

Offshore Wind Farm

Applicant's Response to Actions List for ISH1 and ISH2

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1. INTRODUCTION

1.1 Background

- 1.1.1 Issue Specific Hearing 1 (**ISH1**) and 2 (**ISH2**) were held on 2, 3, 8, 9 and 10 April 2025. The hearings were held so that the Examining Authority (ExA) could hear evidence and ask questions in respect of various offshore and onshore environmental topics and provided an opportunity for registered Interested Parties (**IPs**) to make oral representations about the DCO application.
- 1.1.2 The Applicant notes that each IP making an oral submission was requested to provide a written summary note to the ExA for Deadline 4 (25 April 2025). The Applicant's written summary of oral submissions made at ISH2 is provided in a separate document (document reference: 9.48).
- 1.1.3 The ExA has requested post-hearing actions or further information from the Applicant in relation to a number of points raised at ISH1 and ISH2 (the "action items).

1.2 Purpose of Document

- 1.2.1 This document sets out the Applicant's response to the action items requested by the ExA. The ExA's requests and the Applicant's corresponding responses are set out in the table below, against the relevant ISH1 and ISH2 agenda items.
- 1.2.2 Action items are either addressed in substance in this document, or this document cross-referenced to where a detailed response can be found in the package of documents submitted by the Applicant at Deadline 4.

1.3 Summary of the Applicant's Actions List for ISH1 and the Applicant's Response

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3.1 Landscape and visua	impact and design	
3.1.1 Whether the proposal would enable the Secretary of State to discharge the section 85 Countryside Rights of Way Act 2000 duty as amended by section 245(6) of the Levelling Up and Regeneration Act 2023	Applicant to submit New Forest National Park Authority v Secretary of State for Housing, Communities and Local Government and Mr Simon Lillington [2025] EWHC 726 at Deadline 4 and provide a clear summary of Applicant's position on the correct scope and application of the 'duty to further'.	Section 85(A1) of the Countryside and Rights of Way Act 2000 (CroW Act) (as amended by section 245(6) of the Levelling Up and Regeneration Act 2023 (LURA)) states: 'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.' The Applicant's position is that the duty contains two limbs: (a) consideration of whether a development has any impact on the relevant National Landscape (previously an area of outstanding natural beauty (AONB)); and (b) if there is an impact, consideration of the nature of that impact and whether it can be reduced or, if the impact is justifiable, whether any enhancement measures are required. The Applicant acknowledges that the duty is a positive obligation but submits that there is no legal, policy or guidance requirement to always include specific measures (whether financial or otherwise) within a development to

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		enhance the National Landscape regardless of the level of impact.
		The Applicant maintains that the Project's onshore substation has no impact on the Dedham Vale National Landscape and that, accordingly, the Secretary of State can be confident that the duty can be discharged without the need to impose additional compensatory measures or requirements.
		The High Court judgment in New Forest National Park Authority v Secretary of State for Housing, Communities and Local Government and Mr Simon Lillington [2025] EWHC 726 (submitted into Examination at Deadline 4 (see [Document Reference: 9.63, (Rev 0)]) considers the relevant duty and held that, in circumstances where the relevant development was assessed as having no impact on the relevant AONB, the duty is considered to be discharged which supports the Applicant's position on this issue.
	Applicant to provide a detailed plan overlaying Landscape and Visual Impact Assessment (LVIA) viewpoints (including VP08) and Dedham Vale National Landscape (DVNL) to be submitted at Deadline 4 and insert distances on plan (Applicant to discuss with other Interested Parties (IPs) so that plan / boundary of DVNL can be agreed).	A detailed plan overlaying Landscape and Visual Impact Assessment viewpoints and the Dedham Vale National Landscape has been produced by the Applicant and is being submitted into the Examination at Deadline 4 [Document Reference: 9.59]. This plan has been circulated to Essex County Council, Tendring District Council, Suffolk & Essex Coast & Heaths National Landscape and Dedham Vale National Landscape

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		Partnership via email on the 15 April 2025. The latter has confirmed that the boundaries of the Dedham Vale National Landscape and Suffolk & Essex Coast & Heaths National Landscape are accurately represented on the plan.
	Applicant to provide summary of position as to whether strengthened LURA duty has been satisfied if Examining Authority (ExA)	The Applicant refers to its response above and its position that the Project has no impact on the Dedham Vale National Landscape (DVNL).
	determines that the Project does impact DVNL at Deadline 4.	However, the Applicant considers that the Secretary of State would still be able to discharge its duty under section 85 of the CRoW Act as amended by the LURA in respect of the Project even if the Secretary of State determines that the Project does have a minor impact on the DVNL.
		The Applicant notes that no draft regulations have been published to provide further details as to how a relevant authority is to comply with the duty. However, the 'Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes' recently published by Defra relevantly states that:
		 consideration of what is reasonable and proportionate in the context of fulfilling the duty is decided by the relevant authority and should take account of the context of the specific function being exercised; and the duty does not override other statutory duties.

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		The Overarching National Policy Statement for Energy (NPS EN-1) states at paragraph [5.10.8] that:
		"The duty to seek to further the purposes of nationally designated landscapes also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. In these locations, projects should be designed sensitively given the various siting, operational, and other relevant constraints. The Secretary of State should be satisfied that measures which seek to further the purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development."
		The Applicant submits that a relevant authority must exercise judgment as to whether the measures proposed as part of the Project to avoid and reduce impacts on the statutory purposes of the DVNL are appropriate, reasonable and proportionate and whether it would be appropriate, reasonable and proportionate to require any further measures to further the purpose of the DVNL.
		This includes consideration of:
		 the scale, extent and significance of any harm to the DVNL; relevant planning policies including NPS EN1 regarding minimising and mitigating landscape effects and Critical National Priority (CNP)) infrastructure; and

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		 whether the development has been designed sensitively taking into account siting, engineering, operational and other relevant constraints.
		The Project's Order Limits do not fall within the DVNL and, as outlined in sections 4.8.1 and 4.8.2 of ES Chapter 4 Site Selection and Assessment of Alternatives [APP-018], national landscapes (such as the DVNL) were given due weight in the site selection process for the onshore substation. A copy of a plan detailing the location of the onshore substation and the distances from the boundaries of the National Landscapes and Viewpoints has been submitted at Deadline 4 (see the Landscape and Visual Impact Assessment viewpoints and the Dedham Vale National Landscape Plan [Document Reference: 9.59, Rev 0]).
		Further, the proposed landscape mitigation, once established, will help to screen and soften views of the proposed onshore substation.
		The Applicant submits that, in light of the above, even if the Secretary of State determined that the Project did have a minor (not significant) impact on the DVNL, a requirement for any further measures to further the purposes of the DVNL (including financial contributions) would not be considered reasonable, proportionate or appropriate.

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3.1.2 Whether the impacts on visual amenity during construction and operation have been adequately assessed.	Applicant to provide summary of how 'unassessed areas in DVNL' have been considered in the LVIA at Deadline 4.	Figure 30.1.4 of ES Chapter 30 Figures [APP-083] highlights the location of the Dedham Vale National Landscape (DVNL) in relation to the proposed North Falls onshore substation. The southern edge of the DVNL (the boundary of which follows the A137 Harwich Road) is just within the 2km Landscape and Visual Impact Assessment (LVIA) study area for the proposed North Falls onshore substation., as described in ES Chapter 30 Landscape and Visual Impact Assessment [APP-044]. Following discussion during ISH1, a figure has been prepared [Document reference: 9.62, (Rev 0)] and is provided alongside the Applicant's Response to Actions List for ISH1 and ISH2 [Document reference: 9.50 (Rev0)] to be submitted at Deadline 4, which maps the full extents of the DVNL in relation to the proposed North Falls onshore substation and the associated 2km study area.
		This figure, along with Figure 30.1.2 of ES Chapter 30 Figures [APP-083] provided within the DCO application highlights the very limited nature of theoretical visibility of the substation from locations within the DVNL. Actual visibility will be further reduced due to the intervening woodland and hedgerows both within and to the south of the DVNL.
		Viewpoint 8 of the LVIA (Figure 30.2.8 [APP-088]) demonstrates the very limited nature of visibility in views from the southern edge of the DVNL. Any views of the

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		onshore substation from this location will be glimpsed in nature and the magnitude of change is judged to be negligible (Table 30.28 in Chapter 30 [APP-044]). As this is the closest location within the DVNL to the onshore substation, the magnitude of change is unlikely to be greater from any more distant locations. As such, it was not considered necessary to assess in detail all locations in the DVNL with theoretical visibility.
		Some of the small areas with theoretical visibility of the onshore substation within the DVNL were visited to confirm this assumption. For example, the footpath on Flatford Road near Clapper Farm was visited (approximate grid reference TM 07198 33885). At this location, broad open views are available over the River Stour, to the containing wooded ridge to the south. Existing electricity pylons are visible as small features on this wooded skyline. The proposed onshore substation would be much lower than these pylons, and any views would only ever be glimpsed through the trees. It is highly unlikely that the onshore substation would be a clearly visible feature in this view. Similar views may be available from other locations, as indicated by the ZTV. All such views will be very limited, and they will not add up to a sequential impact.
		With regards to the setting of the DVNL, which was also raised at the ISH1, the onshore substation is clearly in a separate landscape to the DVNL. The site is located well outside the Stour valley, and is within a much more

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		intensively farmed and production -focused landscape, characterised by features such as large fields and glasshouses, in contrast to the landscape of the DVNL. The Applicant's conclusion is that there will be no effect on the landscape of the DVNL, or on any views from the DVNL, which is of more than negligible significance. The Applicant notes that Suffolk County Council agree that there will be no significant impacts on the DVNL.
3.1.3 Whether Natural England's representations and issues log in REP3-064 at Appendix I - Seascape, Landscape and Visual Impact Assessment, which suggests that a revised assessment is required, have been addressed. This includes whether or not the impacts on visual amenity during construction and operation have been adequately assessed.	None	
3.1.4 Whether, or not, the Applicant has coordinated the design of the proposed onshore substation (OnSS) with the proposed Five	Applicant to provide a summary of technical reasons why two separate but co-located onshore substations are required at Deadline 4.	To ensure grid stability, there are a number of requirements as set out in NESO standard Security and Quality of Supply Standard (SQSS), which limits the amount of power that can travel through a single circuit. This ensures the grid remains stable, and there are very

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Estuaries Offshore Windfarm (VEOWF) substation. If		few issues with blackouts caused by loss of generating capacity.
coordinated, how this would progress?		The standard defines the Normal Infeed Loss (currently set at 1320MW), which means that failure of a single piece of equipment within a generating unit (WTG or component of a substation) cannot result in a loss of over that amount of power. If North Falls and Five Estuaries were to be combined, the power transmitted by the two projects could be greater than this value. The two projects would need to have sufficient redundancy in equipment to ensure that no single point of failure would mean a loss of greater than 1320MW. This effectively means that the two projects having separate equipment to ensure compliance with the SQSS requirements (as each individual project falls under this limit). Therefore, to combine the projects into a single substation, the space saving is negligible (limited effectively to the space in between the two substations).
		Further to this, there is the potential for the two windfarms to have different voltage levels for their respective export systems due to a difference in capacity. This could mean the two projects having different voltages in the substations, and therefore, requiring different sizes or types of equipment.
		Therefore, the amount of equipment is the same, irrespective of the combining of the substations or not, and

