NORTH FALLS

Offshore Wind Farm

# National Policy Statements Accordance Table (Clean)

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## Contents

# GLOSSARY OF TERMS

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| Array area | The offshore wind farm area, within which the wind turbine generators, array cables, platform interconnector cable, offshore substation platform(s) and/or offshore convertor platform will be located. |
| Array cables | Cables which link the wind turbine generators with each other, and the offshore substation platform(s) and/or the offshore convertor platform. |
| Astronomical tide | The predicted tide levels and character that would result from the gravitational effects of the earth, sun and moon without any atmospheric influences. |
| Automatic Identification System (AIS) | A system by which vessels automatically broadcast their identity, key statistics including location, destination, length, speed and current status, e.g., “under power”. Most commercial vessels and United Kingdom (UK)/European Union (EU) fishing vessels over 15 m length are required to carry AIS. |
| Aviation archaeology | The remains of crashed aircraft and archaeological material associated with historic aviation activities. |
| Beach | A deposit of non-cohesive sediment (e.g. sand, gravel) situated on the interface between dry land and the sea (or other large expanse of water) and actively ‘worked’ by present-day hydrodynamic processes (i.e. waves, tides and currents) and sometimes by winds. |
| Beam trawl | A trawl net whose lateral spread during trawling is maintained by a beam across its mouth. |
| Bedload | Sediment particles that travel near or on the bed. |
| Benthic | Relating to or occurring at the sea bottom. |
| Bentley Road Improvement Works | Works involving the widening and improvement of the carriageway along Bentley Road required to facilitate heavy goods vehicle and abnormal indivisible load access to the onshore cable route and the onshore substation. |
| Cable circuit | The onshore and offshore export cables are comprised of cable ‘circuits’. Each cable circuit is typically comprised of three power cables, as well as fibre cables and earth cables. It is expected that each circuit would compromise up to seven cables in total. |

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| Cable Construction Compound | Area set aside to facilitate construction of the onshore cable route. Will be located adjacent to the onshore cable route, with access to the highway. |
| Cable ducts | Housing for the onshore export cables, typically comprising plastic high-density polyethylene (HDPE) pipes buried underground. Each cable circuit will require up to seven individual ducts (i.e. one per cable). |
| Clay | Fine sediment with a typical particle size of less than 0.002mm. |
| Climate change | A change in global or regional climate patterns. Within this chapter this usually relates to any long-term trend in mean sea level, wave height, wind speed etc, due to climate change. |
| CO2e | Carbon dioxide equivalent is a metric measure that is used to compare emissions from various greenhouse gases (GHGs) on the basis of their global warming potential by converting amounts of other GHGs to the equivalent amount of carbon dioxide (CO2). |
| Coastal catchment | Land which drains directly to the coastal or estuarine waters, rather than through a river water body – not part of a river water body catchment |
| Coastal processes | Collective term covering the action of natural forces on the shoreline and nearshore seabed. |
| Collision | The act or process of colliding (contact) between two moving objects. |
| Crest | Highest point on a bedform or wave. |
| Cumulative effects | Additional changes caused by North Falls in conjunction with other similar developments or as a combined effect of a set of developments. |
| Cumulative Effects Assessment (CEA) | Assessment of impacts as a result of the incremental changes caused by other similar (often significant) infrastructure projects together with North Falls. |
| Decommissioning | The period during which a development and its associated processes are removed from active operation. |
| Demersal | Living on or near the seabed. |
| Ebb tide | The falling tide, immediately following the period of high water and preceding the period of low water. |

