



NORTH FALLS

*Offshore Wind Farm*

# PROGRESS WITH STATEMENTS OF COMMON GROUND ~~(Clean)~~(Tracked)

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# 1. INTRODUCTION

## 1.1 Purpose of this document

- 1.1.1 This document was prepared by the North Falls Offshore Wind Farm Limited (NFOW) (as 'the Applicant') in support of the Application for a Development Consent Order (DCO) for the North Falls Offshore Wind Farm (herein referred to as 'North Falls' or 'the Project').
- 1.1.2 This document is intended to provide the Examining Authority (ExA) with an update as to the status of the discussions taking place with prescribed bodies and interested parties, as documented in the form of the Statements of Common Ground (SoCGs).
- 1.1.3 It is intended to act as a 'live' document and will be updated in accordance with the Examination Timetable.
- 1.1.4 A detailed description of the Project can be found in ES Chapter 5 Project Description **[APP-019]**.

## 1.2 Engagement with stakeholders

- 1.2.1 As set out in the Consultation Report **[AS-015]** submitted with the DCO application, the Applicant has sought to engage with a number of stakeholders throughout the development of the Project. Engagement with stakeholders has included the following activities:
  - Stage 1 (introductory) consultation was a non-statutory consultation on the Project's early proposals which took place between 25 October and 10 December 2021 (see Chapter 4 of the Consultation Report **[AS-015]**)
  - Stage 2 (pre-application) consultation was a non-statutory consultation on the Project's progress following its stage 1 (introductory) consultation and took place between 17 October and 9 December 2022 (see Chapter 5 of the Consultation Report **[AS-015]**)
  - Stage 3 (statutory) consultation was a statutory consultation focused on the Project's Preliminary Environmental Information Report (PEIR) which took place between 16 May and 14 July 2023 (see Chapter 6 - 10 of the Consultation Report **[AS-015]**).
  - Stage 4 (targeted) consultation focused on proposed localised changes to the Project's onshore PEIR boundary (as presented at the stage 3

(statutory) consultation) which took place between 14 March and 22 April 2024 (see Chapter 11 of the Consultation Report [**AS-015**])

### **1.3 Examining Authority's Procedural Decisions in relation to Statements of Common Ground**

#### **ExA's Procedural Decision - 28 November 2024**

- 1.3.1 On 28 November 2024, the ExA issued a series of procedural decisions [**PD-005**] in relation to the Examination. The ExA made a Procedural Decision that the Applicant must enter into bilateral or multi-party Statements of Common Ground (SoCGs) with all the parties listed.
- 1.3.2 On the 2 December 2024 the Applicant notified, via email, all of the parties listed in the ExA's Procedural Decision [**PD-005**] in relation to SoCGs.
- 1.3.3 The Applicant has engaged and continues to engage proactively with all parties listed in [**PD-005**] to prepare SoCGs and agree matters where possible.

#### **ExA's Rule 8 Letter – 4 February 2025**

- 1.3.4 The Applicant notes the ExA's comments relating to SoCGs within Annex B of the Rule 8 Letter [**PD-008**] regarding the submission of updated and final SoCGs during Examination.

## 2. LIST OF STATEMENTS OF COMMON GROUND

### 2.1 Introduction

- 2.1.1 The Applicant is preparing SoCGs with a number of parties. Where possible, the Applicant has endeavoured to make early progress in preparing SoCGs with stakeholders such that draft and agreed SoCGs can be submitted in a timely manner into the Examination.
- 2.1.2 This section of the Progress with Statements of Common Ground (PrSoCG) [9.11 (Rev 40)] document is structured as follows:
- Parties where SoCG is under discussion, in draft, or agreed;
  - Parties where matters are intended to be addressed through Protective Provisions and/or Side Agreements;
  - Parties where there is agreement no SoCG is required; and
  - Parties where no response has been received.

