

Wendy McKay

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North Falls Offshore Windfarm DCO
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Our Ref: 20048269
PINS Ref: EN010119
Date: 24 June 2025
Telephone: 03330 322546

Dear Ms McKay

Planning Act 2008 – Application by North Falls Offshore Wind Farm Limited for an Order Granting Development Consent for the North Falls Offshore Windfarm (EN010119)

I refer to the Rule 8 letter dated 4 February 2025 which sets out the Examination Timetable for the above Development Consent Order (DCO), currently at Examination. Essex County Council (ECC) in conjunction with Tendring District Council (TDC), and as described as The Councils, would like to provide a written response to the Applicant's submission at Deadline 05.

1. Highways**7.13 Outline Code of Construction Practice (Rev 3) (Clean) [REP5-022]**

No comment.

7.14 Outline Landscape and Ecological Management Strategy (Rev 4) (Clean) [REP5-024]

The Council welcomes the addition at para 241 setting out that planting will not compromise the visibility splay. It is the Council's expectation that visibility that does not sit within the adopted area of the highway would be maintained by the landowner.

9.70 Applicant's Response to Deadline 4 Submissions (Rev 0) [REP5-056]

With regards to REP4-073_a_6, and the monitoring of employee arrival times, ECC are seeking some reassurance around management measures for those employee vehicles that arrive at accesses prior to working times (i.e. 7AM). Will the access be closed, or will early arrivals be managed to avoid waiting on the highway? It is considered likely that there is a practical way to manage this potential issue that can be agreed within the final CTMP. It is considered beneficial if a statement setting out that "The final CTMP will set out the details of how employee vehicles arriving before 7AM will be managed" was included.

2. Public Rights of Way

As there are currently large open patches along the southern side of the Barn Lane byway, the new substation would be highly visible to the byway users. It would be beneficial to provide landscape screening, set at a suitable distance from the narrow byway.

3. Landscape

REP5-005 - Document 2.3 Design Vision (Rev 1)

- 3.1. We welcome the proposal of a Joint Design Guide between North Falls and Five Estuaries projects identified in the Design Vision. Our concerns remain as to the extent and character of the proposed landscape strategy. In this we support the concerns identified by the Design Council that a wider vision for landscape is required.

REP5-025 - Document 7.14 Outline Landscape and Ecological Management Strategy (Rev 4) (Tracked)

- 3.2. Para 3.1 Content of the Written Landscape Scheme – could it be clarified in the OLEMS if the details of trees, woodland and hedgerows, finished ground levels and bunding, and plant details including, where possible plant schedule will also be provided as drawings to illustrate the written details. Where boundary treatments are also discussed these should also be included on the drawings for clarity.
- 3.3. Para 230 *'The Outline Landscape Strategy seeks to strengthen the existing fragmented landscape character and to knit it back into its wider landscape context, whilst strengthening ecological value and habitat connectivity'*. As stated above in relation to 2.3 Design Vision (Rev 1), our concerns remain as to the extent and character of the proposed landscape strategy. In this we support the concerns identified by the Design Council that a wider vision for landscape is required.

REP5-035 - Document Indicative Planting Cross-sections at the Onshore Substation (Rev 2)

- 3.4. We welcome the revised cross-sections. Our position remains that the proposed infrastructure would have a major significant visual impact on close-to receptors for a

minimum of ten years with several of the taller elements giving rise to residual moderate impacts creating the perception of an industrialised landscape.

Rule 17 Letter – ExA Request for Further Information

- 3.5. In relation to the ExA's request that '*... the Applicant provides draft National Landscape Enhancement Scheme principles and a mechanism for securing such a scheme, on a without prejudice basis, at Deadline 6.*' ECC and TDC would wish to see the principles reflect any relevant sections in the Colchester Landscape Character Assessment 2024, Tendring Landscape Character Assessment 2001 (as well as the relevant part of the Suffolk Landscape Character Assessment) as well as encompassing the principles in the Essex Green Infrastructure Strategy (2020).