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| Economic Value | Economic value (as measured by GVA) generated through the first round of capital expenditure, i.e. North Falls' spend prime contractors within each impact area of the study (direct GVA). This also includes GVA which is supported through the supply chain expenditure of these contractors (indirect GVA). This does not include induced effects (which are generated through the salary expenditure of employees whose jobs are supported by the development). |
| Elasmobranch | Any cartilaginous fish of the subclass Elasmobranchii which includes the sharks, rays and skates. |
| Employment offshore | Direct employment impacts associated with the first round of capital expenditure on offshore infrastructure, i.e. North Falls' spend on onshore infrastructure with prime contractors within each impact area of the study. As well as employment which is associated with the suppliers of companies that supply goods and services as part of the supply chain of the onshore infrastructure of North Falls. |
| Employment onshore | Direct employment impacts associated with the first round of capital expenditure on onshore infrastructure, i.e. North Falls spend on onshore infrastructure with prime contractors within each impact area of the study. As well indirect employment impacts which are associated with the suppliers of companies that supply goods and services as part of the supply chain of the onshore infrastructure of North Falls. This does not include induced effects. |
| Environmental Impact Assessment (EIA) | The process of evaluating the likely significant environmental effects of a proposed project or development over and above the existing environment. |
| Erosion | The process of evaluating the likely significant environmental effects of a proposed project or development over and above the existing environment. |
| Evidence Plan Process | A voluntary consultation process with specialist stakeholders to agree the approach to the EIA and information to support the HRA through ETG meetings. |
| Five Estuaries | Five Estuaries Offshore Wind Farm |
| Flood Tide | The rising tide, immediately following the period of low water and preceding the period of high water. |
| Full-time equivalent (FTE) jobs | Full-time equivalent (FTE) is a unit that indicates the workload of an employed person. An FTE of 1.0 is equivalent to one full-time employee, whilst a part-time employee working half the hours a full-time employee does would be recorded as 0.5 FTE. |

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| Geoarchaeology | The application of earth science principles and techniques to the understanding of the archaeological record. Includes the study of soils and sediments and of natural physical processes that affect archaeological sites such as geomorphology, the formation of sites through geological processes and the effects on buried sites and artefacts. |
| Glacial/interglacial | A glacial period is a period of time within an ice age that is marked by colder temperatures and glacier advances. Interglacial corresponds to periods of warmer climate between glacial periods. There are three main periods of glaciation within the last 1 million years, the Elsterian, the Saalian and the Weichselian which ended about 12,000 years ago. The Holocene period corresponds to the current interglacial. |
| Gravel | Loose, rounded fragments of rock larger than sand but smaller than cobbles. Sediment larger than 2mm (as classified by the Wentworth scale used in sedimentology). |
| Gross Value Added (GVA) | The measure of the value of goods and services produced in an area, industry or sector of an economy. At the level of a firm, it is broadly equivalent to employment costs plus a measure of profit. |
| Groundwater | Water stored below the ground in rocks or other geological strata |
| Habitat | The environment of an organism and the place where it is usually found. |
| Haul Road | The track along the onshore cable route used to access different sections of the onshore cable route, the onshore substation and National Grid substation connection works. |
| Heavy Goods Vehicle (HGV) | HGV is the term for any vehicle with a Gross Weight over 3.5 tonnes. This is also used as a proxy for HGVs and buses / coaches recognising the similar size and environmental characteristics of the respective vehicle types. |
| High water | Maximum level reached by the rising tide. |
| Historic seascape character | The attributes that contribute to the formation of the historic character of the seascape |
| Holocene | The last 10,000 years of earth history. |
| Horizontal Directional Drill (HDD) | Housing for the onshore export cables, typically comprising plastic high-density polyethylene (HDPE) pipes buried underground. Each cable circuit will require up to seven individual ducts (i.e. one per cable). |

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| Impact | The changes resulting from an action which may be either positive or negative. |
| Indirect effects | Effects that result indirectly from North Falls as a consequence of the direct effects, often occurring away from the site, or as a result of a sequence of interrelationships or a complex pathway. They may be separated by distance or in time from the source of the effects. |
| Interconnector cable | Former cable between the northern and southern array areas |
| Intertidal | Area on a shore that lies between Mean High Water Springs (MHWS) and Mean Low Water Springs (MLWS) |
| Landfall | The location where the offshore export cables come ashore at Kirby Brook. |
| Landfall compound | Compound at landfall within which HDD or other trenchless technique would take place. |
| Landfall search area | The area considered at PEIR, comprising the Essex coast between Clacton-on-Sea and Frinton-on-Sea within which landfall is located. |
| Link Boxes | Underground chambers or above ground cabinets next to the onshore export cables housing low voltage electrical earthing links. |
| Local onshore infrastructure and services | For the purposes of this assessment onshore infrastructure and services includes health services and housing infrastructure. |
| Long-term | Refers to a time period of decades to centuries. |
| Low water | The minimum height reached by the falling tide. |
| Magnitude | A term that combines judgements about the size and scale of the effect, the extent of the area over which it occurs, whether it is reversible or irreversible and whether it is short term or long term in duration'. Also known as the 'degree' or 'nature' of change. |
| Main River | Usually larger rivers and streams. The Environment Agency carries out maintenance, improvement or construction work on Main Rivers to manage flood risk |
| Marine Guidance Note (MGN) | A system of guidance notes issued by the Maritime and Coastguard Agency (MCA) which provide significant advice relating to the improvement of the safety of shipping at sea, and to prevent or minimise pollution from shipping. |