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		so any space saving caused by such an activity is negligible.
	Applicant to provide an update on progress on meetings / collaboration with other IPs to agree design process post-consent and design review process / updates to design vision / preparation of Design Guide at Deadline 4.	Since submission of the North Falls DCO application, the Applicant has engaged in a process jointly with Five Estuaries to develop a 'Design Guide' to govern 'good design' for the Projects post-consent. The joint Design Guide would also include NGET as a named consultee. This process would be based on the principles outlined in the North Falls Design Vision [APP-234] submitted with the DCO application. In pursuit of this, the Applicant and Five Estuaries have engaged with Essex County Council to discuss a post-consent design review of the Project, as a follow-up to previous early design reviews of the Projects carried out by the Design Council prior to DCO submission (and as reported in the Design Vision [APP-234]). It has been agreed with Essex County Council that this design review would be undertaken by the Essex Quality Review Panel (EQRP). The Applicant, Five Estuaries and Essex County Council are meeting on 29th of April 2025 to agree the next steps in the process. It is envisaged that this will include discussion about the design review process, scope of the Design Guide, organisation of working groups on special technical matters (e.g. landscape, ecology), and agreement on consultees (in addition to the parties named above, including for example relevant landowners).
		The Applicant will provide further details regarding the next steps in the development of the Design Guide at Deadline

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		5, once further detail on the process has been agreed with Essex County Council.
	Applicant to provide more substantive more detailed update on Design Guide development process (including views of Essex County Council (ECC)) at Deadline 5.	A response will be provided at Deadline 5 following the meeting with Essex County Council referred to above.
3.1.5 What would be the effect of nighttime lighting at the proposed OnSS both alone, and cumulatively with other proposals nearby?	None	
3.1.6 Whether the proposed mitigation at the OnSS of the Proposed Development would	As needed at Deadline 4, Applicant to develop upon responses provided at Open Floor Hearing 1 (OFH1) in respect of the	Provide an example of how North Falls Offshore Wind Farm has taken account of farming operations in its mitigation planting scheme
provide adequate visual screening, and how would this relate to the VEOWF proposed development visual screening.	 following questions from the ExA: Provide an example of how North Falls Offshore Wind Farm (NFOW) has taken account of farming operations in its mitigation planting scheme. Explain what consideration the Applicant has given to how the NFOWF mitigation planting scheme relates to the VEOWF mitigation 	When determining the location and extent of the mitigation planting scheme, North Falls Offshore Wind Farm ('North Falls' or the 'Project') has considered several factors: the ability of the proposed planting to mitigate visual effects experienced by receptors; the receiving context; the requirement for the mitigation not to introduce incongruent landscape features; and the potential for the creation of other adverse effects or potential nuisance. Typically, mitigation planting will have the greatest screening impact when placed close to the visual receptor.

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	planting scheme in relation to the ONSS [onshore substation].	three neighbouring properties; Norman's Farm, Jennings Farm and Mulberry Lodge. In determining the location and extent of mitigation planting in the vicinity of these properties, the Project has considered the following factors:
		The direction of primary views from these receptors;
		The extent of existing vegetation along property boundaries and within the curtilage of the property;
		The underlying sensitivity of the properties i.e. expressed through designation; and
		The potential impacts on agricultural land and farming operations.
		At Norman's Farm, primary views are to the south, with more limited fenestration to the southwest and northeast elevations. Views to the north in the direction of the onshore substation are largely screened by the large barn. Dense planting in this location would therefore largely assist in screening views from Ardleigh Road receptors. The introduction of woodland belt planting in close proximity to the three properties identified above was identified to have potential negative effects in terms of blocking light, blocking views over the open landscape, affecting the setting of a Listed Building (Jenning's Farm) and the overshading of crops growing within the large agricultural field to the immediate southeast of the onshore

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		substation. Following DCO submission, the Applicant understands that similar concerns have been raised by the landowners, with the location of screening planting adjusted in proposals developed by Five Estuaries as a result.
		On the basis of the concerns outlined above, the Project instead incorporated mitigation planting along the southeastern extent of the onshore substation works area, somewhat removed from the immediate setting of these three properties. Cross-sections submitted at Deadline 3 [REP3-041] illustrate that planting in this location would substantially screen the lower buildings and structures within the onshore substation works area at Year 15.
		Explain what consideration the Applicant has given to how the NFOWF mitigation planting scheme relates to the VEOWF [Five Estuaries] mitigation planting scheme in relation to the ONSS [onshore substation].
		As identified above, the differences between the North Falls and Five Estuaries mitigation planting schemes have reduced over recent months as adjustments have been made to the Five Estuaries proposals, in light of responses submitted from local landowners and stakeholders. The Outline Landscape and Ecological Management Plan shown on Page 15 of Five Estuaries' Outline Landscape and Ecological Management Plan – Revision E (being submitted into the North Falls Examination at Deadline 4, [Document Reference: 9.60]) illustrates that additional

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		mitigation planting has been added to the north and south of the onshore substation echoing the vegetation structure shown on the North Falls plans.
		Two key differences remain; the inclusion of Traditional Orchard over Species Rich Grassland to the northwest in Five Estuaries plans and the greater area provided by the Five Estuaries red line boundary to the east, which enables mitigation planting to be targeted in closer proximity to a number of visual receptors.
	Applicant to submit at Deadline 4 the final version of Outline Landscape and Ecological Management Strategy that was submitted into Five Estuaries Examination.	Five Estuaries' Outline Landscape and Ecological Management Plan – Revision E is being submitted into the North Falls Examination at Deadline 4 [Document Reference: 9.60].
	Applicant to explain approach to offsite biodiversity net gain and explain whether the Applicant has considered a wider area for mitigation planting at Deadline 4.	The Applicant has set out their proposed approach to exploring opportunities to achieve 10% biodiversity net gain (BNG) in the Biodiversity Net Gain Strategy [REP3-027]. For the purposes of BNG calculations, i.e. for the number of BNG units to be gained / lost during the Project's construction, the following definitions 'on' and 'off-site' have been used, as detailed in Section 4.2.2 of the Biodiversity Net Gain Strategy:
		On-site : an illustrative project footprint based on a detailed understanding of the likely construction and operational requirements of the project. This includes:
		 The onshore cable route working width; Temporary construction compound footprints;

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		 Onshore substation works area (subject to temporary works, construction of ancillary infrastructure such as access, drainage, landscaping and environmental mitigation); Accesses and Bentley Road improvements works; Onshore substation permanent infrastructure footprints, including environmental mitigation, drainage.
		Off-site: areas outwith this illustrative footprint, where no effects are predicted. This includes areas avoided through mitigation by design, such as trenchless crossings, but also areas of the onshore project area which fall within the Rochdale envelope but outwith the illustrative working footprint.
		These definitions allow for the Project to potentially achieve BNG within the Order limits, but outside the working area, if the opportunity allows.
		The Applicant is seeking in the first instance to achieve BNG 'on-site' within the Project's onshore substation works area. Based on the Applicant's 'early design' calculations presented in Appendix A, Section 5.1 and 5.2 of the Biodiversity Net Gain Strategy [REP3-027], the Project is expected to deliver significantly more than >10% BNG in the habitats and hedgerows modules, but to lead to a loss in BNG units for the watercourse module. This

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		applies to calculations run for North Falls alone and for North Falls and Five Estuaries combined.
		The Applicant has committed through Requirement 21 of the draft DCO [REP3-008] to undertaking an updated Biodiversity Net Gain Assessment, once detailed design of the Project has taken place. Following this updated assessment, the opportunities for 'on-site' net gain will be revisited, an attempts to maximise the opportunities on-site undertaken during the final landscaping design at the onshore substation works area. 'Off-site' BNG within the Order limits will be considered at this stage, if the opportunity allows.
		The Applicant has not looked at land outside the proposed Order limits for mitigation planting. However, the connectivity between the outline landscaping measures proposed by the Applicant within the Outline Landscape and Ecological Management Strategy (OLEMS) (Rev 2) [REP3-019] and wider ecological and green infrastructure networks has been considered in detail during the development of the outline landscaping proposals shown on Figure 1 of the OLEMS (Rev2). Section 7.12 and 7.13 of the Design Vision [APP-234] and Sections 4 and 5 of ES Appendix 23.10 Green Infrastructure Plan [APP-134] detail how the Project has considered connectivity to wider ecological networks and green infrastructure assets. This includes looking to recreate/reinforce hedgerows which have connectivity to hedgerow and woodland networks

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		outside of the proposed Order limits, creating SuDS ponds and enhancing watercourses across the site before they connect into downstream watercourses, and increasing habitat mosaics to create ecological resilience within the site to the benefit of surrounding biodiversity-poor areas.
3.2 Historic Environment a	nd Archaeology	
3.2.1 Whether the adverse effects on buried archaeological assets would be effectively mitigated through the proposed mitigation.	Applicant to provide summary of response in OFH1 highlighting where information re: assessment of designated archaeological assets has been addressed in the ES / Application documents at Deadline 4.	The assessment of designated archaeological assets is contained within Section 25.8 of ES Chapter 25 Onshore Archaeology and Cultural Heritage [APP-039], under the following impact headings: Impact 1: Direct physical impact on designated heritage assets Impact 3: Indirect physical impact on designated heritage assets Impact 5: Temporary change to the setting of designated heritage assets Impact 7: Permanent change to the setting of designated heritage assets.
		Further information can also be found in the following appendices:
		Environmental Statement Appendix 25.1 Cable Landfall Search Area Historic Environment DBA [APP-144]

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		 Environmental Statement Appendix 25.2 Onshore Cable Corridors and Onshore Substation Zone Historic Environment DBA Part 1 of 2 [APP-145] Environmental Statement Appendix 25.2 Onshore Cable Corridors and Onshore Substation Zone Historic Environment DBA Part 2 of 2 [APP-146] Environmental Statement Appendix 25.3 Onshore Infrastructure Settings Assessment Part 1 of 2 [APP-148] Environmental Statement Appendix 25.3 Onshore Infrastructure Settings Assessment Part 2 of 2 [APP-149] Environmental Statement Appendix 25.4 Offshore Infrastructure Setting Assessment [APP-150] Environmental Statement Appendix 25.5 Heritage Walkover Survey [APP-151]
3.2.2 Whether the effects on Conservation Areas and Heritage Assets have been adequately assessed	Applicant to provide an Addendum to ES Chapter 25 Onshore Archaeology and Cultural Heritage.	An Addendum to ES Chapter 25 Onshore Archaeology and Cultural Heritage is being submitted into the Examination at Deadline 4 [Document reference: 9.49].
3.2.3 Whether the proposed mitigation for the Conservation Areas and Heritage Assets would be sufficient, and		

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whether there would be a need for additional mitigation? 3.2.4 Whether the proposed offshore cable corridor from the proposed development would adversely affect sediment and geoarchaeological potential. 3.2.5 Whether any amendments are required to the draft DCO requirements or associated Management Plans.	Action items/Additional Question None At Deadline 4, Applicant to: • provide a response re: whether updates are required to the Outline Offshore Written Scheme of	The Applicant is considering whether updates are required to the Outline Offshore Written Scheme of Investigation and will provide a further update at Deadline 5. The draft DCO and Outline Code of Construction Practice
Fidils.	 Investigation (WSI) and whether certain actions need to be formalised in draft DCO; respond to ECC's concerns that mitigation measures are not currently contained in the Outline Code of Construction Practice (OCoCP); and 	(OCoCP) are being updated to align with Five Estuaries' final draft DCO and OCoCP submissions. An updated version of the draft DCO has been submitted at Deadline 5 and the updated OCoCP will be submitted at Deadline 5. The Applicant will submit the Archaeological Mitigation Strategy (AMS) and updated Outline Written Scheme of Investigation (OWSI), which are currently with ECC and Historic England in draft, at Deadline 5.
	 comment on whether the Applicant intends to update OCoCP to address ECC's concerns or whether the 	