### 2.2 Parties where SoCG is under discussion, in draft, or agreed

- 2.2.1 The parties with which the Applicant is in the process of pursuing SoCGs with are listed in Table 2.1 below, their status is categorised as ‘under discussion’, ‘in draft’, or ‘agreed’.
- 2.2.2 The Applicant notes that in some instances whilst a draft SoCG has been prepared and is with the party for review, in some cases the party has not yet provided comments on the draft SoCG ahead of Deadline 54.
- 2.2.3 Therefore, to provide each ~~the~~ party with sufficient time for review and to ensure that any draft SoCG submitted into the Examination has been reviewed by the party and incorporates any comments the party may have (noting that the Applicant has prepared the first draft of all SoCGs) a number of draft SoCGs are intended to be submitted at Deadline 6 or 7-3-4.
- 2.2.4 This approach will also ensure that any draft SoCG is representative of the party’s current view or position.



**Table 2.1: Parties where SoCG is under discussion, in draft, or agreed**

STAKEHOLDER	STATUS
<i>Parties where SoCG is under discussion</i>	
<b>Aldeburgh Town Council</b>	Awaiting outcome of council meeting that took place on 10 February 2025. No further correspondence has been received.
<b>Anglian Water</b>	<del>Anglian Water have requested an SoCG with NFOW in addition to matters that are to be agreed under the Protective Provisions. A draft is currently being prepared by NFOW.</del>
<b>Ardleigh Parish Council</b>	<del>The Applicant has had no further response from Ardleigh Parish Council regarding the development of the SoCG. Awaiting outcome of council meeting that took place on 10 February 2025.</del> A Draft SoCG was provided to the Parish Council for discussion during their meeting <u>held in February 2025.</u>
<b><u>Essex Suffolk Norfolk Pylons (ESNP)</u></b>	<del>ESNP have advised the Applicant that there would be limited merit in discussing matters further given both parties' respective positions on the relevant issues, and therefore at this stage an SoCG is no longer being pursued. The Applicant has noted and responded to ESNP's relevant representations and Deadline 4 submission and is willing to engage with all stakeholders should they wish to at any point in the Project's lifecycle.</del>
<b>Frating Parish Council</b>	<del>The Applicant has had no further engagement with Frating Parish Council and awaits their response. is engaging with Frating Parish Council to establish whether a SoCG will be prepared between the parties.</del>
<i>Parties where SoCG is in draft</i>	
<b><u>Anglian Water</u></b>	<u>Draft being prepared by the Applicant, expected draft for eExamination at Deadline 6 / 7.</u>
<b>Babergh District Council</b>	In draft and with party for review and comment. Expected draft for Examination at Deadline <u>65</u> / <u>76</u> .

STAKEHOLDER	STATUS
<b>East Suffolk Council</b>	<del>In draft and with party for review and comment. Expected draft for Examination at Deadline 6 / 7. In draft with comments received on 7 March 2025 with items under discussion. Expected draft for Examination at Deadline 5 / 6.</del>
<b>Essex County Council (Joint with Tendring)</b> <b>Tendring District Council (Joint with Essex)</b>	<del>In draft and with party for review and expected draft for Examination at Deadline 5 / 6. The Applicant held a meeting with Essex County Council and Tendring District Council W/C 17 March to discuss matters related to the SoCG. The Applicant will continue to engage with these Councils to progress matters.</del>
<b>Essex County Fire and Rescue Service</b>	<del>In draft and with party for review and comment. Expected draft for Examination at Deadline 5 / 6.</del>
<b>Essex Suffolk Norfolk Pylons</b>	<del>Draft being prepared by the Applicant, expected draft for Examination at Deadline 5 / 6.</del>
<b>Harwich Haven Authority</b>	<del>In draft and with party for review and comment, expected draft for Examination at Deadline 6 / 7. In draft and with comments received from HHA on 20 February 2025. A meeting took place on 12 March 2025 to discuss the project and SoCG between NFOW and HHA. A second meeting following this is scheduled for the 30<sup>th</sup> April 2025. Expected draft for Examination at Deadline 5 / 6.</del>
<b>Combined Fisheries Working Group</b>	<p><del>Draft being prepared by the Applicant, expected draft for Examination at Deadline 5 / 6.</del></p> <p>It is noted that the Harwich Harbour Fishermen's Association alongside other fishing stakeholders has formed the umbrella group of the 'Combined Fisheries Working Group' (CWFG). It is understood CWFG represent a number of the stakeholders as follows and are seeking to agree a joint SoCG with the Applicant. The CWFG includes:</p> <p>Harwich Harbour FA</p>