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| Mean High Water Springs | Mean High Water Springs is the average height throughout the year, of two successive high waters, during a 24-hour period in each month when the range of the tide is at its greatest (Spring tides). |
| Micro-siting | Small scale refinement to the location of offshore infrastructure during detailed design to avoid key constraints. |
| Movement | A two-way trip (i.e. the arrival and departure from site) for the transfer of employees or goods. |
| National Grid connection point | The grid connection location for the Project. National Grid is proposing to construct new electrical infrastructure (a new substation) to allow the Project to connect to the grid, and this new infrastructure will be located at the National Grid connection point. |
| National Grid substation connection works | Infrastructure required to connect the Project to the National Grid connection point. |
| Nationally Significant Infrastructure Project (NSIP) | Nationally Significant Infrastructure Projects are major infrastructure developments in England and Wales which are consented by DCO. These include proposals for offshore renewable energy projects with an installed capacity of over 100MW in England. |
| Navigational Risk Assessment (NRA) | A document which assesses the hazards to shipping and navigation of a proposed Offshore Renewable Energy Installation (OREI) based upon the FSA. |
| Nearshore | The zone which extends from the swash zone to the position marking the start of the offshore zone). |
| North Falls | North Falls Offshore Wind Farm, including all onshore and offshore infrastructure. |
| Numerical modelling | Refers to the analysis of coastal processes using computational models. |
| Offshore | Area seaward of nearshore in which the transport of sediment is not caused by wave activity. |
| Offshore converter platform | Should an offshore connection to a third party HVDC interconnector cable be selected, an offshore converter platform would be required. This is a fixed structure located within the array area, containing HVAC and HVDC electrical equipment to aggregate the power from the wind turbine generators, increase the voltage to a more suitable level for export and convert the HVAC power generated by the wind turbine generators into HVDC power for export to shore via a third party HVDC interconnector cable. |

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| Offshore cable corridor | The corridor of seabed from array area to the landfall within which the offshore export cables will be located. |
| Offshore export cables | The cables which bring electricity from the offshore substation platform(s) to the landfall, as well as auxiliary cables. |
| Offshore platform(s) | Fixed structure(s) located within the array area, which may be an offshore converter platform or an offshore substation platform |
| Offshore project area | The overall area of the array area and the offshore cable corridor. |
| Onshore cable corridor(s) | Onshore corridor(s) considered at PEIR within which the onshore cable route, as assessed at ES, is located. |
| Onshore cable route | Onshore route within which the onshore export cables and associated infrastructure would be located. |
| Onshore export cables | The cables which take the electricity from landfall to the onshore substation. These comprise High Voltage Alternative Current (HVAC) cables, buried underground. |
| Onshore PEIR boundary | The boundary encompassing the Project landfall, onshore cable route and onshore substation, as considered within the PEIR. |
| Onshore project area | The boundary within which all onshore infrastructure required for the Project will be located (i.e. landfall; onshore cable route, accesses, construction compounds; onshore substation and National Grid substation extension). |
| Onshore scoping area | The boundary within which all onshore infrastructure required for the Project will be located, as considered within the North Falls EIA Scoping Report. |
| Onshore substation | A compound containing electrical equipment required to transform and stabilise electricity generated by the Project so that it can be connected to the national grid. |
| Onshore substation construction compound | Area set aside to facilitate construction of the onshore substation. Will be located adjacent to the onshore substation (location not yet defined). |
| Onshore substation works area | Area within which all temporary and permanent works associated within the onshore substation are located, including onshore substation, construction compound, access, landscaping, drainage and earthworks. |
| Onshore substation zone | The area considered at PEIR, within which the onshore substation will be located. |