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	concerns have otherwise been addressed.	
3.3 Traffic & Transportation	1	
3.3.1 Whether there are any onshore port and transportation impacts that would arise from the construction, operation and decommissioning of the offshore works.	Applicant to submit draft Statement of Common Ground (SoCG) with SCC re: various issues including need for a Port Traffic Management Plan at Deadline 5.	The Applicant intends to submit a SoCG with SCC at Deadline 5.
3.3.2 Whether the proposed mitigation to limit Heavy Goods Vehicle numbers would be sufficiently robust, precise and enforceable, or whether provision should be made for any additional mitigation measures.	Applicant to submit updated draft SoCG with ECC re: various issues including restriction of certain noisy activities during certain hours (and overspill parking / subcontractors arriving early etc) at Deadline 4.	The Applicant will submit a Statement of Common Ground with ECC detailing the areas of agreement at Deadline 5.
	Applicant to submit updated Outline Construction Traffic Management Plan (OCTMP) to reflect comments / points raised by ECC / Tendring District Council (TDC) and National Highways in submissions / correspondence / meetings in recent weeks at Deadline 4.	The Applicant is submitting an updated OCTMP [Document Reference 7.16, (Rev 3)] to reflect the recent discussions with ECC / Tendring District Council and National Highways at Deadline 4.
	Applicant to submit updated SoCG with National Highways at Deadline 4 or at Deadline 5.	The Applicant is submitting a SoCG with National Highways at Deadline 4 [Document Reference: 10.7].

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3.3.3 Whether the personnel travel measures identified in the outline construction traffic management plan would be sufficiently robust, precise and enforceable to support the assumptions for single occupancy vehicle trips.	Applicant to provide a response in writing on any incentives for employees to use electric vehicles at Deadline 4.	The Applicant notes that the UK Government has mandated that all new vehicles should be electric by 2035 and that by the start of construction in 2027, 38% of all new vehicles should be electric vehicles (EVs). Latest data shows that the proportion of new cars that are EVs has grown from 11.6% in 2021, to 19.6% in 2024, demonstrating an upward trajectory in EV adoption. It is therefore evident that there is a national transition to EVs and this trend will likely be reflected or bettered in the construction industry.
		A primary incentive to support employees transitioning to EVs in the UK are salary sacrifice leasing schemes for EVs. Both shareholders for the Applicant are committed to the transition to EVs, with both offering incentivised leasing schemes to employees for leasing of EVs whilst working for the companies.
		Source: EV market stats 2025, available at: https://www.zap-map.com/ev-stats/ev-market [accessed March 2025].
3.3.4 Whether the mitigation would be adequate for the outstanding risks associated with the Abnormal Indivisible Loads (AILs) proposals.	Applicant to provide updates to the OCTMP to capture the requirement for assessment re: expected loadings and potential mitigations to assure National Highways that the proposed AILs would be able to operate safely on the A120 and a general update on status of	The Applicant is submitting an updated OCTMP [Document Reference 7.16, (Rev 3)] to reflect the recent discussions with National Highways at Deadline 4.

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	outstanding issues for discussion and agreement at Deadline 4.	
3.4 Noise and any other he	alth impacts	
3.4.1 For construction, whether the proposed mitigation measures for noise and vibration are sufficient, well defined and secured in the draft DCO.	None	
3.4.2 For the substation operation, how sufficient good design measures have been incorporated to reduce and mitigate noise effects.	Applicant to provide explanation as to why it considers time periods contained in section 6 of the Onshore substations operational noise and the outline noise complaints protocol are reasonable at Deadline 4.	The Onshore substations operational noise and the outline noise complaints protocol [REP3-043] is an outline document and draft DCO [REP3-008] Requirement 17 requires a final protocol to be submitted to and approved by the relevant planning authority. The final version of the protocol will include timeframes that are approved by the planning authority and considered achievable by each substation operator. It is not considered necessary to finalise these details prior to DCO consent, the primary purpose of the Onshore substations operational noise and the outline noise complaints protocol [REP3-043] is to identify the method by which a complaint would be investigated. The operational noise level limits in the draft DCO [REP3-008] Requirement 17 are so low that substation noise is

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		cause annoyance. Hence, complaints regarding normal substation operations are considered extremely unlikely to occur. As compliance with these limits will be a legal requirement ensured through the substation design process, the noise should only exceed its limits if a fault has developed in one or more items of plant.
		Section 6.4 of the Onshore substations operational noise and the outline noise complaints protocol [REP3-043] identifies that the first stage in the process would be to undertake a site walkaround to identify any equipment operating incorrectly, within two working days of receipt of a complaint. All three substations will be unmanned; hence this timeframe is the minimum that would be achievable. It is considered extremely likely that the initial site walkaround would identify any equipment faults, and Section 6.5 of the Onshore substations operational noise and the outline noise complaints protocol [REP3-043] states that initial remedial measures must be considered. Therefore, the timeframe for resolution of the issue would only depend on how quickly it can be fixed, without the need to resort the measurement protocol and associated timeframes. The alternative scenario is much less likely, in that the complainant has detected a fault with the plant that the site walkaround could not identify. For the fault to be undetectable by a site operative, it would be a very small breach of the consented noise level and therefore unlikely to cause a significant disturbance. This is the only

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		timeframes described in Section 6.6 of the Onshore substations operational noise and the outline noise complaints protocol [REP3-043] are considered likely to apply.
		The timeframes identified in Section 6.6 of the Onshore substations operational noise and the outline noise complaints protocol [REP3-043] recognise the likely technical complexity of such a scenario and the high degree of individual expertise and equipment precision required to undertake such an investigation. Such resources are of limited availability; hence there can be delays to mobilisation. The 10 days required to appoint a consultant includes the draft and issue of a tender document, preparation and submission of bids by prospective suppliers, review by the operators, appointment of the successful consultant and raising of a purchase order. Following appointment, surveys must only be undertaken when weather conditions are appropriate, so undertaking them at short notice can be challenging in a variable climate such as the UK. The identified timeframes are based on extensive professional experience of how long these activities take; for example, cost-benefit analysis of mitigation options requires information from equipment and mitigation suppliers and the timeframe for providing this is outside of the operator's control. However, these timeframes are the expected
		maximum and every effort will be made to expedite the process. It may be possible to complete the work quicker

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		than specified when resources are available and weather conditions are appropriate.
3.4.3 Position relating to Electro-Magnetic Fields (EMFs).	Applicant to confirm whether there is any research into implications for plant health from EMFs at Deadline 4.	The implications of EMFs on plant health is an emerging topic with some evidence for effects, including in respect to plant growth and metabolism (Vian et al., 2016). Studies have reported both positive and negative effects as a result of EMF exposure under a variety of experimental conditions using different magnetic fields (Payez et al., 2012). These include improved crop productivity and an increase in plant biomass through enhancement of seed germination and plant water uptake (Ayesha et al., 2023). Other studies concluded that EMF radiation could inhibit seedling growth and could result in a potential reduction in root and coleoptile length (Kumar et al., 2015).
		Whilst our understanding of the effects of EMF on plants is growing, overall, the picture remains unclear (Ayesha <i>et al.</i> , 2023). The Applicant is not aware of any studies which specifically investigate the effect of HVAC buried electrical cable EMF radiation on plant health and thus the implications remain inconclusive. However the studies cited above, which have determined effects from EMF upon plant health, have involved much higher levels of both electric and magnetic fields than that predicted to be generated at ground level by the North Falls Project. There is no evidence for effects on plants at the levels encountered above North Falls buried cables.

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		The Applicant reiterates that it has committed within ES Chapter 28 Human Health [APP-042] to compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for EMF. The Applicant also notes that the highest level of the magnetic fields at ground level for North Falls underground cable system, which is calculated as 106 microteslas (µT), is well below the maximum exposure limit of 360 µT stipulated by the ICNIRP. Further detail regarding the EMFs generated by the Project is provided within the Technical Statement on EMFs, being submitted at Deadline 4.
	Applicant to update EMF non-technical summary to include visuals at Deadline 4.	The Applicant has updated the EMF Non-technical Statement [Document reference: 9.40, (Rev 0)] to include visuals and submitted this at Deadline 4.
3.5 Agriculture and other I	and uses, ground conditions and soils	
3.5.1 The use of BMV land and the long-term effects on agricultural land classification.	None	-
3.5.2 Restoration and reinstatement of soils.	Applicant to confirm / explain approach to trenching and topsoil reinstatement process (in respect of trenching for cabling and construction of haul road) at Deadline 4.	The principles of reinstatement are discussed within the Outline Code of Construction Practice (OCoCP) [REP3-017] which includes details on outline soil management measures and industry good practice techniques which contractors will be obligated to comply with. These include MAFF Good Practice Guide for Handling Soils (2000) and the Defra Construction Code of Practice for the

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		Sustainable Use of Soils on Construction Sites (2009) or latest relevant available guidance.
		The draft DCO [REP3-008] includes a requirement for the Applicant to submit a final Code of Construction Practice and Soil Management Plan which must be in accordance with the OCoCP [REP3-017] prior to commencement of construction. The OCoCP details that an Agricultural Liaison Officer will be appointed who will undertake discussions with landowners to identify ways in which the impacts of construction works can be mitigated as well as agreeing reinstatement measures following completion of the works. A Schedule of Condition will be undertaken prior to entry to assess the soil composition and depth of topsoil along with soil sampling. This information will be used during reinstatement to ensure the soils are returned to their former condition suitable for previous use.
		There are two key aspects to the cable duct installation, the topsoil strip and the trenched excavations for the cable ducts. Generally, the cable duct trenches will be reinstated on a rolling basis, minimising the amount of time they are open. The only time parts of the trenches may be open longer is if the cable pull is happening shortly afterward, to facilitate joint bay creation and cable pull through the ducts.
		The timing for reinstatement of topsoil will depend on the construction scenario. In scenarios where the projects are built out sequentially, there will be a need to either have

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		soil stored longer, or handled multiple times. Where this takes place, liaison will be undertaken with the landowner and the programmes of the two projects discussed to ensure there is as minimal impact as practicable, however, this may not be possible due to the issues with conflicting project programmes.
		Following completion of the works, all areas of the onshore cable route including cable trenches, spoil storage, haul road and temporary construction compounds will be reinstated to their original condition. This process will be continuous during construction as each area of the works is completed. Under North Falls and Five Estuaries coordination Scenarios 1 and 2, the haul road and Temporary Construction Compounds (TCCs) would also need to be retained in these same areas for use by Five Estuaries cable pull immediately following the construction by North Falls, or vice versa. In these instances, removal of the haul road and TCCs would be undertaken by the second project to progress to construction.
	Applicant to review figures provided for traffic assessment and identify in the summary note for Issue Specific Hearing 1 (ISH1) where information re: lorry / HGV movements for moving surplus topsoil is located in ES at Deadline 4.	ES Appendix 27.1 Transport Assessment (TA) [APP-165] includes details of the approach to the derivation of construction traffic demand. In brief, the TA outlines that construction traffic demand has been derived by a first principles approach, whereby the Applicant has appointed construction consultants to calculate the volume of materials required (applying appropriate contingencies)