STAKEHOLDER	STATUS
	<p>Felixstowe Ferry FA</p> <p>West Mersea FA</p> <p>Thanet FA</p> <p>Southwold FA</p> <p>Kent &amp; Essex IFCA</p> <p>MMO (note they are part of CFWG but there is a separate SoCG between the MMO and the Applicant)</p>
<b>Historic England</b>	<del>In draft and with party for review and comment. Expected draft for Examination at Deadline 5 / 6.</del>
<b>London Gateway Port Ltd</b>	<del>In draft and with party for review and comment, expected draft for Examination at Deadline 6 / 7.</del> <del>In draft and with party for review and comment. Expected draft for Examination at Deadline 5 / 6.</del>
<b>Maritime and Coastguard Agency</b>	<del>In draft and with party for review and comment, expected draft for Examination at Deadline 6 / 7.</del> <del>In draft and under discussion between the parties. Expected draft for Examination at Deadline 5 / 6.</del>
<b>National Federation of Fishermen's Organisations (NFFO)</b>	<del>In draft and with party for review and comment, expected draft for Examination at Deadline 6 / 7.</del> <del>Draft being prepared by the Applicant, expected draft for Examination at Deadline 5 / 6.</del>
<b>Port of Felixstowe</b>	In draft and with party for review and comment, expected draft for Examination at Deadline <del>65</del> / <u>76</u> .
<b>Port of London Authority</b>	Draft being prepared by the Applicant, expected draft for Examination at Deadline <del>65</del> / <u>76</u> .
<b>Royal Society for the Protection of Birds (RSPB)</b>	<del>The Applicant continues to engage with RSPB on relevant matters and discussions are ongoing. It is therefore expected that a draft SoCG will be submitted for Examination at Deadline 6.</del> <del>In draft with party for review and comment. Expected draft for Examination at Deadline 5 / 6.</del>

STAKEHOLDER	STATUS
Suffolk and Essex Coast and Heaths National Landscape Partnership	Draft being prepared by the Applicant, expected draft for Examination at Deadline <del>65</del> / <u>76</u> .
Suffolk County Council (SCC)	<del>A meeting was held with SCC on the 19 May 2025 to discuss matters further. A draft SoCG has been the subject of discussion, and it is expected the draft will be submitted for Examination at Deadline 6. In draft with party for review, expected draft for Examination at Deadline 5 / 6. A meeting was held on the 22 April 2025 with SCC to discuss matters within the SoCG.</del>
<i>Parties where SoCG is in draft and submitted into the Examination</i>	
Corporation of Trinity House of Deptford Strond	<del>Updated Draft SoCG submitted into Examination at Deadline 5. Draft SoCG submitted into Examination at Deadline 3.</del>
<u>Commercial Fisheries Working Group</u>	<p><u>Draft SoCG submitted into Examination at Deadline 5.</u></p> <p><u>It is noted that the Harwich Harbour Fishermen's Association alongside other fishing stakeholders from the 'Commercial Fisheries Working Group' (CWFG). It is understood CWFG represent a number of the stakeholders as follows and they are seeking to agree a joint SoCG with the Applicant. The CWFG includes:</u></p> <ul style="list-style-type: none"> <li><u>• Felixstowe Ferry Fishermen's Association;</u></li> <li><u>• Harwich Harbour Fishermen's Association;</u></li> <li><u>• Kent and Essex Inshore Fisheries and Conservation Authority (KEIFCA);</u></li> <li><u>• Orford and District Fishermen's Association;</u></li> <li><u>• Southwold Fishermen's Association;</u></li> <li><u>• Fishermen from Lowestoft;</u></li> <li><u>• Thanet Fishermen's Association; and</u></li> </ul>