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| Ordinary Watercourse | Other rivers are called ‘Ordinary Watercourses’. Lead local flood authorities, district councils and internal drainage boards carry out flood risk management work on Ordinary Watercourses |
| Pelagic | Living in the water column. |
| Planning Inspectorate | The Planning Inspectorate deals with planning appeals, national infrastructure planning applications, examinations of local plans and other planning-related and specialist casework. |
| Platform interconnector cable | Cable connecting the offshore substation platforms (OSP) or the OSP and offshore converter platform (OCP) |
| Pleistocene | An epoch of the Quaternary Period (between about 2 million and 10,000 years ago) characterised by several glacial ages. |
| Prehistoric Period | Broad term encompassing the Palaeolithic, Mesolithic, Neolithic, Bronze Age and Iron Age. |
| Preliminary Environmental Information Report (PEIR) | The PEIR presented findings of the assessment to allow an informed view to be developed of North Falls, the assessment approach that was undertaken, and the preliminary conclusions on the likely significant effects of North Falls and environmental measures proposed. |
| Primary Surveillance Radar (PSR) | A radar system that measures the bearing and distance of targets using the detected reflections of radio signals. |
| Receptor | These are as defined in Regulation 5(2) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and include population and human health, biodiversity, land, soil, water, air, climate, material assets, cultural heritage and landscape that may be at risk from exposure to pollutants which could potentially arise as a result of the Project. |
| Requirement | Requirements are similar to planning conditions in Town and Country Planning Act decisions, specifying conditions and restrictions on the development and matters for which detailed approval needs to be obtained before the development can be lawfully begun. |
| Risk | The combination of the frequency and the severity of the consequence |
| Safety Zone | A marine zone outlined for the purposes of safety around a possibly hazardous installation or works / construction area. |

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| Sand | Sediment particles, mainly of quartz with a diameter of between 0.063mm and 2mm. Sand is generally classified as fine, medium or coarse. |
| Scoping Opinion | A Scoping Opinion is adopted by the Secretary of State for North Falls. |
| Scoping Report | A report that is designed to ascertain which issues the Environmental Impact Assessment process should cover. |
| Scour protection | Protective materials to avoid sediment being eroded away from the base of the wind turbine generator foundations and offshore substation platform(s) or / and offshore converter platform (OCP) foundations as a result of the flow of water. |
| Sea level | Generally, refers to 'still water level' (excluding wave influences) averaged over a period of time such that periodic changes in level (e.g. due to the tides) are averaged out. |
| Seabed features | Features seen on the seafloor in the sidescan sonar or multibeam bathymetry data which are interpreted to represent heritage assets, or potential heritage assets. Also includes magnetic anomalies which may represent shallow buried ferrous material of archaeological interest. |
| Seabed prehistory | Archaeological remains on the seabed corresponding to the activities of prehistoric populations that may have inhabited what is now the seabed when sea levels were lower. |
| Search and Rescue | The search and provision of aid to people who are in distress or imminent danger. |
| Secondary A Aquifer | These are permeable layers capable of supporting water supplies at a local rather than strategic scale, and in some cases forming an important source of base flow to rivers. These are generally aquifers formerly classified as minor aquifers. |
| Secondary B Aquifer | These are predominantly lower permeability layers which may store and yield limited amounts of groundwater due to localised features such as fissures, thin permeable horizons and weathering. These are generally the water- bearing parts of the former non-aquifers. |
| Secretary of State | The person who makes the decision to grant development consent. |
| Sediment | Particulate matter derived from rock, minerals or bioclastic matter. |