4. Ecology

No comments further to those already provided in REP5-022, REP5-024 and REP5-040.

Matters relating to BNG and long-term aftercare/management are still under discussion and not yet agreed - see rows 20, 22 and 25 of Table 2.4 Onshore Ecology of SoCG for ECC and TDC in REP5-082.

5. Green Infrastructure

It is recommended that the project has consideration for the emerging Essex Local Nature Recovery Strategy (2025). The LNRS is set to be published July 2025.

REP5 –025 - 7.14 Outline Landscape and Ecological Management Strategy (Rev 4) (Tracked)

- 5.1 The GI Team agrees with the changes in revision 4 in relation to ensure the commitment to avoid veteran trees in hedgerows and clarification that the habitats outside the onshore substation area will be subject to 10 years after care. As well as the habitats within the onshore substation area will be monitored and managed for 30 years under the BNG requirement.
- 5.2 A previous correction to the reference to the Essex GI Strategy has reoccurred. On Page 53, in section 3.9 "Consideration of GI," paragraph 234 should be corrected to replace "Place Services" with "ECC":
- a. "Table 3.2 below summarises the consideration of GI within this OLEMS, in line with the "recommendations for developers" section of the Essex GI Strategy (~~Places Services~~, Essex County Council, 2020).".
- 5.3 Additionally, on Page 59 under section 4 "References," it should read:
- b. ~~Places Services~~ Essex County Council (2020) Essex Green Infrastructure Strategy. Available
- 5.4 It is noted that our previous comment to reference the Essex Green Infrastructure Standards (ECC, 2022) has not been incorporated. As an alternative, if the applicant does not want to include a short paragraph in section 3.9 on how the OLEMS aligns with the Essex GI Standards' nine principles, or a similar paragraph to the one included

by the Five Estuaries in their Outline Landscape and Ecological Management Plan, as shown below:

“2.4.6 As the mitigation proposals are further developed post consent, the process will be informed by the nine GI Standards set out in Table 1 of the Essex GI Standards Technical Guidance (Available at: <https://www.essexdesignguide.co.uk/supplementary-guidance/essex-greeninfrastructure-standards>) including early engagement with all relevant stakeholders, ensuring the plans maximise connectivity and enhance multi-functionality and that consideration is made around the long term management and stewardship.”

We recommend the following simple additions to:

1. Page 40 paragraph 174, second, third and fourth bullet point:
 - Use of Sustainable Drainage Systems (SuDS) in line with the Essex GI Strategy (Essex County Council, 2020) **and Essex GI Standards (Essex County Council, 2022);**
 - Strategic planting to ensure habitat connectivity is created with the surrounding landscape, in line with the Essex GI Strategy (Essex County Council, 2020) **and Essex GI Standards (Essex County Council, 2022);**
 - Retention of trees and hedgerows where possible, in line with the Essex GI Strategy (Essex County Council, 2020) **and Essex GI Standards (Essex County Council, 2022);** and
2. Page 50, paragraph 3.5.3 Additional landscape mitigation:
 - Enhancement and strengthening of existing landscape character and GI, with reference to the Tendring Landscape Character Assessment, ~~and~~ the Essex Green Infrastructure Strategy **and Standards (Essex County Council, 2022).**
3. Section 4. References:
 - Essex County Council (2020) Essex Green Infrastructure Standards. Available <https://www.essexdesignguide.co.uk/supplementary-guidance/essex-green-infrastructure-standards/>

REP5 -035 – 9.30 Indicative planting cross-sections at the onshore substation (Rev 2)

No comment. Any previous comments still stand.

6. Archaeology

With regard to the archaeological input for North Falls, the revised Outline Written Scheme of Investigation and Archaeological Mitigation Strategy has been fully updated and agreed.