STAKEHOLDER	STATUS
	<ul style="list-style-type: none"> <li><u>West Mersea Fishermen's Association.</u></li> </ul> <p><u>The CFWG associations represent approximately fifty fishing vessels. Most vessels are under 10m length and a large portion use multiple fishing methods.</u></p> <p><u>The Applicant notes that the MMO is part of the CFWG but there is a separate SoCG between the MMO and the Applicant.</u></p>
<b>Environment Agency</b>	Updated Draft SoCG submitted into Examination at Deadline <u>45</u> .
<b><u>Essex County Council (Joint with Tendring)</u></b> <b><u>Tendring District Council (Joint with Essex)</u></b>	<u>Draft SoCG submitted into Examination at Deadline 5.</u>
<b>Essex Wildlife Trust</b>	<u>Updated</u> Draft SoCG submitted into Examination at Deadline <u>45</u> .
<b><u>Historic England</u></b>	<u>Draft SoCG submitted into Examination at Deadline 5.</u>
<b>Marine Management Organisation</b>	Draft SoCG submitted into Examination at Deadline 4.
<b>National Highways</b>	Draft SoCG submitted into Examination at Deadline 4.
<b>National Trust</b>	Draft SoCG submitted into Examination at Deadline 3.
<b>Port of Tilbury London Limited</b>	Draft SoCG submitted into Examination at Deadline 4 (please note whilst the SoCG is signed items are still 'under discussion').
<b>UK Chamber of Shipping</b>	Draft SoCG submitted into Examination at Deadline 4 (please note whilst the SoCG is signed items are still 'under discussion').
<i>Parties where SoCG is agreed</i>	
<b><u>Essex County Fire and Rescue Service</u></b>	<u>Signed by both parties and submitted into Examination at Deadline 5.</u>

STAKEHOLDER	STATUS
Essex Police	Signed by both parties and submitted at Deadline 1.
Forestry Commission	Signed by both parties and submitted at Deadline 2. An updated version, Rev 1, is submitted at Deadline 3.
Royal Yachting Association	Signed by both parties and submitted at Deadline 4.
<u>UK Health Security Agency</u>	<u>Signed by both parties and submitted into Examination at Deadline 5.</u>

## 2.3 Parties where matters are intended to be addressed through Protective Provisions and/or Side Agreements

- 2.3.1 The Applicant has been in discussion with and continues to engage with the parties listed in Table 2.2 to agree matters through the Protective Provisions to be included within the Draft Development Consent Order **[AS-022]** and/or Side Agreements. This is to provide specific protections to their infrastructure as is appropriate and common practice with statutory undertakers.
- 2.3.2 A summary of the status of negotiations with statutory undertakers can be found in the Applicant's Land Rights Tracker (submitted at Deadline 4) [8.4 (Rev 2)].

**Table 2.2: Parties where matters are intended to be addressed through Protective Provisions and/or Side Agreements**

STAKEHOLDER	STATUS	REFERENCE IN DRAFT DCO
Affinity Water Limited	Protective Provisions included within the Draft DCO but under discussion	Schedule 14 - Protective Provisions  Part 10 – For the protection of Affinity Water
Anglian Water Services	Protective Provisions included within the Draft DCO <del>but under discussion</del> <u>submitted at Deadline 5 are now agreed between the parties.</u>	Schedule 14 - Protective Provisions  Part 9 – For the protection of Anglian Water