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| Sediment transport | The movement of a mass of sediment by the forces of currents and waves. |
| Sensitivity | A term applied to specific receptors, combining judgements of the susceptibility of the receptor to the specific type of change or development proposed and the value associated to that receptor. |
| Setting | The NPPF identifies setting as that which encompasses an asset's surroundings in which it is experienced. The extent of setting is not fixed and can contribute both positively and negatively to the heritage significance of an asset. |
| Shore platform | A platform of exposed rock or cohesive sediment exposed within the intertidal and subtidal zones. |
| Short-term | Refers to a time period of months to years. |
| Significance | A measure of the importance of the environmental effect, defined by criteria specific to the environmental aspect. |
| Significant effects | It is a requirement of the EIA Regulations to determine the likely significant effects of the development on the environment which should relate to the level of an effect and the type of effect. Where practicable, significant effects should be mitigated. |
| Stakeholder engagement | Refers to the voluntary engagement undertaken in addition to the statutory consultation requirements under the Planning Act 2008. |
| Study area | Area where potential impacts from the Project could occur, as defined for each individual EIA topic. |
| Surface water flooding | Surface water flooding occurs when rainwater does not drain away through normal drainage systems or soak into the ground, but lies on or flows over the ground instead |
| Suspended sediment | The sediment moving in suspension in a fluid kept up by the upward components of the turbulent currents or by the colloidal suspension. |
| Temporary construction compound | Area set aside to facilitate construction of the onshore cable route. Will be located adjacent to the onshore cable route, with access to the highway where required. |
| The Applicant | North Falls Offshore Wind Farm Limited (NFOW) |
| The Project or 'North Falls' | North Falls Offshore Wind Farm, including all onshore and offshore infrastructure. |
| Tidal range | Difference in height between high and low water levels at a point. |

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| Tide | The periodic rise and fall of the water that results from the gravitational attraction of the moon and sun acting upon the rotating earth. |
| Traffic and Transport Study Area (TTSA) | Area where potential impacts from the Project could occur, as defined for each individual EIA topic. |
| Transition joint bay | Underground structures that house the joints between the offshore export cables and the onshore export cables. |
| Trenchless crossing | Use of a technique to install limited lengths of cable below ground without the need to excavate a trench from the surface, used in sensitive areas of the onshore cable route to prevent surface disturbance. Includes techniques such as Horizontal Directional Drilling. |
| Trenchless crossing compound | Areas within the onshore cable route which will house trenchless crossing (e.g. HDD) entry or exit points. |
| Unproductive Strata | These are predominantly rock layers or drift deposits with low permeability that have negligible significance for water supply or river base flow. |
| Vehicle (HGV, Traffic) trips | A two-way trip (i.e. the arrival and departure from site) for the transfer of employees or goods. |
| Vulnerability | Risk x receptor sensitivity in relation to shipping hazards (discussed further in ES Appendix 15.1) |
| Wave height | The vertical distance between the crest and the trough. |
| Wind turbine generator (WTG) | Power generating device that is driven by the kinetic energy of the wind. |
| Zone of Influence (ZOI) | The area surrounding North Falls which could result in likely significant effects. |
| 400kV onshore cable route | Onshore route within which the 400kV onshore cables and associated infrastructure would be located. |
| 400kV onshore cables | The cable circuits which take the electricity from the onshore substation on to the national grid connection point. These comprise High Voltage Alternative Current (HVAC) cables, buried underground. |

# 1. INTRODUCTION

## 1.1 Introduction

1.1.1 The Applicant is North Falls Offshore Wind Farm Limited (NFOW) which is a joint venture between SSE Renewables Offshore Windfarm Holdings Limited (SSER) and RWE Renewables UK Swindon Limited (RWE), both of which are highly experienced operators and developers of offshore wind projects. Both organisations are committed to developing renewable energy in the UK.

1.1.2 North Falls Offshore Wind Farm (the 'Project' or 'North Falls') will comprise an offshore generating station with a capacity exceeding 100 megawatts (MW). The Authorised Development is set out in Schedule 1 to the Draft Development Consent Order (DCO) **[AS-022]**.

1.1.3 The Project is therefore classified as a nationally significant infrastructure project (NSIP) under sections 14(1)(a) and 15(3) of the Planning Act 2008 (PA2008) and requires development consent in accordance with section 31 of the PA2008.

## 1.2 Section 104 of the Planning Act 2008

1.2.1 The statutory framework for determining applications for Development Consent for Nationally Significant Infrastructure Projects (NSIPs) is provided by the PA2008.