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		and aligned this demand to a construction programme to derive daily HGV movements.
		With regard to the requirement to export surplus topsoil from the onshore substation, the aim of the engineering design has been to balance the requirements for cut and fill. This approach results in no surplus material being generated and consequently no requirement for HGVs to export surplus topsoil.
	 At Deadline 4 or Deadline 5, Applicant to: clarify position on depth of the cables in DCO and voluntary agreement Heads of Terms. provide explanation of meaning of words 'where practicable' in relation to cable depth restriction / obligation in updated OCoCP (can it be rephrased - cable ducts installed at depth of 1.2m except where impracticable to do so)? 	The Applicant will provide a response at Deadline 5 with the updated Outline Code of Construction Practice.
3.5.3 The temporary and permanent effects on agricultural activities.	None	-

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3.5.4 The width of the cable corridor and depth of the cables.	Applicant to check additional wording re: dormice in relation to haul road in respect of Strutt and Parker Farms land in Five Estuaries DCO and consider whether the Applicant will also insert this wording into the North Falls DCO at Deadline 4.	Please see response to Point 3.2.7 in Section 1.4 of this document (below).
3.6 Flood Risk, groundwate	er and surface water	
3.6.1 Whether the proposed development has adequately taken account of those residents whose water supply is only guaranteed through	Applicant to submit evidence / explanation about sphere of influence re: downdraw calculations from cable route works on wells (i.e. 250m) at Deadline 5 as part of technical note being developed on this point.	A response will be provided at Deadline 5.
well water supply.	Applicant to consider Heads of terms to see if preclusions re: water supply will apply to Norman's Farm and provide update at	Paragraph 136 of the Outline Code of Construction Practice [REP3-017] details the control measures that are proposed in relation to private water supplies.
	Deadline 4.	The Applicant confirms that the terms of the voluntary agreement being progressed are not intended to restrict or limit private water supplies and has confirmed this position with the landowner of Normans Farm. The landowner retains the right to seek appropriate remedies in the event of any disruption directly resulting from the Project's construction activities to address and resolve any issues.
3.6.2 Disapplication of environmental permits for abstraction and dewatering activity: whether or not an	None	-

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abstraction license or exemption is in fact required.		
3.6.3 Whether the Applicant's position regarding a post-consent FRA is considered best practice.	Applicant to provide updated SoCG with Environment Agency at Deadline 4.	The Applicant is providing updated SoCG with Environment Agency at Deadline 4 [Document reference: 10.4 (Rev1)].
3.6.4 The extent to which the Flood Risk Assessment provided post-consent would adequately assess the risk to third parties and allow for consideration of mitigation in the decision-making process.	None	-
3.6.5 Whether sufficient coordination of landfall flood defence impact has been progressed with the VEOWF.	None	-
3.6.6 Construction related impacts and flood risk: whether or not the position of the Environment Agency regarding the Code of Construction Practice, and trenched crossings and haul road	Applicant to continue to engage with the Lead Local Flood Authority and set up meeting.	The Applicant is in discussions with ECC to arrange a meeting with the representatives of their LLFA team.

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crossings using HDD has been addressed.		
3.7 Socio Economic Effect	is .	
3.7.1 What support would be given to the local population to access the employment opportunities that are anticipated and to ensure that the employment benefits are realised for the local area.	Applicant to provide update on discussions with SCC and ECC in relation to the Outline Skills and Employment Plan (OSEP) and final detailed post-consent Skills and Employment Plan at Deadline 4.	Discussions with Essex County Council and Sussex County Council in relation to the Outline Skills and Employment Plan (OSEP) [APP-253] have continued following the submission of the outline plan as part of the North Falls DCO application. Engagement with a wide range of stakeholders, including the county councils and the district councils is an essential part of the further development of the Skills and Employment Plan (SEP). Preparation of the final SEP, which would proceed following DCO consent, will be collaborative with stakeholders to ensure that all parties are satisfied with the final plan, and that the SEP is clear about commitments to delivering measures, including measures in partnership with the Applicant wherever appropriate.
		Further post-OSEP submission discussion with Essex County Council was held jointly with Five Estuaries in January 2025, and which covered the following:
		 Updates on the status of each project; Recap on the OSEPs submitted with the two applications; Discussion about opportunities for collaboration with Essex County Council on existing and future initiatives;

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		Views on the Applicants' proposals for future engagement and the process of working towards final SEPs.
		Issues and initiatives discussed at the meeting included:
		 Potential for a Steering Group amongst key stakeholders to shape the SEPs going forward, with sub-groups/working groups to consider specific areas of action; Extending the list of stakeholders to be engaged, with further suggestions about sixth form colleges, academies and universities, Headteachers Association; Discussion about the potential role of the Greater Essex Careers Hub; Collaboration with Essex County Council's Skills team to assist in identifying skills shortages and gaps; Tendring District Council's apprenticeship initiatives
		and the potential to channel opportunities arising from the projects through it, and the Tendring Future Skills initiative:
		 The potential role of Skills Bootcamps in supporting action to enable people to make the transition from other sectors into offshore wind;
		 Existing Essex County Council initiatives including Aspirational Essex (for which an introduction would be made); the Apprenticeship Hub for Essex, future careers fairs including green skills focused events; the

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		Connect to Work programme supporting people with disabilities and focussed on removing barriers to finding sustainable work.
		There was agreement at the meeting to hold a further meeting in the near future, including for further discussion about the formation of a working group or groups. Commitment was also made by the Applicant to provide further details on employment opportunities once modelling of these opportunities has been completed.
		A third meeting was held with Suffolk County Council in February 2025 with the Council's Skills for Infrastructure Strategic Lead. This meeting involved both North Falls and Five Estuaries, and covered the following:
		 Updates on the status of the projects; Range of stakeholders to be engaged in future discussions, with Suffolk County Council agreeing to consider organisations from Suffolk which should be engaged; Update on Suffolk's activity in organising a skills and employment working group, which stems from the deed of obligations for Sizewell C and involves three colleges and higher education. Work includes mapping
		 the curriculums offered by further and higher education institutions; Update on Suffolk County Council's Regional Skills Coordination function and its activity in looking at multidisciplinary skills for a wide range of projects including

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		 solar, onshore wind, nuclear, project management, grid infrastructure; Skills funding through Sizewell C and their relevance to recruitment and skills development for the projects; The need to understand the skills and labour needs of projects; The need to engage local supply chains on their workforce planning.
		There was agreement to set up regular meetings with Suffolk County Council as work on the SEP progresses.
	Applicant to consider a stronger commitment re: research and development in particular re: Harwich as an innovation / green energy hub in the OSEP at future deadline.	The Applicant is currently considering ports suitable for the construction base for the offshore elements of North Falls. Port selection will be dependent upon securing development consent, financial close, and most likely a Contract for Difference award, and will be influenced by findings from further technical studies and commercial negotiations.
		The Operation and Maintenance (O&M) port is also yet to be determined, and will be located either in Essex or Suffolk.
		The potential roles of Harwich and other possible O&M ports will continue to be considered as part of further work on the OSEP, and the Applicant has sought to understand through engagement to date proposed initiatives relating to ports.

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	Applicant to provide cross-references to where information on assessment of NFOWF on tourism (coast and Dedham Vale NL) is contained in ES (including cumulative impacts) at Deadline 4.	Effects on tourism for both the construction and operation of North Falls, together with cumulative effects, are assessed in ES Chapter 32 Tourism and Recreation [APP-046]. Assessment of effects on tourism and recreation receptors (Table 32.19) drew on evidence from a range of Environmental Impact Assessment topic areas, and concluded that there would be minor adverse or negligible effects on those receptors, which were not significant in EIA terms.
		A detailed review of published evidence on the impacts on tourism of Offshore Wind Farm developments is provided in Section 32.5.6 of ES Chapter 32 Tourism and Recreation [APP-046], which found that a significant majority of studies identify no deterrent to people visiting or returning to an area as visitors as a result of changes in perception and behaviour resulting from Offshore Wind Farm developments and their associated infrastructure. The chapter notes [paragraph 32.5 4.3.4] that Suffolk Coast and Heaths National Landscape (now the Suffolk and Essex Coast and Heath National Landscape) is located around 13km north of the proposed landfall for North Falls at its closest point, and 40.1km from the Nearest turbine. It also refers [paragraph 32.5.6.3] to the presence of several Offshore Wind Farm developments that form part of the existing seascape from the Suffolk Coast, the majority operational before 2019. East Suffolk Council's representations (see [RR-084]) indicate that its concerns about seascape views from the National

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		Landscape were mitigated by the Applicant's reduction of the height of the turbines and the removal of the northern array which addressed the issue of visual impacts, since it extends the distance of the nearest turbine to more than 40km.
		ES Chapter 30 Landscape and Visual Impact Assessment [APP-044] recognises the potential for localised landscape and visual effects (including cumulative), associated with the proposed North Falls onshore substation. The impacts of the project on the landscape character of the study area are set out in detail in ES Chapter 30 Landscape and Visual Impact Assessment [APP-044].
		No significant effects are anticipated on the Dedham Vale National Landscape to the north of the proposed onshore substation. Viewpoint 8 (refer to Figure 30.2.8 of ES Chapter 30 Figures [APP-083 to APP-088]), which is taken from a location on the southern edge of the National Landscape (Essex Way, Dedham Road) represents some of the closest and potentially 'worst case' views from the National Landscape. From this location hedgerow and woodland cover, across the relatively flat intervening landscape between the southern edge of the National Landscape and the North Falls onshore substation, play a notable screening role.
		Impacts on tourism were scoped into the Applicant's assessment in ES Chapter 32 Tourism and Recreation [APP-046]. The assessment recognises (Section 32.5.2,

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		paragraph 70) the importance of the tourism economy to Tendring district, identifying its reported value of £414 million in 2022, and its support for 9,250 jobs, representing just under 19% of all jobs in the local economy. Recognising that the sector is a key part of Tendring's economy and that of the wider area, it assesses the impact as minor, adverse, which is not significant in EIA terms.
		Impacts on tourism and recreation from onshore construction works are assessed for the proposed onshore cable route from landfall at Kirby Brook to the proposed East Anglia Connection Node located to the north east of Little Bromley. The effects of onshore construction activity are assessed for a local area of influence extending to a 0.5km buffer around the proposed cable route (ES Chapter 31 Figures [APP-089]), and includes a number of tourism and recreation assets identified as receptors (Table 32.18, ES Chapter 32 Tourism and Recreation [APP-046]). The assessment considers the potential impacts of temporary closures or diversions of rights of way, air quality, noise and vibration, construction road traffic and visual impacts, noting that the combination of mitigation measures proposed by the applicant and the temporary duration of the construction process would limit the impacts to short-term changes in behaviour in the local area (Section 32.6.1, ES Chapter 32 Tourism and Recreation [APP-046]). It identifies minor adverse effects or negligible effects on these receptors and concludes that they are not significant in EIA terms. The chapter also assess the

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		effects of onshore construction activity on the availability of visitor accommodation (Section 32.6.1.3) and on the volume and value of tourism (Section 32.6.1.4).
		ES Chapter 32 Tourism and Recreation [APP-046] concludes that construction will generate temporary demand for accommodation, finding that the scale of demand even at peak construction is such that there would be sufficient capacity to absorb it, and the effect is therefore negligible and not significant in EIA terms.
3.7.2 Whether proposals can be taken forward to ensure that local supply chains benefit from the proposed development.	None	-
3.7.3 What, if any, community benefits are proposed and how would these be secured.	Applicant to provide update on discussions with ECC re: community benefits fund at Deadline 4.	The Applicant and Essex County Council met on 8 April 2025 to discuss matters relating to community benefits. In this meeting, Essex County Council confirmed that a paper will be forthcoming in due course setting out the Council's interpretation of the Department of Energy Security and Net Zero's guidance published 10 March 2025 (Community funds for transmission infrastructure). The Applicant will meet with Essex County Council following its sharing of this paper and regular conversations between the Applicant and Essex County Council will continue thereafter.