STAKEHOLDER	STATUS	REFERENCE IN DRAFT DCO
Cadent Gas Limited	Agreed Protective Provisions included within the Draft DCO	Schedule 14 - Protective Provisions - Part 12 – For the protection of Cadent Gas Limited
National Grid Electricity Transmission PLC	Agreed Protective Provisions included within the Draft DCO	Schedule 14 - Protective Provisions Part 11 – For the protection of National Grid Electricity Transmission
Network Rail Infrastructure Limited	Protective Provisions included within the Draft DCO but under discussion	Schedule 14 - Protective Provisions Part 5 – For the protection of Network Rail

## 2.4 Parties where there is agreement that no SoCG is required

- 2.4.1 Table 2.3 below lists the parties where it has been agreed that no SoCG is required, on the basis that the party has no substantive comments on the application, and in the interest of reducing unnecessary documentation.

**Table 2.3: Parties where there is agreement that no SoCG is required**

STAKEHOLDER	STATUS
Civil Aviation Authority	The Civil Aviation Authority confirmed via email to the Applicant on the 14 February 2025 they are not seeking to agree a SoCG with the Applicant in respect of the Project.
Ministry of Defence	The Ministry of Defence confirmed via email to the Applicant on the 11 February 2025 they are not seeking to agree a SoCG with the Applicant in respect of the Project.
National Air Traffic Services (NATS)	NATS have provided a written response via email to the Applicant on 24 January 2025 confirming that at this stage no SoCG is required. It is noted that an email from NATS to the ExA was issued on the 4 November 2024 removing their objection.

STAKEHOLDER	STATUS
Suffolk and North East Essex Integrated Care Board	The Suffolk and North East Essex Integrated Care Board confirmed via email to the Applicant on the 20 February 2025 that at this stage no SoCG is required.
The Cruising Association	Following the issuing of a draft SoCG to the Cruising Association on the 12 February 2025, a response was received via email on the 23 February 2025, stating “ <i>the Statement of Common Ground approach is not applicable to The Cruising Association as a voluntary organisation respondent in the consultation and we will submit our comments in the normal way</i> ”.
The Wildlife Trusts	The Wildlife Trusts confirmed via email to the Applicant on the 27 January 2025 that they will not be participating in the North Falls Examination and have stated that they anticipate Essex Wildlife Trust to engage directly on relevant matters.

## 2.5 Parties where no response has been received

- 2.5.1 Table 2.4 below lists the parties where no response has been received following notification and follow-up email communication regarding the ExA's Procedural Decision **[PD-005]**.

**Table 2.4: Parties where no response has been received**

STAKEHOLDER	STATUS
Dedham Vale Society	No response received.
Kent & Essex Inshore Fisheries Conservation Authority	No response received.
Hertfordshire County Council	No response received.
Leiston-cum-Sizewell Town Council	No response received.
Little Bromley Parish Council	No response received.



### 3. STRUCTURE OF STATEMENTS OF COMMON GROUND

- 3.1.1 To ensure consistency in the approach taken to document matters agreed, matters subject to further negotiation, or matters not agreed, each of the SoCGs will adopt a standard format in order to provide clarity to other parties and the ExA.
- 3.1.2 Each SoCG will have the following structure:
- **Section 1:** provides an introduction to the SoCG and a description of its purpose.
  - **Section 2:** states the engagement that has occurred between the Applicant and the party (or parties).
  - **Section 3:** sets out any issues that have arisen, reporting on the status of each issue, i.e., whether it is agreed, still under discussion or not agreed, and any remaining actions.
- 3.1.3 Additional appendices may be provided in the SoCG containing any relevant documents or information that are referenced in the SoCG and do not otherwise form part of the DCO application.
- 3.1.4 In order to easily identify the position status in relation to a matter, the position status colour coding set out in Table 3.1 is used in the SoCGs.