7. Built Heritage

No comments further to those already provided in **REP5-090** and **REP5-091**. There remains concerns regarding construction impacts to the significance of a number of heritage assets through development within their setting.

8. Flood, Surface Water and Drainage

No further comments from LLFA.

The DCO seeks to disapply s.23 of the Land Drainage Act which will be covered by the proposed drainage protective provisions (PP). Each s.23 application incurs a fee of £50 per structure/culvert. However, such fees are not reflected within the PPs and will need to be covered by any post-consent Planning Performance Agreement.

9. Tourism

The Councils do not agree with the assertion within the assessment in ES Chapter 32.6 (APP-046), especially for non-frequent visitors. There are no data to suggest how much non-frequent visitors are contributing to the overall picture and being non-frequent does not mean there are little impacts.

The Councils do not agree that the applicant's conclusion that there would be negligible impacts on local tourism. As pointed out previously, the ES does not provide a comprehensive assessment on the potential impacts and the cumulative effects from other relevant NSIP projects. The overall construction periods could be a lot longer than 27 months if these projects are not aligned and constructed at the same time. This would have significant impacts on local tourism especially for day-trips and short-trips to the coastal areas. This could not be classified as Negligible (very minor, i.e. of under 5% or very short-term [a few days]) changes in levels and/or patterns of use as listed in Table 32.8 Magnitude of tourism and recreation impacts.

The assessment largely relies on data source up to 2022, which is not up-to-date and has not taken into account the potential increase of day-trips and short-trips due to changing work pattern after the pandemic. It also under-estimates the importance of Holland-on-Sea, Frinton-on Sea and Walton-on-the Naze, which offer families an alternative option of less busy coastal experience as compared to Clacton-on-Sea during peak period. Paragraph 192 also highlight perception on traffic interruptions and delays are perceived as nuisance and could significantly deter people from visiting or returning to the area.

With the proposed works at A120 and Bentley Road, visitors are likely to avoid using A120 altogether, it is unclear how much of the tourism-related trade will be leaked outside of Tendring district. Hence the Councils maintain the views that monitoring of the situation are crucial and that mitigations and or compensation measures must be in place to ensure that there would not be significant impact on the local tourism industry as well as the District's economy.

10. Skills and Employment

Applicant's Response to Deadline 4 Submissions (Rev 0) [REP5-056]

The Councils maintain the view that the Outline Skills and Employment Plan (SEP) [APP-253] should be revised and strengthened to provide the necessary certainty of commitments from the applicant and as an effective guide to further develop the

essential monitoring and mitigation measures required to address the potential skills, employment and supply chain impacts.

The document states in p. 24 Ref. REP4-073_h that the applicant welcomes the suggested proposals, however, the bullet points listed should be incorporated into the Outline SEP (APP-253) while details to be further developed with partners at the detailed stage prior to discharging the relevant requirement post consent.

Reference has been made to East of England Energy Group (EEEGR) in the applicant's response, however, both applicants of the Five Estuaries and North Falls windfarms have not been registered as a member of EEEGR. The EEEGR is a non-profit business association representing the interests of its members from energy producers through to the supply chain, including skills providers who support the industry. Skills for Energy is one of the core programmes at EEEGR, with the main goal of ensuring ongoing diversity and volume of skilled individuals to support the current and future needs of the energy sector in the east, covering Norfolk, Suffolk, Essex as well as Cambridgeshire.

The Councils have previously highlighted that there are significant skills, employment and supply chain impacts of the project itself, together with the other NSIP projects as well as strategic developments in the wider region. It is essential that the applicant is working with other partners and stakeholders in association with EEEGR to ensure that there are coordinated approach in terms of recruitment, training, skills shortage, skills retention, promotion of equality, diversity and inclusion, networking as well as sharing best practices. Both Councils would expect the applicant to commit in the Outline SEP to contribute into the Skills for Energy programme to help promote the industry as well as showcasing East of England on a national and international stage.