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3.8 Cumulative Effects		
3.8.1 Whether the proposed development should include provision for additional mitigation for cumulative noise effects from construction traffic, and if so, how would that be secured.	None	-
3.8.2 For the substation operation, whether sufficient good design measures have been incorporated to reduce and mitigate noise effects.	Applicant to provide explanation of noise limits (during construction and operation phases), where the limits are located and secured and how those limits will be enforced at Deadline 4.	Construction noise impact criteria are identified in Table 26.8 of ES Chapter 26 Noise and Vibration [APP-040]. The identified noise level thresholds for medium impacts, which at a residential dwelling, equates to an effect of moderate significance (i.e. significant) are 68 dB $L_{Aeq,T}$ during the daytime, 58 dB $L_{Aeq,T}$ during the evenings and weekends and 48 dB $L_{Aeq,T}$ at night. These criteria must be exceeded for at least 10-days in 15 or 40-days in six months for effects to be considered significant. These criteria are secured and enforced through draft DCO [REP3-008] Requirement 8 to produce and comply with an approved Code of Construction Practice which accords with the Outline Code of Construction Practice (OCoCP) [REP3-017]. Section 1.11 of the OCoCP requires that the final CoCP will confirm the actual expected noise levels for the relevant phase, the standard control measures (referred to as best practicable means) and any additional mitigation measures (such as screening) that will be

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		implemented to avoid significant effects due to noise from construction works.
		Limits for the North Falls onshore substation operational noise levels at the closest residential dwellings are identified in draft DCO [REP3-008] Requirement 17. As discussed in ISH1, the limits for noise from North Falls onshore substation are lower than the cumulative noise level limit of 35 dB (this limit is explained in Section 26.4.3.6 of [APP-040]). Each of the three cumulative onshore substations (North Falls, Five Estuaries and National Grid Norwich to Tilbury) has been assigned limits at their closest receptors which ensure that the combined noise from all three substations will not exceed 35 dB at any residential dwelling.
3.8.3 Whether the cumulative impact on archaeology with the cable corridor associated with VEOWF has been adequately assessed.	None	
3.8.4 The adequacy of the cumulative effects assessment (CEA) in relation to the consideration of the proposed development together with the VEOWF and the Norwich to	Applicant to consider further information available for Tarchon Interconnector project and update CEA as required at Deadline 4.	The Applicant has reviewed the information published by Tarchon on 10 th March 2025 as part of their non-statutory consultation exercise. Information published at this time (and available on the Tarchon website: https://www.tarchonenergy.net/non-statutory-consultation/) included:

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Tilbury and other development projects.		 A cable landfall location, located south of Harwich; A 600m wide onshore cable route for buried HVDC cabling, running between land south of Harwich and the East Anglia Connection Node substation near Ardleigh; An approximately 1,000ha onshore substation area of search for 10ha of land for an onshore converter station and subsequent HVAC cabling to connect in to the East Anglia Connection Node substation.
		At this stage, no other technical information has been published in addition to the spatial information outlined above.
		This limited spatial information is not sufficient to undertake a detailed cumulative assessment. At this stage, the Tarchon project proposed footprint remains too broadly defined, with a converter station potentially being located anywhere between Horsleycross Street, and land adjacent to the East Anglia Connection Node. Details of indicative construction practices, programme, potential vehicle movements, noise / dust / other emissions levels, etc. required to undertake a meaningful cumulative assessment are not yet known.
		It should be noted that Tarchon is not yet on the PINS Programme of projects, and has not yet submitted a Scoping Request, therefore it does not yet fall within Tiers 1 to 3 as described in the PINS' Nationally Significant

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		Infrastructure Projects: Advice on Cumulative Effects Assessment (March 2025).
		The Applicant will continue to monitor the Tarchon project, and will continue to review the need for an update to the CEA, should sufficient information be published prior to the close of the Examination.
		The Applicant notes that the Tarchon project will need to carry out a CEA as part of its Environmental Statement and that will include North Falls.
3.9 Coordination and altern	natives	
3.9.1 Whether the applicant has fully explored, in coordination with other parties, the options for an integrated offshore connection in accordance with NPS policies.	Applicant to explain why the 2030 date for NFOWF operation has been chosen / is required at Deadline 4.	This is the date stated in the current North Falls Bilateral Connection Agreement with NESO for connection of the Project to the national grid.
3.9.2 Whether there is a viable alternative offshore option to an onshore radial connection that could deliver a connection for the proposed development within an appropriate timescale.	None	-

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3.9.3 Whether the application for the proposed development is premature given the stage that National Grid's Norwich to Tilbury project has reached in the development consent process.	None	
3.9.4 Whether the North Falls Offshore Wind Farm, the VEOWF, the Tarchon Interconnector and the Norwich to Tilbury projects should be examined as one application?	Applicant to address concerns from landowners at DL4 re: implications of different substation designs for NFOWF and VEOWF including whether it is appropriate for the two ExAs consider two different designs when only one will be built.	As discussed under point 3.1.4 above, the Applicant and Five Estuaries have committed to the production of a joint Design Guide, as outlined within the Design Vision [APP-234], which will encompass both onshore substations and their immediate settings. Progress with the development of a joint Design Guide will continue through the North Falls Examination process.
		Notwithstanding on the ongoing Design Guide process, the Applicant has developed landscape mitigation proposals which are considered to be appropriate for delivering landscape and visual mitigation and environmental enhancements for North Falls alone, and for North Falls and Five Estuaries, if required.
3.9.5 The consideration of alternatives to the siting of the onshore sub-station having regard to the ultimate selection of the onshore substation site on Grade 1 Best and Most	None.	-

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Versatile (BMV) agricultural land.		
3.9.6 Whether any greater degree of co-ordination between the applicant and the VEOWF project could be achieved in order to minimise	Applicant to provide a summary of why a Grampian condition is not appropriate in relation to coordination of VEOWF and NFOWF projects at Deadline 4.	The Applicant considers that the imposition of a DCO Requirement of the type proposed by Essex County Council requiring the coordination of the construction phases of the North Falls and VEOWF projects would be inappropriate because it fails the relevant policy tests.
the impact on farmland of the onshore substation and onshore cable route.		The Overarching National Policy Statement for Energy (NPS EN-1) states that the Secretary of State:
onshore dable route.		 should only impose requirements in relation to a development consent that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects (see paragraph [4.1.16]); and should consider the guidance in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance: Use of Planning Conditions where appropriate (see paragraph [4.1.17]).
		The relevant guidance in the NPPF provides that planning obligations should only be sought where the obligations are:
		 necessary to make the development acceptable in planning terms; and directly related to the development; and

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		 fairly and reasonable related in scale and kind to the development (see paragraph [58]).
		The Planning Practice Guidance: Use of Planning Conditions confirms that:
		 the tests (listed above) for the use of conditions should be rigorously applied and any proposed condition that fails to meet one of the tests should not be used (see paragraphs [018] – [019]); and conditions requiring the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. It may be possible to achieve a similar result using a negatively worded Grampian condition however such conditions should not be used where there are no prospects at all of the action in question being performed within the time limit imposed by the permission (see paragraph [009]).
		The Applicant considers that a DCO Requirement requiring the construction periods of the North Falls project and VEOWF project to be coordinated fails these policy tests on the basis that the condition / requirement is not necessary to make the development acceptable in planning terms and is unreasonable:
		The imposition of this requirement is not necessary to make the development acceptable in planning terms. The impacts of a sequential build-out of the

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		 two projects has been assessed in the ES and are considered to be acceptable. The Applicant notes that it is hoped that the two projects can proceed on the same timeframe - provision for this is made in the draft DCO for both projects [REP3-008] and supported by ongoing actions outlined in the Coordination Report [REP1-004]. However, there may be separate consenting, environmental mitigation or route to market issues for one project which means that aligned programmes slip. A DCO Requirement requiring both projects to align their construction phases increases the risk of delay to the North Falls project which could jeopardise its ability to deliver the project by 2030 and contribute to the UK's renewable energy targets. Further, the imposition of such a DCO Requirement would put the Applicant at a competitive disadvantage in relation to other comparable proposed offshore wind farms when seeking a Contract for Difference (CfD) and investment. This is likely to delay the implementation of urgently needed critical national priority renewable energy infrastructure and/or hamper its delivery. More generally, the precedent effect of the decision to impose a condition of this type could have wider consequences for the rapid delivery of offshore wind and the ability of the sector to meet the urgent

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Agenda Item	Applicant to explain and demonstrate consideration of scope for further coordination in relation to construction works for VEOWF and NFOWF (i.e. a commercial agreement to share costs – particularly in relation to the prospect of people being disturbed by construction activity and then disturbed again by works for later project). Note that in ISH1, the Applicant confirmed that no further information from Ofgem was available on this point but the Applicant will provide an update as appropriate.	need for increased generating capacity set out in the NPSs. Accordingly, a Requirement of the type proposed should not be imposed. The Co-ordination Report [REP1-005] sets out the proposed construction scenarios. These have been developed to try to minimise the impacts on people and landowners. These have been selected so that the two projects are not removing and then reinstating working areas in quick succession e.g. Scenario 2 has been developed to ensure the projects are not removing the haul roads/TCCs and reinstating very soon after. Because these are different projects, promoted by two different Special Purpose Vehicles (SPVs), with two separate sets of shareholders, unlike other projects building out together at the same time by the same developer; these projects cannot easily make firm commitments regarding coordination at this stage. That is why they are going through the DCO process as two
		commitments regarding coordination at this stage. That is
		result, the two projects cannot guarantee the same construction and installation programme, and one project may not be ready to proceed when the other is (e.g. delays relating to wind turbine procurement, delays to final investment decision making etc). To construct at the same time will result in one project taking on excess cost and

Agenda Item	Action items/Additional Question	Applicant's Response
		commercial risks that it is not prepared for, with the other project not being in a commercial position to warrant or underwrite those shared (cable ducting) infrastructure costs (in the event it does not come forward due to other issues). The current regulatory regime for the onshore works controls divestment under the Electricity Act 1989, and so the costs recovered by the project under this process may not be recoverable, thereby resulting in the first project being penalised twice. This was raised to DESNZ as part of the Early Opportunities work stream around offshore wind transmission co-ordination. This commercial constraint (i.e one project not commercially ready to commit to construction when its co-ordinated project is) was past to OFGEM.
		To try to mitigate this commercial issue on North Falls and Five Estuaries, North Falls engaged with OFGEM to try to understand what can be done by OFGEM to guarantee or underwrite this "anticipatory investment". In April 2022 OFGEM consulted on a "minded to position" with regards to "anticipatory investment". This consultation was completed via the UK governments Early Opportunities work stream. North Falls invested resources and time into providing OFGEM with a written consultation response. On the 18 th October 2022, OFGEM published its overall decision following its April 2022 consultation on "anticipatory investment". OFGEM's decision summary can be found in their letter dated 18 th October 2022

Agenda Item	Action items/Additional Question	Applicant's Response
		(Decision on Anticipatory Investment and Implementation of Policy
		Changes) and published on OFGEM's website. In summary, OFGEM were to work with others to determine if a commercial solution can be found, which would require code modifications and regulatory changes between consumers, the ESO and developers. At the time of writing this response (24 th April 2025), no further contact from OFGEM has been made to North Falls regarding "anticipatory investment" since their published letter of the 18 th October 2022. For further information relating to OFGEM's position, please contact OFGEM.
		North Falls and Five Estuaries will continue to co-ordinate and collaborate to help facilitate cable installation in the event the two projects, post DCO award, onshore cable installation programmes align.