**Table 3.1 Position Status Key for SoCGs**

Position Status	Position Colour Coding
<b>Agreed.</b> The matter is considered to be agreed between the parties.	<b>Agreed</b>
<b>Not Agreed - no material impact</b> The matter is not yet agreed between the parties however the outcome of the approach taken by either the Applicant and the stakeholder is not considered to result in a material impact to the assessment conclusions or the DCO application documents or Examination and the matter is considered to be closed for the purposes of this SoCG. Discussion on these matters have concluded.	<b>Not Agreed- no material impact</b>
<b>Not Agreed - material impact</b> The matter is not agreed between the parties and the outcome of the	<b>Not Agreed- material impact</b>

<p>approach taken by either the Applicant and the stakeholder is considered to result in a materially different impact to the assessment conclusions or the DCO application documents or Examination. Discussions on these matters have concluded.</p>	
<p><b>In discussion</b> The matter is neither 'agreed' nor 'not agreed' and is a matter where further discussion is required between the parties (e.g. where the documents are yet to be shared with the stakeholder)</p>	<p><b>In discussion</b></p>

## 4. SUMMARY OF CURRENT POSITION

### 4.1 Summary at Deadline 1 and 2

- 4.1.1 This section provides an overall summary as to the status of SoCGs and their progress. The status of the individual SoCG set out in previous sections should be referred to for the full detail on specific matters.
- 4.1.2 The Applicant and Essex Police have an agreed SoCG that is submitted at Deadline 1 to the Examination.
- 4.1.3 Aldeburgh Parish Council and Ardleigh Parish Council both held council meetings on 10 of February 2025, in order to discuss whether they wished to enter into a SoCG with the Applicant. No further response has been received by the Applicant in relation to the SoCGs.
- 4.1.4 It is noted that some parties do not appear familiar with the Examination process and have expressed a need for further information and or time to consider how best to engage with the Applicant in relation to SoCGs.
- 4.1.5 The Applicant remains committed to assisting all parties in the preparation of an SoCG and will continue to engage with all relevant parties.

### 4.2 Summary at Deadline 3

- 4.2.1 The Applicant has submitted a draft SoCG with National Trust into Examination at Deadline 3.
- 4.2.2 The Applicant has also submitted an updated version of the SoCG **[10.2 (Rev 1)]** with the Forestry Commission.

### 4.3 Summary at Deadline 4

- 4.3.1 The Applicant has submitted a draft SoCG at Deadline 4 with: the Essex Wildlife Trust; Marine Management Organisation; National Highways; Port of Tilbury London Ltd; and the UK Chamber of Shipping.
- 4.3.2 The Applicant has submitted an updated draft SoCG with the Environment Agency at Deadline 4.
- 4.3.3 The Applicant and the Royal Yachting Association have an agreed SoCG which has been submitted at Deadline 4.

#### 4.4 Summary at Deadline 5

4.4.1 The Applicant has submitted a draft SoCG at Deadline 5 with: the Commercial Fisheries Working Group; Essex County Council and Tendring District Council; and Historic England.

4.4.2 The Applicant has submitted an updated draft SoCG at Deadline 5 with: Corporation of Trinity House of Deptford Strond; the Essex Wildlife Trust; and the Environment Agency.

4.4.3 The Applicant and the UK Health Security Agency have an agreed SoCG which has been submitted at Deadline 5.

4.3.34.4.4 The Applicant and Essex County Fire and Rescue have an agreed SoCG which has been submitted at Deadline 5.

#### 4.4.5 Status of all SoCGs

4.4.14.5.1 Table 2.1 above outlines the status for parties where an SoCG is under discussion, in draft, or agreed.

4.4.24.5.2 Table 2.2 above outlines the status for parties where matters are intended to be addressed through Protective Provisions within the Draft Development Consent Order **[AS-022]** and/or a Side Agreement.

4.4.34.5.3 Table 2.3 above outlines the status for parties where there is agreement that no SoCG is required.

4.4.44.5.4 Table 2.4 above outlines the status for where no response has been received.



**NORTH FALLS**

*Offshore Wind Farm*



## **HARNESSING THE POWER OF NORTH SEA WIND**

*North Falls Offshore Wind Farm Limited*

*A joint venture company owned equally by SSE Renewables and RWE.*

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