Further details and information on a breakdown of anticipated workforce and labour demands for the project is also required at this stage. As we have previously highlighted, the project needs to be considered within the context of other NSIPs and strategic developments in the wider region, including neighbouring counties. There will be significant impacts on employment, skills and supply chain from this project and cumulatively from all projects in the region. In order for ECC to work to address existing identified skills, labour and supply chain shortages and in turn support the applicants with delivery of projects across the county, ECC requires this information now in order for this planning and work to take place. ECC has also been communicated with Suffolk County Council on regional skills and their approach to NSIPs responses and know that they also support this stance.

11. Legal/dDCO

As per ECC previous D5 submission the following amendments to the dDCO are outstanding:

Article	Essex County Council's comments
2 – Interpretation	<p>Addition of following definition: <i>"the 1984 Act" means the Road Traffic Regulation Act 1984</i></p> <p>The DCO should include the above definition as '1984 Act' is referred to in Article 14 but has not been defined.</p>
6 (f)	Deletion of 'Essex County Council Act 1987' and replace with 'Essex Act 1987'
8	<p>Street Works ECC requests that the bullet points read as follows:</p> <p><i>(a) break up or open the street, or any sewer, drain or tunnel within or under it;</i> <i>(b) tunnel or bore under the street;</i> <i>(c) remove or use all earth and materials in or under the street;</i> <i>(d) place and keep apparatus in or under the street;</i> <i>(e) maintain apparatus in or under the street or change its position;</i> <i>and</i> <i>(f) execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (e).</i></p>
<p>Schedule 1</p> <p>Part 4</p> <p>Paragraph 34(2)</p>	<p>Deletion of paragraph 34(2). Paragraph 34(2) is seeking to recover fees which have been paid under paragraph 34(1) and provides for the repayment of fees within 4 weeks of rejecting an application as invalidly made. This is unreasonable. The authority will still have done the work necessary to reject the application. The relevant planning authority should not be punished financially if an applicant has incorrectly submitted an invalid application. The relevant planning authority would have already incurred the expense of reviewing the application and a refund of the fees would put a strain on the public purse. Therefore, paragraph 34(2) should be struck out of the DCO.</p>
General	ECC will require some form of protective provisions. This is currently the subject of discussions between the parties.
Requirement 17 (2) – Control of noise during operation stage	<p>The DCO is to be amended to reflect a joint panel approach between North Falls, Five Estuaries and National Grid for the noise investigation protocol.</p> <p>Inclusion of the following provision:</p> <p><i>"Prior to the commencement of operation of Work No. 11, the undertaker will consult and agree with Five Estuaries and National Grid a noise investigation protocol to be submitted to and approved by the discharging authority. The noise investigation protocol must identify how the undertaker, Five Estuaries and National Grid will jointly investigate noise."</i></p>

Drainage Protective Provisions

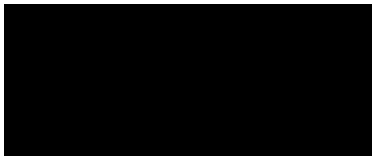
For 3(1), the drainage authority would require 21 days instead of 14 days to request for further information. The shortened period is considered unreasonable and would not allow sufficient time for the drainage authority to consider the submission appropriately, taking into account resources and in case of annual leave. The timeframe would allow the engineer to request the necessary information instead of refusing such application as would under a S. 23 Land Drainage application due to lack of information, this will also avoid further delay of the process.

The applicant of Five Estuaries has admitted that the shortened period does not reflect the agreed position between the parties and a formal request for change will be applied by the applicant to the Secretary of State to rectify the matter through a Correction Order. Therefore, ECC maintains the views that 21 days should be allowed.

Phasing / Grampian Condition

The Councils maintain the position set out in our response at Deadline 4 (**REP4-073**) and our response to ExQ2 (**REP5-091** - Q9.1.14).

Yours sincerely



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Essex County Council



W: www.essex.gov.uk