1.4 Summary of the Applicant's Actions List for ISH2

Agenda Item	Action items/Additional Question	Applicant's Response
3.1 Draft Development Consent Order (draft DCO)		

Agenda Item	Action items/Additional Question	Applicant's Response
Articles Part 2 Principal newers	None	
Articles – Part 2 Principal powers	None	-
Article 2 – Interpretation		
3.1.1 The objections raised by the Port of London Authority (PLA) to the definitions of 'commence' and 'maintain' including any related proposed drafting amendments to Article 2 and/or Schedule 14 protective provisions.		
Article 5 – Benefit of the Order	None	-
3.1.2 The objections raised by the Marine Management Organisation (MMO) in relation to the process of transferring and/or granting the deemed marine licences (DMLs) outlined in the draft DCO at Article 5 in the light of the existing statutory regime set out in section 72 of the Marine and Coastal Access 2009 Act and the overall effect on the ability of the MMO to record and enforce the marine licensing regime		

Agenda Item	Action items/Additional Question	Applicant's Response
in respect of any transferred or granted DML.		
Article 6 – Application and modification of legislative provisions 3.1.3 The progress of any discussions with the Environment Agency (EA) on this article including the disapplication of the provisions of the Environmental Permitting Regulations in respect of flood risk activity permits required for the crossings of main rivers and whether an 'in principle' agreement or protective provisions has now	None	
been agreed.		
Articles - Part 3 – Streets Article 12 – Temporary restriction on the use of streets	Applicant to update the Article to align with the Five Estuaries DCO.	The Applicant has updated Article 12(6) in the draft DCO submitted at Deadline 4 [Document Ref: 6.1 (rev 5)] to change the relevant timeframe from 28 days to 56 days.
3.1.4 Whether the 28-day period in Article 12(6) within which a street authority is required to notify the		

Agenda Item	Action items/Additional Question	Applicant's Response
undertaker of its decision is necessary and reasonable		
Article 14 – Traffic Regulation 3.1.5 Whether the 28-day period in Article 14(15) within which a traffic authority is required to notify the undertaker of its decision is necessary and reasonable.	Applicant to update the Article to align with the Five Estuaries DCO.	The Applicant has updated Article 14(5) in the draft DCO submitted at Deadline 4 [Document Ref: 6.1 (rev 5)] to change the relevant timeframe from 28 days to 56 days.
Schedule 1 - Part 3 Requirements	None	-
Requirement 5		
3.1.6 Whether the list of details to be submitted pursuant to requirement 5(1) should include reference to the delivery of landscaping and ecological enhancements to ensure the landscaping, Biodiversity Net Gain (BNG) and Green Infrastructure (GI) delivery is part of the onshore substation design as set out in the Design Vision		

Agenda Item	Action items/Additional Question	Applicant's Response
3.1.7 Whether the provision of the Design Guide referred to in the Design Vision should itself be directly secured by the draft DCO.	None	-
Requirement 11 – Onshore archaeology 3.1.8 The progress of the applicant's consultation with Historic England as regards the drafting of requirement 11.	None	-
3.1.9 Whether any amendments are needed to requirement 11 to ensure consistency of the draft DCO with the Five Estuaries Offshore Windfarm (VEOWF) draft DCO on this topic.	Applicant to update the requirement to align with the Five Estuaries DCO	The Applicant has updated Requirement 11 in the draft DCO submitted at Deadline 4 [Document Ref: 6.1 (rev 5)] to be consistent with the drafting in the final version of the draft DCO submitted at the Five Estuaries Examination.
3.1.10 Whether the draft DCO requirements would secure adequate measures to ensure that archaeological, geoarchaeological	None	-

Agenda Item	Action items/Additional Question	Applicant's Response
and paleoenvironmental remains would be appropriately safeguarded.		
Requirement 19 – Onshore build options	None	-
3.1.11 The intended purpose and scope of requirement 19.		
3.1.12 Whether any amendments to this requirement are sought by the discharging authority	Applicant to update the requirement to align with the Five Estuaries DCO.	The Applicant has updated Article 19(2) in the draft DCO submitted at Deadline 4 [Document Ref: 6.1 (rev 5)] to exclude Work No. 9 (being the Bentley Road works) for consistency with the final version of the draft DCO submitted at the Five Estuaries Examination.
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	None	-
3.1.13 Whether the EA should be listed as a named consultee for the		

Agenda Item	Action items/Additional Question	Applicant's Response
above requirements given the processes that fall within its remit.		
Other matters relating to requirements and conditions 3.1.14 The draft requirement proposed by the Port of London Authority (PLA) to ensure that a dredged depth of the Deep Water Routes to a depth of 22 metres below Chart Datum is not precluded or impeded.		The Applicant has included a new Requirement 2(3) in the draft DCO submitted at Deadline 4 [Document Ref: 6.1 (rev 5)] to secure the commitment to install and maintain cables at the required depths within the Trinity and Sunk Deep Water Routes. The Applicant has also inserted a new definition and plan – Deep Route Cable Installation Areas (Future Dredging Depths) Plan [Document Ref: 9.57 (Rev 0)], along with an outline Cable Specification and Installation Plan [Document Ref: 9.53 (Rev 0)], outline Sediment Disposal Management Plan [Document Ref: 9.52 (Rev 0)] and updated Navigation and Installation Plan [Document Ref: 7.24 (Rev 1)]. Updates have been made to the DML conditions to make reference to these plans.
3.1.15 The drafting of any proposed requirement or condition that might be included within the draft DCO and DMLs relating to the removal of the Galloper Recommended Route as a prerequisite to the grant of consent.	None	-

Agenda Item	Action items/Additional Question	Applicant's Response
Schedule 3 - Traffic Regulation - Part 3 Speed limits	None	-
3.1.16 Whether any amendments are required in relation to speed limits to ensure consistency with the VEOWF draft DCO.		
Schedules 8, 9 and 10 – Deemed Marine Licences 3.1.17 The progress of		A number of amendments have been made to the draft DCO at Deadline 4 to address matters raised by Natural England the MMO, MCA, PLA and LGPL. Please see the updated draft DCO [Document Ref: 6.1 (rev 5)], the
discussions with Natural England (NE) and the MMO regarding the drafting of the DMLs and whether the draft wording for the relevant provisions have been agreed.		Applicant's response to deadline 3 submissions and deferred responses from deadline 2 [Document Ref: 9.42], and the Applicant's response to Natural England's deadline 3 submissions [Document Ref: 9.43].
3.1.18 The drafting of condition 20 in Schedule 8 and 10 and condition 21 in Schedule 9 of the draft DCO.	None	-
3.1.19 The changes sought by the MMO to Part 1 paragraph 9 of the DMLs.	None	-

Agenda Item	Action items/Additional Question	Applicant's Response
3.1.20 The amendments to the draft Schedule 9 conditions proposed by the PLA.	None	-
3.1.21 The recommended amendments to the DMLs proposed by NE including Schedule 8 Part 3 condition 21(1)(m) to give an individual timing requirement for the Site Integrity Plan (SIP).	None	-
3.1.22 The amendments sought by the MCA in respect of the DMLs contained in Schedules 8, 9 and 10 of the draft DCO.	None	-
3.1.23 The amendments sought by the PLA and the London Gateway Port Ltd in their written representations regarding the permissible reduction in water depth for Deep Water Routes in Schedule 9 Condition 13(3).	None	-
3.1.23 The progress of discussions between the PLA and	None	-

Agenda Item	Action items/Additional Question	Applicant's Response
the MMO regarding amendments sought to the DML (transmission assets) to reflect the requirements relating to the Deep Water Routes and when consultation needs to take place with the PLA.		
Schedule 14 – Protective provisions The progress of any negotiations relating to the agreement of protective provisions including:	Applicant to update the protective provisions	The Applicant has updated the protective provisions in the draft DCO at deadline 4 [Document Ref: 6.1 (rev 5)].
3.1.24 Those between the Applicant and the EA including in relation to the proposed disapplication of the provisions of the Environmental Permitting Regulations in respect of flood risk activity permits required for the crossings of main rivers and whether any amendments are required for the protection of drainage authorities		

Agenda Item	Action items/Additional Question	Applicant's Response
3.1.25 Whether the protective provisions sought by the PLA and the changes to the protective provisions sought by London	Applicant to provide submissions on its position that protective provisions are not required for the Ports.	The Applicant has submitted a full response at Deadline 4 on its position regarding protective provisions for the Ports. See the Applicant's submissions on protective provisions and the ports [Document Ref: 9.58].
Gateway Port Ltd have been agreed.	Applicant to submit package of plans to address cable burial depth commitment.	The Applicant has removed the protective provisions for the LGPL from the draft DCO at deadline 4 [Document Ref: 6.1 (rev 5)].
	Applicant to make updates to the dDCO to address cable burial depth commitment. Applicant to progress further discussions with the Ports on these matters.	The Applicant has included a new Requirement 2(3) in the draft DCO submitted at Deadline 4 [Document Ref: 6.1 (rev 5)] to secure the commitment to install and maintain cables at the required depths within the Trinity and Sunk Deep Water Routes. The Applicant has also inserted a new definition and plan – Deep Route Cable Installation Areas (Future Dredging Depths) Plan [Document Ref: 9.57 (Rev 0)], along with an outline Cable Specification and Installation Plan [Document Ref: 9.53 (Rev 0)], outline Sediment Disposal Management Plan [Document Ref: 9.52 (Rev 0)] and updated Navigation and Installation Plan [Document Ref: 7.24 (Rev 1)]. Updates have been made to the DML conditions to make reference to these plans.
3.1.26 Whether any protective provisions in respect of Essex County Council as the Highway	Applicant to update the protective provisions	The Applicant has updated the protective provisions in the draft DCO at deadline 4 [Document Ref: 6.1 (rev 5)].

