Also, the statement in the Statement of Common Ground (SoCG) between the Applicant and the Environment Agency states that the Applicant does not intend to name consultees. The SoCG does not address our disagreement with this approach. However, whilst the Five Estuaries draft DCO does not name any consultees, the North Falls draft DCO names Natural England as a consultee for Requirements 7, 8, 12, 13, 21 & 23; National Highways for Requirement 9 and Historic England for Requirement 11. By naming some consultees, the discharging authority may form the view that these are the only statutory bodies that should be consulted. Whilst we may have had the opportunity to review some plans at the pre-application

stage these are outline and not site specific which allow us to form a view on the overall acceptability of the approach, but not how processes should be adopted at the construction stage. There are risks of environmental incidents at the construction stage for this type of project and some have occurred in recent years in the East Anglia Area, so it is important that we have the opportunity to apply learning from these events to ensure better outcomes.

Requirement 8: The Code of Construction Practice (CoCP) in its detailed and site-specific stage will cover many activities that fall within the Environment Agency's remit. These include flood risk and pollution prevention under 1.3 general site operations, 1.4 Contaminated land and groundwater, 1.5 Waste management, the prevention of sediment runoff under 1.6 Soil management, groundwater management including the watercourse crossings under 1.8, the management of water based invasive non-native species at 1.10.

The Outline CoCP sets out principles for appropriate management of the construction stage which is appropriate to establish the principle of the development and that risks can be controlled. However, although this is adequate at this stage, for construction it will be necessary to support the CoCP with appropriate appendices on which the Environment Agency should be consulted for those matters that fall with its remit. It follows then that the discharging authority should be able to confirm with the appropriate statutory body that the submitted CoCP is consistent with advice or, if not, that they are aware of the differences and can apply planning balance in their decision making.

Requirement 12: The Environment Agency's statutory remit includes safeguarding our watercourses including our principal role in ensuring compliance with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, as such we are the primary agent in ensuring the ecological health of the aquatic environment and would therefore, expect to be consulted on any ecological management plan for activities on or near a main river. It is also important to ensure consistency because we would review these plans as one of the plans that would require approval before consent for a watercourse crossing is granted under the Protective Provisions.

Requirement 14: The Environment Agency's statutory remit extends to fish species and aquatic mammals. Both European eels and water voles may be present along the route of the onshore works therefore, it is appropriate for us to be consulted. Again, this is necessary for consistency as we would expect to check this before any consent is granted under the Protective Provisions.

Requirement 15. The Environment Agency is the statutory body responsible for groundwater protection and monitoring. It is, therefore, appropriate and necessary that we review plans and processes to monitor this.

Requirement 22. An operational drainage strategy depending on site design can involve draining water to both surface water and groundwater, or inappropriate approaches such as the use of combined sewers. As the statutory body responsible for the health of both waterbodies it is appropriate for us to be consulted on plans.

Requirement 23. The Horizontal Directional Drilling (HDD) method employed will be an important consideration for the consent under Protective Provisions which rests with the Environment Agency. It is, therefore, important that there is consistency with this

Requirement and the Protective Provisions and so appropriate that we are a consultee. Recent experience has shown that there can be multiple contractors involved at different HDD operations along a cable corridor, consistency helps to ensure compliance. Additionally, we have experience of environmental incidents linked to HDD operations which would help ensure robust processes.

Protective Provisions

Representatives for the Applicant have stated that it is important that the Protective Provisions are consistent with the Five Estuaries project due to the onshore cable corridor being shared if both projects are granted consent. It was also stated for the Applicant

“the intention is to update the Protective Provisions that were included in the final version of the of the draft DCO for Five Estuaries and incorporate those within the deadline four a version of the draft DCO for North Falls.”

Although we have not been contacted by the Applicant at any time to discuss this we confirm that we will accept Protective Provisions that match those agreed for the Five Estuaries project.

I hope that you have found these comments helpful.

Yours sincerely

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