1.2.2 Section 104 relates to decisions in cases where a national policy statement has effect, as is the case for North Falls.

1.2.3 Section 104(2)(a) of the PA2008 confirms the Secretary of State (SoS) must have regard to any national policy statement which has effect in relation to development of the description to which the application relates (a "relevant national policy statement").

1.2.4 Section 104(3) of the PA2008 confirms that the SoS must decide the application in accordance with any relevant national policy statement, except to the extent that one or more of subsections (4) to (8) of Section 104 applies.

## 1.3 Purpose of this document

1.3.1 This National Policy Statement Accordance Table **[9.10 (Rev 0]** outlines the relevant policies contained within the relevant National Policy Statements and identifies how the Project and the DCO application documents have complied

with these policies, and notes how these policies apply to the determination of the application.

1.3.2 This document has sought to summarise the relevant information contained within a number of the DCO Application documents that support the application, which have considered the relevant National Policy Statements.

1.3.3 It has sought to avoid excessive duplication of relevant information and where possible use appropriate applied brevity.

## 1.4 The relevant National Policy Statements

1.4.1 The relevant national policy statements for the purposes of Section 104 of the PA2008 are as follows:

- Overarching National Policy Statement for Energy EN-1 (NPS EN-1) (published November 2023);
- National Policy Statement for Renewable Energy Infrastructure EN3 (NPS EN-3) (published November 2023); and
- National Policy Statement for Electricity Networks Infrastructure EN5 (NPS EN-5) (published November 2023).

# 2. NATIONAL POLICY STATEMENTS

## 2.1 National Policy Statement EN-1

2.1.1 NPS EN-1 sets out national policy for energy infrastructure including offshore generating stations generating more than 100MW offshore in territorial waters adjacent to England and within the English part of the Renewable Energy Zone.

2.1.2 Paragraph 1.1.2 of NPS EN-1 states in relation to NPS EN-1 itself:

*It has effect for the decisions by the Secretary of State on applications for energy developments that are nationally significant under the Planning Act 2008. For such applications this NPS, combined with any technology specific energy NPS where relevant, provides the primary policy for decisions by the Secretary of State*

2.1.3 The Applicant notes this guidance and the primacy of NPS EN-1.

## 2.2 National Policy Statement EN-3

2.2.1 NPS EN-3 covers nationally significant renewable energy infrastructure including energy from offshore wind greater than 100MW.

2.2.2 Paragraph 2.5.2 requires proposals for renewable energy infrastructure to demonstrate good design, particularly in respect of landscape and visual amenity, and in the design of the project to mitigate impacts such as noise and effects on ecology and heritage.

2.2.3 NPS EN-3 details a number of technical considerations which the Applicant has considered and addressed within the development of the Project.

## 2.3 National Policy Statement EN-5

2.3.1 NPS EN-5 sets out relevant considerations for proposals that include transmission lines and distribution systems and associated infrastructure such as substations and converter stations.

2.3.2 Section 2.9 of the NPS set out several generic impacts that should be considered when determining a DCO. However, it is emphasised that this list is not intended to be exhaustive, and applicants are required to assess all likely significant effects of their proposals.

# 3. OTHER RELEVANT APPLICATION DOCUMENTS

## 3.1 Planning Statement

3.1.1 The applicant has submitted a Planning Statement **[APP-234]** to provide an overview of North Fall's compliance with relevant policy and to assist the Examining Authority and Secretary of State in their reviews of North Falls in the context of relevant planning policy.

3.1.2 The Planning Statement sets out the need for the Application in the context of the NPSs and national and local policy, as well as a planning assessment considering the relationship between North Falls and the relevant policies.

3.1.3 A policy presumption known as a critical national priority (CNP) for offshore wind, and supporting onshore and offshore network infrastructure, and related network reinforcements has been introduced to the adopted 2023 NPS EN-1, NPS EN-3 and NPS EN-5. This presumption means the projects that are essential for achieving the UK's net zero emissions target by 2050, are strongly support by Government and sets out that they should be progressed as quickly as possible.

