

APPENDIX 1: North Falls Offshore Wind Farm: Environment Agency's Response to the Examining Authority's 2nd Written Questions (ExQ2)

Your Ref: EN010119

Our ref: AE/2025/130509

Registration Identification Number 20051071

9.1 Schedule 1 Part 3 - Requirement	
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	
Q9.1.10 (ii)	<p>(ii) We acknowledge that the Outline Code of Construction Practice commits to consult or seek agreement with us in several key areas addressed by the Requirements, namely:</p> <p>Paragraph 81. In respect of piling risk assessment</p> <p>Paragraph 83. A commitment to consult with us in the event of finding unexpected contamination</p> <p>Paragraph 115. In respect of sediment management and surface water runoff</p> <p>Paragraph 129. In respect of HDD</p> <p>However, our remaining concerns are twofold:</p> <p>i) That although there are commitments to seek agreement or consult in respect of matters covered by Requirements 22 and 23, there are no mechanisms in place to ensure that they are fed into version control or safeguard continuity with subsequent plans. This is important given the long post consent approval process which is often more than five years where corporate memory can fade due to changes in personnel or appointment of contractors for different phases. Our preference is that this is addressed by identifying us as a named consultee but if this is completely unacceptable to the applicant it could be addressed by the inclusion of an agreement log or similar which would enable the discharging authority to understand the issues that fall under our remit.</p> <p>ii) There does not appear to be commitment to consult or agree on matters that would be addressed by Requirements 12, 14</p>

	<p>&15. In respect to requirement 12 -Ecological Management Plan (EMP); we note that there is a commitment to consult with us on Invasive Non-Native Species (INNS) at paragraph 167. However, and aside from our concerns about version control etc, there is no commitment to consult with us on the overarching Plan. Given that at Requirement 12 (3) pre-commencement works may only take place in accordance with the OLEM as certified and, that main river crossings will be a stage of the construction works; then it is important that the OLEM corresponds with any conditions that we might require when giving consent under Protective Provisions. The situation is similar for Requirement 14 where again there does not appear to be a commitment to consult or agree and yet fish species and riparian mammals fall under our remit and would be a consideration when granting or refusing consent under the Protective Provisions.</p> <p>For Requirement 15 – Groundwater Monitoring, again this is not referenced in the OCoCP nor we able to find reference to a commitment to consult with us in other documents. Protection of groundwater is part of our remit and hydraulic connectivity is an important factor in this and one where we have appropriate expertise.</p> <p>Properly managed by the applicant, the inclusion of the Environment Agency as a named consultee should not cause duplication. If the applicant has agreed with us prior to making the discharge application consultation could be as simple as a statement from us confirming that what has been submitted has already been agreed or, as stated earlier we could discuss another method of control that would confirm to the discharging authority that the applicant has adequately addressed matters within our remit and relevant to the prevailing environmental conditions and legislation at the time of discharge. Also, it should be noted that in our experience that the applicant may have to submit revised plans where issues may not have been addressed in earlier documents. Clarity around which statutory bodies should be consulted would assist the discharging authority in consulting in a timely manner.</p> <p><i>Please note that we do not have the resources to review all documents in the submitted to the ExA but we have used best endeavours to review those that we think are relevant to our submission.</i></p>
11. Flood Risk, groundwater and surface water	
Ground Investigation for infiltration rates	
Q11.0.1	<p>The assessment of run off rates is the sole responsibility of Essex County Council as lead local flood authority for surface water. Our statutory remit in respect of surface water drainage is consideration of its destination and the potential impact that it may have on groundwater and main rivers. As such, it would be inappropriate for us to comment on matters such as infiltration testing or run off rates. We believe that this question is outside our statutory remit.</p>

Statement of Common Ground: Water Resources and Flood Risk Table 2.8

Q11.0.4	<p>Item 3. We have not yet been contacted by the applicants concerning our comments in respect of the Outline HDD Method Statement. The Method Statement does not appear to have been updated since February 2025.</p> <p>Item 4. The Applicant has submitted an assessment and data for review. Our review has shown that the proposal does not cause an unacceptable risk of flooding to third parties, and we are able to confirm that we consider the position to be agreed. Impacts arising from crossings at ordinary watercourses are outside of our remit, so we do not intend to comment on these.</p> <p>Item 5. We note that the Protective Provisions now match those for the Five Estuaries project in all bar the numbering of paragraphs. As such, we do not object to the disapplication of the Environmental Permitting Regulations in respect of flood risk activity permits. This item also addresses our concern regarding requirements which we believe has been answered at Q9.1.10 above.</p>
FRA Update and Technical Note	
Q11.0.5	<p>The documents: [REP4-032] 9.46 Flood Risk Assessment (Clarification regarding flood risk associated with watercourse crossings) - Technical Note, and · [REP4-033] Flood Risk Assessment (Updated NaFRA2 dataset) - Technical Note (Rev 0) were shared with us by the applicant and have subsequently been reviewed. We are pleased to confirm that the assessment and dataset are adequate for the purpose of assessing flood risk at the proposed culverted haul road crossing in order to inform the ExA of any increased risk from the proposed development to third parties. We have reproduced our detailed comments at Appendix 2.</p>

APPENDIX 2: North Falls Offshore Wind Farm: Environment Agency's comments on [REP4-032] 9.46 Flood Risk Assessment (Clarification regarding flood risk associated with watercourse crossings) - Technical Note, and · [REP4-033] Flood Risk Assessment (Updated NaFRA2 dataset) - Technical Note (Rev 0)

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Comments

Flood Risk Assessment (Updated NaFRA2 dataset) - Technical Note dated April 2025 Doc ref 9.47

Following submission of the North Falls DCO application in July 2024, the Environment Agency published new national risk information for flooding and coastal erosion. Following a review of the updated Flood Zone extents against previous Flood Zone data used in ES Appendix 21.3 Flood Risk Assessment [APP-121] (see Figure 3.1 and Section 3.1), it is considered that there are no significant changes in the Flood Zone extents across the entire onshore project area. This includes the landfall, onshore cable route and onshore substation works area.

Flood Risk Assessment (Clarification regarding flood risk associated with watercourse crossings) - Technical Note dated April 2025 document ref 9.46

The technical note considers the flood risk associated with the watercourse crossings rather than leaving this until detailed design post consent. In our opinion the technical note is adequate to present to the Examining Authority for consideration. The assessment of flood risk within this note is appropriate to the scale and nature of the risk posed by the proposed crossings.

We are satisfied that the culverts in both locations could be installed without flood risk to third parties. The proposed culverts at these locations will be designed to maintain or enhance the existing capacity of the watercourse, ensuring conveyance of flow. The work will require a FRAP or approval under protective Provisions if FRAPs have been disapplied.

Points to Note WX-22A Tendring Brook Main River crossing

It is noted in Point 57 & 58 that there is an existing farm access / bridge where there is already a constraint to flow.

Point 13 mentions an *‘appropriately sized culvert may be installed within the channel to facilitate haul road construction, with the haul road installed over the top of the culvert to maintain access along the onshore cable route. The culvert would be installed in the channel bed so as to avoid upstream impoundment and would be sized to accommodate reasonable worst-case water volumes and flow, i.e. with an equivalent or larger capacity than the existing structures.*

We would recommend the culvert is able to contain the 1% (1 in 100) annual probability flow plus allowance for climate change. We note these haul roads would be temporary in nature.

Point 63 states *-It should be noted that the expansion to the bridge and culvert will be assumed as temporary in nature and will be reinstated upon completion of the installation of the onshore cable route.*