Agenda Item	Action items/Additional Question	Applicant's Response
Authority should be incorporated within the draft DCO.		
3.1.27 Update on any other current negotiations with individual statutory undertakers in relation to protective provisions including those sought by Network Rail, National Highways and National Grid Electricity Transmission (NGET).	Applicant to update the protective provisions	The Applicant has updated the protective provisions in the draft DCO at deadline 4 [Document Ref: 6.1 (rev 5)].
Schedule 15 – Compensation to protect the coherence of the National Site Network	None	-
3.1.28 The provision of draft wording on a 'without prejudice' basis relating to compensation for the OTE SPA – Red Throated Diver, FFC SPA – Kittiwake and FFC SPA - Guillemot and Razorbill for insertion within Schedule 15 in the event that the Secretary of State agrees with NE that the compensation put forward by the applicant on a 'without prejudice'		

Agenda Item	Action items/Additional Question	Applicant's Response
basis is required. The 'without prejudice' draft wording to include provisions which would allow the applicant to utilise strategic compensation in place of project-led measures in the future, if agreed by the Secretary of State at that time.		
Planning obligations and other agreements 3.1.29 Whether any Framework Highways Agreement setting out the details of how the DCO, if granted, would be exercised has been agreed.	Applicant to provide an update on discussions with the ECC on the requirement for a Framework Highways Agreement.	The Applicant is liaising with Five Estuaries on this matter and an update will be provided at Deadline 5.
3.1.30 Update on the agreement sought by NGET to put in place a future crossing agreement to govern the offshore crossing in respect of the Sea Link Project and the proposed development.	Applicant to provide an update on the Crossings Agreement with National Grid.	A form of agreement is in circulation which is almost in agreed form. This is expected to be agreed soon, and an update will be provided at Deadline 5.

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3.1.31 Whether any other planning obligations or agreements to secure mitigation, enhancement or other matters are required and intended to be completed prior to the close of the Examination.	Applicant to provide an update on negotiations with the ECC on a Community Benefits Package.	The Applicant and Essex County Council met on 8 April 2025 to discuss matters relating to community benefits. In this meeting, Essex County Council confirmed that a paper will be forthcoming in due course setting out the council's interpretation of the Department of Energy Security and Net Zero's guidance published 10 March 2025 (Community funds for transmission infrastructure). The Applicant will meet with Essex County Council following its sharing of this paper and regular conversations between the Applicant and Essex County Council will continue thereafter.
Other matters	Regarding requirement 15	Requirement 15
3.1.32 Whether any other amendments are required to the draft DCO to ensure consistency with the VEOWF draft DCO on common aspects.	(groundwater monitoring), Applicant to review drafting from Five Estuaries, consider the ECC's concerns that the requirement has no trigger, and update DCO as appropriate.	The Applicant is preparing a groundwater risk assessment and construction monitoring plan and intends to submit these documents into the Examination at Deadline 5. The Applicant will also make any required updates to Requirement 15 at Deadline 5.
	Applicant to provide legal	Proposed Grampian condition
	submissions as to why a Grampian condition (as proposed by Suffolk County Council in its Local Impact Report) relating to the Norwich to	Please see the response to the action for agenda item 3.9.6 at ISH1 above in respect of the legal tests for a Requirement.
	Tilbury project is not required.	Suffolk County Council has proposed a DCO Requirement that imposes a phasing restriction on undertaking works to construct the offshore turbines until it is clear that the East Anglian Connection Node

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		(EACN) has been consented and is to be delivered as part of the Norwich to Tilbury project.
		The Applicant considers that a DCO Requirement as proposed by Suffolk County Council fails the relevant legal tests for a Requirement because it is not necessary and is unreasonable:
		 There is a presumption in favour for granting consent for the Norwich to Tilbury project as set out in the relevant NPSs because it is critical national priority infrastructure. The Applicant has a connection agreement with NESO pursuant to which it is required to provide a connection and NESO has identified the EACN as the connection point. The Applicant is not aware of any precedent for the imposition of a requirement of this sort and considers that there is no basis to consider the Project as 'exceptional' such that a requirement of this type would be justified here even though it is not normally regarded as necessary and not supported by policy in the NPS. It is unreasonable to require the Applicant to wait until the proposed requirement can be discharged because this would create a significant delay to

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		 the Project making its delivery by 2030 unachievable. The Applicant also has a series of decisions to make when preparing its bid for CfD, engaging with the supply chain and placing orders that would be adversely affected if it could not rely on its DCO as enabling implementation to proceed without such a restriction. This is likely to delay the implementation of urgently needed critical national priority renewable energy infrastructure and/or hamper its delivery. The precedent effect of a decision to impose a condition of this type could also have wider consequences for the rapid delivery of offshore wind and the ability of the sector to meet the urgent need for increased generating capacity set out in the NPSs. The Applicant has set out in its oral submissions at ISH2 that there are many precedents for generating stations being consented at a point when the associated grid connection project was further back in the consenting process. This includes Hinkley Point C for which development consent was granted a year before the application for the related connection project was

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		submitted. No equivalent requirement was imposed on the Hinkley Point C DCO.
3.1.33 Whether any additional draft DCO or DML provisions, requirements or amendments are necessary to ensure that the required mitigation including for HRA would be secured.	None	-
3.1.34 Whether the draft DCO and DMLs accurately capture all the required maximum parameters of the proposed works.	None	-
3.2 Onshore and Offshore Ecolo	ду	
3.2.1 Regard to the principal areas of disagreement with NE/MMO/RSPB to date. Covering benthic/ intertidal/ fish/shellfish/marine mammal ecology, bats and ornithological matters post Deadline 3. Including impacts to the Margate and Long Sands (MLS) Special Area of Conservation (SAC)/ the Kentish	Applicant to clarify what habitat creation for Functionally-Linked Land is proposed, and how this is secured.	All habitat creation proposed for the Project will take place within the onshore substation works area, as detailed in the Outline Landscape and Ecological Management Strategy (Rev 2) [REP3-019]. This habitat creation is not specifically related to creation of functionally-linked land for species associated with nearby Special Areas of Protection (SPA). As per the Outline Landscape and Ecological Management Strategy (Rev 2) [REP3-019], all habitat areas subject to temporary disturbance during construction will be

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Knock East Marine Conservation Zone (MCZ)/ surrounding Special Protection Area's (SPA's).		reinstated following the completion of construction. The proposed habitat reinstatement includes areas of functionally-linked land where these areas are temporarily impacted during construction. These areas are typically agricultural land which will be returned to its original use following the completion of construction, and will return to the original value as part of the functionally-linked land very quickly following reinstatement. As such, specific habitat creation for these areas is not proposed.
		Full details of the impacts assessed relating to functionally-linked land are provided in ES Chapter 24 Onshore Ornithology [APP-038], which concludes that habitat creation of functionally-linked land is not appropriate.
	Applicant to provide additional modelling of Benthic impacts on Kentish Knock East MCZ and Margate Long Sands SAC.	This has been submitted at Deadline 4. See Hydrodynamic and Dispersion Modelling Report [Document Ref: 9.54], Supporting Information on Offshore Additional Mitigation [Document Ref: 9.55], and Hydrodynamic and Sediment Dispersion Modelling Results Interpretation [Document Ref: 9.56].
	Applicant to address question from the ExA on whether an outline	This has been responded to in the Applicant's responses to deadline 3 submissions and deferred responses from deadline 2 [Document Ref: 9.42], in response to the MMO, and the Applicant's responses to

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	decommissioning plan should be provided pre-consent.	Natural England's deadline 3 submissions [Document Ref: 9.43].
3.2.2 Whether the cumulative effects concerning all relevant ecology have been adequately addressed. Including the on and offshore ornithological assessment robustness for relevant species/ transboundary cumulative implications/ and in-combination assessments.	Applicant to provide VE submissions on increased cut-in speed as a proposed mitigation.	The Applicant has provided Five Estuaries' Applicant's Comments on Natural England's Deadline 4 Submissions - Revision A into the Examination at Deadline 4 [Document reference: 9.61], which summarises their position in relation to curtailment. The relevant responses is provided under Item reference NE80 within this document.
3.2.3 Whether the extent and suitability of avoidance and mitigation measures for onshore and offshore ecology are adequate.	Applicant to consider the ECC's suggestion of undertaking bat activity monitoring throughout the life of the project, in the case that migrating bat numbers increase.	The Applicant will consider ECC's suggestion and engage with ECC further on this issue during Examination. The Applicant notes that a representation on this matter is expected from Natural England, as the relevant authority, at a future deadline, and the Applicant proposes to respond on this matter further once that representation has been provided.
3.2.4 Habitat Regulation Assessment considerations –the case made for derogation.	None	-

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3.2.5 Consideration of relevant compensation proposals (without prejudice or otherwise) for protected sites/applicable species including their overall potential effectiveness. The Applicant will be invited to give a brief overview summary of its most up to date compensation schemes for: Lesser Black Backed Gull; Red Throated Diver; Kittiwake; Guillemot and Razorbill, with ExA questions posed.	Applicant to submit an impact assessment regarding LBBG compensation. Applicant to respond to the ExA's question on adaptive management approach for Red-Throated Diver.	An assessment of effects on designated sites as a result of the Applicant's preferred LBBG compensatory measure is provided in HRA Annex 2B Lesser Blackbacked Gull Compensation; Effects on Designated Sites [document reference 7.2.2.2]. Installation of nesting rafts and peatland habitat management to maintain water levels in lochs are compensatory measures that have been demonstrated to increase RTD breeding success (see [REP1-021] (clean) [REP1-022] (tracked), Section 8). Therefore, rather than the entire measure failing and a whole new measure being implemented, adaptive management, if required, is more likely to be on a loch-by-loch basis. There may be some specific lochs where breeding success remains low, despite implementation of the compensatory measure. If monitoring of breeding success shows that a particular loch continues to fail to fledge chicks, investigations will be made into the cause of this. Using remote cameras to observe the nest and monitoring water levels in the lochs will help with determining the cause of nest failure. As discussed in Section 3.8.3.2 of the Red-throated Diver CIMP, should adaptive management be required,

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		consideration would be given to the reason for the failed measure(s), such as:
		Disturbance by anglers in boats, on larger lochs
		 Excessive growth of emergent vegetation due to lochs drying or eutrophication
		 A lack of vegetation on the loch edge to provide sufficient cover for RTDs nesting on the shore of a loch, e.g. due to overgrazing (not an issue for rafts)
		Predation.
		The adaptive management would be tailored to the pressures on the measure, for example:
		Measures to reduce disturbance
		Vegetation management
		Predator control or mitigation
		Predator control or mitigation would need to be tailored to the particular predators causing breeding failure at a particular loch. For example, avian predators such as corvids, gulls or great skuas could be predating on RTDs eggs, causing nest failure. If evidence shows avian predation is the cause of repeated nest failure, roofs will be installed on breeding rafts. These roofs would be made of some form of mesh, such as chicken

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		wire, that would allow the wind to pass through to ensure the roof did not act as a sail.
		For certain lochs in Shetland where peatland habitat management would have been implemented, as the compensatory measure, it may be that installation of a raft could provide suitable adaptive management, e.g. if RTDs were found to be failing due to a footpath nearby causing human disturbance. Note, efforts will be made to select lochs for implementing compensation that are not likely to be subject to human disturbance, as far as possible. Also, at some sites, peatland habitat restoration may fail to stabilize water levels in lochs, due to unforeseen issues with the local topography and habitat. If this occurs, expert peat management advice will be sought on whether further intervention (peatland management) would be beneficial or whether a new loch needs to be found at which to undertake peatland management.
		The need for adaptive management and the exact measures to be put in place to increase RTD breeding success, based on the evidence collected on the cause of breeding failure, will be discussed and agreed with the RTDCSG.

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3.2.6 Regard to the Biodiversity Duty - the level of scheme wide ecological conservation/enhancement provision submitted, as well as related BNG measures	None	-
3.2.7 Any other matters pertinent to gauging overall ecological impacts posed by the application deemed appropriate by the ExA.	Applicant to provide a response to Mr Fell regarding the plans and surveys carried out for Dormice.	The Applicant has provided a response to this point under Reference AS-050_e_1 in Applicant's Response to Deadline 3 Submissions and Deferred Responses from Deadline 2 [Document reference 9.42], being submitted at Deadline 4 alongside this document.
3.3 Commercial Fisheries		
3.3.1 Whether the estimate of the effects in the environmental assessment of commercial fisheries is sufficiently robust.	Applicant to provide Statement of Common Ground with fisheries following meeting on 27th March.	The Applicant is progressing this and will provide an update and Statement of Common Ground at a further deadline.
3.3.2 Whether the mitigation proposals result from the applicant having sufficiently detailed consultation with relevant representatives of the fishing industry, Inshore Fisheries and Conservation Authorities, the MMO	Applicant to clarify how and where socio-economic impacts on smaller fishing vessels have been taken into account.	Wider economic effects from disruption to fishing were scoped into the socio-economic assessment and are assessed within Chapter 31 Socio-economics [APP-045]. The baseline assessment details the economic value associated with the local fishing sector. The assessment then goes on to assess the significance of effect on wider economic effects from disruption to

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and the relevant Defra policy team in England		fishing. The wider economic assessment, set out in the socio-economics chapter, draws heavily on the assessment of relevant impacts assessed within ES Chapter 14 Commercial Fisheries [APP-028]. The size of vessels, including smaller (under 12m) vessels, is taken into consideration within ES Chapter 14 Commercial Fisheries [APP-028].
3.3.3 Whether the mitigation has been designed sufficiently to enhance where reasonably possible any potential medium and long-term positive benefits to the fishing industry, commercial fish stocks and the marine environment.	Applicant to provide Statement of Common Ground with the MMO, and clarify mitigations to address impacts on commercial fisheries are acceptable/agreed.	The Applicant has submitted a Statement of Common Ground with the MMO at Deadline 4 [Document Ref: 10.19]
3.3.4 Whether the proposed methods of cable protection are adequate to prevent future exposure of the cables, resulting in them becoming a snagging hazard to fishing vessels.	None	-
3.3.5 Whether the estimate of the effects from disruption to fishing in	None	-

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the assessment of socio economics is sufficiently robust.		
3.3.6 Whether any additional mitigation measures and/or safeguards are necessary, to include project alone and cumulative effects.	None	-
3.4 Navigation and Shipping		
3.4.1 Whether there are any outstanding concerns regarding the risks to navigational safety being assessed As Low As Reasonably Practicable (ALARP) for both the project alone and cumulative effects, subject to implementation of management plans and the level of mitigation proposed by the applicant.	Applicant to progress further discussions with the MCA regarding removal of the Galloper Recommended Route.	A meeting has been arranged with the MCA for the 14 th May to progress discussions on this topic.
3.4.2 Whether there are any outstanding concerns regarding the feasibility and timing of the formal	Applicant to consider and respond to the ExA's question on the alternatives available if closure of the Galloper Recommend Route is refused.	The Applicant is considering this and will respond at a future deadline following its meeting with the MCA on 14 th May.

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removal of the Galloper Recommended Ferry route.		
3.4.3 Whether there are any outstanding concerns regarding the risks to shipping movements, including the passage of vessels to and from nearby ports.	Applicant to schedule meeting with the Ports and the MCA to discuss the cable burial package submitted to be submitted at deadline 4.	The Applicant has scheduled a meeting with the PLA, LGPL and the Port of Tilbury London for the 30 th of April 2025 to discuss the package of documents submitted by the Applicant at Deadline 4 to address the cable and water depth matter.
3.4.4 Whether the estimate of the effects from disruption to navigation and shipping in the assessment of socio economics is sufficiently robust.	None	-
3.4.5 Above points to include the effectiveness of the mitigation measures proposed and whether any additional mitigation measures and/or safeguards are necessary, to include project alone and cumulative effects.	Applicant to provide Statement of Common Ground with the UK Chamber of Shipping.	A signed Statement of Common Ground with the UK Chamber of Shipping has been submitted at Deadline 4 [Document Reference 10.15]. One item in relation to cable burial depth is marked as "In discussion", with the UK Chamber of Shipping noting they support the ports' position. All other items are marked as "Agreed".
3.5 Offshore Landscape, Visual	and Seascape Effects	
3.5.1 Whether the proposal would enable the Secretary of State	Applicant to provide legal submissions on discharging the	Please refer to the Applicant's Response to the Relevant Representation from Suffolk & Essex Coast & Heaths

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to discharge the section 85 Countryside Rights of Way Act 2000 duty as amended by section 245(6)	CRoW Act and LURA duty. Including addressing the New Forest decision and the SCC's submissions as to	National Landscape Partnership (RR-316) [REP1-045] and in the Applicant's Response to Written Questions (ExQ1) Q14.1.3 and Q14.1.5 [REP2-020].
of the Levelling Up and Regeneration Act 2023.	whether the Applicant is a 'relevant authority' for the purpose of the duty.	Please also refer to the response to the action at agenda item 3.1 at ISH1 above.
		The Applicant set out its position on the duty at ISH2. However, the Applicant notes that SCC will be submitting detailed written representations on these points at Deadline 4. The Applicant will therefore respond in writing to these submissions at Deadline 5.
3.5.2 Whether adding further	Applicant to provide further	Consideration of Tranquillity
offshore wind turbines into the seascape setting would conserve and enhance the natural beauty of the National Landscape or positively contribute to the special character of the Heritage Coast	justification to support Technical Note and further explain the methodology used for determining magnitude and significance of effects, including providing further rationale for consideration of tranquillity. Applicant to further consider and	The Technical Note [REP3-044] submitted at Deadline 3 presents an assessment of effects on selected individual 'special qualities' of the Suffolk and Essex Coast and Heaths National Landscape (SECHNL). This is explained in Section 3 of the Technical Note. Special qualities are taken from the Natural Beauty and Special Qualities Indicators document, which is provided as Appendix H to Suffolk County Council's Local Impact Report [REP1-074].
	address the point to 'conserve and enhance'.	In relation to 'relative tranquillity', none of the special qualities related to this heading were selected for further assessment. At paragraph 17 it is noted that "Not every indicator has the potential to be affected by the type of

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		development proposed. For example, indicators relating to habitats and species, or characteristic building materials, do not need to be considered in this assessment."
		The two special qualities listed in the document under 'relative tranquillity' (pages 4 and 5) are as follows:
		 Contributors to tranquillity: Presence and / or perceptions of natural landscape, birdsong, peace and quiet, natural-looking woodland, stars at night, stream, sea, natural sounds and similar influences. Detractors from tranquillity: Presence and/or perceptions of traffic noise, large numbers of people, urban development, overhead light pollution, low flying aircraft, power lines and similar influences.
		It was not considered that the Project was likely to significantly affect these special qualities. To assist the Examining Authority they are considered further here.
		The first quality, "Contributors to tranquillity", lists the factors which have a positive influence on perceptions of tranquillity. As the Project will not be located within the SECHNL, it will not have an effect on these positive contributors.

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		The second quality, "Detractors from tranquillity", lists those features which have a more negative influence on tranquillity. The Project, as a large-scale human development, is likely to be seen as such a detractor, although other offshore wind farms are not mentioned in the list. The Project will be a distant feature in some offshore views as noted in the ES Chapter 29 Seascape, Landscape and Visual Impact Assessment (SLVIA) [APP-043]. When considered in the context of other offshore development and activity, the Project will have a limited effect on perceived tranquillity, and the scale of change to this special quality will be small. The magnitude of change to the 'relative tranquillity' of the SECHNL will be low and not significant.
		Methodology used for determining magnitude and significance of effects
		The methodology for the assessment is set out in ES Appendix 29.1 Seascape and Landscape Visual Impact Assessment and Visualisation Methodology [APP-170]. Magnitude of change is assessed by combining judgements about the scale, geographical extent, duration and reversibility of the impact, in accordance with Guidelines for Landscape and Visual Impact Assessment, 3 rd Edition ('GLVIA3').

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		A medium scale of effect can combine with a smaller geographical extent to produce a low magnitude of change, as noted in paragraph 23 of the Technical Note [REP3-044]. It is accepted that National Landscapes should be considered 'as a whole'. However, GLVIA3 does require consideration of geographical extent, and it would not be appropriate to treat the impact as if it were occurring across the entirety of geographical area of the SECHNL.
		It is also relevant to consider the frequency of effects (see Table 1.5 in ES Appendix 29.1 [APP-170]). The assumption adopted in ES Chapter 29 SLVIA, and taken from the Suffolk Seascape Sensitivity Study (see paragraph 107 in [APP-043] is that "developments at around 39km offshore may be visible for 20% days annually". While it is appropriate to consider 'worst case' visibility, particularly when assessing effects at viewpoints, it is also appropriate to consider the effect on special qualities more holistically, considering all weather and visibility conditions.
		The Applicant maintains that, as set out in the conclusion of the Technical Note [REP3-044], the project will give rise to moderate-minor (not significant) effects on the Scenic Quality and Relative Wildness aspects of the natural beauty of the SECHNL, and will

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		not significantly affect the natural beauty of the National Landscape.
		Conserve and enhance
		As the Project will not significantly affect natural beauty, it is concluded that it will conserve the natural beauty of the National Landscape.
3.5.3 Whether there is a difference between Natural England's judgment of the significance of effects (in EIA terms) and the conclusions of the SLVIA.	None	-
3.5.4 Whether, or not, the Applicant has coordinated the design with the proposed VEOWF. And, if coordinated, how this would progress.	None	-
3.5.5 Whether the effects of the offshore safety lighting for the Proposed Development's wind turbine generators alone and cumulatively with the existing	Applicant to confirm the expected lighting 'reality' for the turbine.	The current requirements for lighting are as stated in ISH2, in line with Civil Aviation Authority Policy Statement titled "Lighting of Onshore Wind Turbine Generators in the United Kingdom with a maximum blade tip height at or in excess of 150m Above Ground Level".

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offshore arrays and the proposed VEOWF have been explored.		This states that: The person in charge of the wind turbine generator must ensure that it is fitted with a medium intensity (2000 candela) red light positioned as close as practicable to the top of the fixed structure. A second light serving as an alternative should be provided in case of failure of the operating light.
		This can be reduced in line with the below: If the horizontal meteorological visibility in all directions from every wind turbine generator in a group is more than 5 km, the intensity for the light positioned as close as practicable to the top of the fixed structure required to be fitted to any generator in the windfarm and displayed may be reduced to not less than 10% of the minimum peak intensity specified for a light of this type.
		(https://www.caa.co.uk/publication/download/16178)
		Given the distance offshore, it is likely that the lighting will only be visible at the 10% level i.e. 200 candela, though they will be slightly higher due to the increased turbine size.
		Greater Gabbard and Galloper were both installed prior to this policy paper being written.

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3.5.3 The temporary and permanent effects on agricultural activities.	None	-

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