## 3.2 Environmental Statement

3.2.1 The Applicant has provided a full Environmental Impact Assessment (EIA), reported in the Environmental Statement (ES) **[APP-013 – APP-048]** that accompanies the submission which includes information on the relationship between North Falls and the topic specific planning policies outlined in the NPSs.

3.2.2 As part of the EIA process, the scope of assessment work was undertaken in line with the NPSs to ensure that topic specific policy tests were met, and North Falls is therefore in accordance with the relevant paragraphs of the relevant NPSs. As set out in the Policy and Legislation chapter of the ES, relevant issues in NPS EN-1, NPS EN-3, and NPS EN-5 were identified and assessed in detail within the policy sections of the topic specific onshore and offshore ES chapters.

# 4. STRUCTURE OF THIS DOCUMENT

## 4.1 Structure of this document

4.1.1 This National Policy Statement Accordance Table **[9.10 (Rev 0)]** is split into three separate tables for NPS EN-1, NPS EN-3, and NPS EN-5.

4.1.2 The tables include the relevant paragraph number for each NPS and a response from the Applicant outlining the Project's compliance with said paragraphs.

4.1.3 The tables are as follows:

- TABLE 1 – NPS EN-1 COMPLIANCE TABLE
- TABLE 2 – NPS EN-3 COMPLIANCE TABLE
- TABLE 3 – NPS EN-5 COMPLIANCE TABLE

## 4.2 Future Updates

4.2.1 The Applicant notes that documents supporting the DCO Application may be updated during Examination and re-submitted at the relevant Deadlines, as set out in the Examination Timetable. This document will also be updated where required to reflect these changes and should be read in conjunction with the most up-to-date version of the documents referred to.

## 5. TABLE 1 – NPS EN-1 COMPLIANCE TABLE

| SECTION | NPS EN-1 PARAGRAPH | NPS EN-1 POLICY WORDING | ACCORDANCE WITH NPS POLICY |
|---|---|---|---|
| **Part 3 - The need for new nationally significant energy infrastructure projects** | | | |
| **3.1 Introduction** | | | |
| Introduction | 3.1.1 – 3.1.2 | This Part of the NPS explains why the government sees a need for significant amounts of new large-scale energy infrastructure to meet its energy objectives and why the government considers that the need for such infrastructure is urgent.<br><br>However, it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts. These effects will be minimised by the application of policy set out in Parts 4 and 5 of this NPS. See also Part 2 of each technology specific NPS. | The Need Case and Project Benefits Statement **[APP-232]** details why there is an urgent need for new electricity infrastructure. It explains why the legally binding targets set out in Climate Change Act 2008 (as amended) are important for this Project and concludes that the delay of offshore wind farms proposed for connection before 2030 (including North Falls) beyond 2030 would jeopardise the UK's ability to meet the Sixth Carbon Budget.<br><br>The UK has set an offshore wind capacity target of 50GW by 2030, as outlined in the British Energy Security Strategy (DESNZ, 2022) and upheld in Powering Up Britain (DESNZ, 2023). Figure 3.3 of the Need Case and Project Benefits Statement **[APP-232]** shows that at time of writing there is a 17.6GW deficit in offshore wind generation, in respect of the 50GW target by 2030.<br><br>The impacts of the Project have been assessed in the Environmental Statement (ES) **[APP-013 – APP-048]** and the Report to Inform the Appropriate Assessment (RIAA) **[APP-173 – APP-182].** They set out the likely significant effects arising from the Project and the measures taken to mitigate the effects, in accordance with the mitigation hierarchy.<br><br>Paragraph 3.3.63 of NPS EN-1 reinforces the urgent need for Critical National Priority (CNP) infrastructure for which North Falls is, and states that together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation.<br><br>There are no significant adverse effects that cannot be mitigated or that outweigh the benefits associated with North Falls, the urgent need and strong support and presumption in favour of the Project as CNP infrastructure. |
| **3.2 Secretary of State Decision Making** | | | |
| Secretary of State decision making | 3.2.1 | The government's objectives for the energy system are to ensure our supply of energy always remains secure, reliable, affordable, and consistent with net zero emissions in 2050 for a wide range of future scenarios, including through delivery of our carbon budgets and NDC. | