THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

NORTH FALLS OFFSHORE WIND FARM

Appendix E6 to the Natural England Deadline 6 Submission

Natural England's Marine Mammals Advice on the Applicant's Deadline 5 Documents

For:

The construction and operation of North Falls Offshore Wind Farm, located approximately 40 km from the East Anglia Coast in the Southern North Sea.

Planning Inspectorate Reference EN010119

24 June 2025

Appendix E6 Natural England's Marine Mammals Advice on the Applicant's Deadline 5 Documents

Detailed Comments

In formulating these comments, the following documents have been considered:

- [REP5-013] 7.7 Draft Marine Mammal Mitigation Protocol (Rev 2) (Tracked)
- [REP5-015] 7.8 Outline Site Integrity Plan for the Southern North Sea Special Area of Conservation (Rev 1) (Tracked)
- [REP5-069] 9.81 Marine Mammal Assessment Clarifications

1. [REP5-013] 7.7 Draft Marine Mammal Mitigation Protocol (MMMP) (Rev 2) (Tracked)

1.1 Section 1.3.2.8 - Natural England acknowledges the further information provided by the Applicant on the implementation of Noise Abatement System (NAS). However, we maintain our original position that NAS should not be considered as an *'additional mitigation'* but rather it should be the default mitigation strategy for reduction of noise at source, in line with the latest Defra Policy (2025). Thus, we advise that this should be reflected throughout the MMMP (and other documents including the Site Integrity Plan (SIP)). Furthermore, we note the statement in paragraph 102 that North Falls will be in a position to implement NAS "*if deemed necessary*". This statement is not in line with the Defra Policy which states that noise reduction methods should be considered the default method. Thus, we advise the Applicant to fully commit to using NAS within the MMMP and the term '*additional mitigation'* should be avoided. Please note, we are not seeking a commitment to any particular noise abatement system or noise reduction technology, just a commitment that noise reduction measure(s) will be implemented. We welcome the use of Best Endeavours by the Applicant to identify the most appropriate system(s) for the Project post-consent.

1.2 Additionally, Natural England would like to draw the Applicant's attention to the upcoming Defra document (due to be published this summer) which will offer the clarification on the requirements of NAS and further clarification on the term '*Best Endeavours.'* This document emphasises that "*the deployment of noise reduction methods when pile driving should now be considered the default in all English waters and should be factored in to planning of all piling activities and related environmental assessments going forward."*

2. [REP5-069] 9.81 Marine Mammal Assessment Clarifications

2.1 Section 2.1. – Natural England notes that the Applicant has updated their assessment of sensitivity to medium for all receptors which has resulted in minor adverse effects for all marine mammal species, with the exception of harbour seal. We agree that vessel good practice measures would reduce the risk of collision to harbour seal to minor adverse i.e. not significant effect in EIA terms. Thus, this issue is resolved.

2.2 Section 2.2. – Natural England would like to draw the Applicant's attention to a newly published paper on iPCoD modelling : *van Geel NCF, Benjamins S, Marmo B, Nabe-Nielsen J, Wittich A, Risch D, Todd VLG and Wilson B (2025) Suitability of assessing population-level*

impacts from construction of a single wind farm – a case study on North Sea harbour porpoises. Front. Mar. Sci. 12:1539143. doi: 10.3389/fmars.2025.1539143

The authors in the paper concluded the following:

- When only single development is assessed, the construction of an individual wind farm is unlikely to result in significant impacts on the North Sea harbour porpoise population. However, no population-level impacts at the North Sea scale does not mean there is no local impact on porpoise presence, but instead suggests that the large North Sea population is inherently resilient to local impacts. This is not surprising given the relatively small spatial and temporal scale of the impact of a single development in relation to the abundance and geographic range of the population.

- Population-level impact assessments should include all natural and anthropogenic pressures experienced by the population of interest including bycatch in fisheries, underwater noise from shipping, chemical pollution, vessel collisions, habitat degradation, prey depletion, biological interactions, and climate change. Various co-occurring pressures can currently not or only partially be captured by these models, which may result in an incomplete picture of long-term population trajectories.

- A lack of long-term population-level impacts of individual offshore wind developments, should not be interpreted as implying that impacts of OWF development is necessarily negligible, but instead highlights the fact that model outputs should always be evaluated with the cumulative pressures in mind.

- Scenarios where adjacent wind farm operators each independently conclude that their developments do not pose a significant risk to the local porpoise population need to be avoided.

- The authors consider that a ~0.5% annual reduction in population size indicates a significant decrease in abundance.

2.3 Having reviewed several iPCoD modelling reports, Natural England is largely in agreement with these conclusions. It is our view that iPCoD modelling does not carry much value when assessing the impacts of a single development. In such circumstances, the dose response curve assessment should be the primary assessment method. Furthermore, given the limitations of accounting for all pressuring within a model, Natural England considers any population decline, due to cumulative impacts of multiple developments, to be potentially significant, warranting further investigation.

2.4 Natural England welcomes further information provided on the quantitative assessment for all noisy activities with the potential for cumulative disturbance effects for marine mammals (Table 2.3) and inclusion of a new table (Table 2.4) that sums up the outcomes of the iPCoD and DRC assessments. Considering the limitations of the iPCoD modelling (mentioned above), as well as the outcomes of the DRC assessment which suggests significant effects for harbour porpoises and seals, we advise that NAS is necessary. Hence, Natural England advise that the statement on NAS (included in the MMMP and SIP) should be revised and reworded (please see our comment on the MMMP).

2.5 Section 2.2.3 – Natural England welcomes the clarification on the iPCoD modelling for harbour seal and confirmation that the plot provided with the iPCoD modelling for the harbour seal cumulative assessment was incorrect. We maintain our position that, in this case, iPCoD modelling is not the most reliable assessment tool for a declining population, especially when the outcomes of the DRC (Table 2.3) are taken into account.

3. [REP5-015] 7.8 Outline Site Integrity Plan for the Southern North Sea Special Area of Conservation (SNS SAC) (Rev 1) (Tracked)

3.1 Please refer to our comment on NAS in Section 1 above relating to the MMMP. This also applies to the revised SIP because the same text on NAS has been included in the SIP [REP5-015] as well.

3.2 Natural England notes that the Applicant has made a commitment to only pile one monopile a day without noise reduction within the winter season (October to March inclusive). This commitment needs to be revised given that it is highly unlikely that piling without noise reduction would be permitted to go ahead. Thus, we advise that a new assessment should be conducted for monopile piling with noise reduction.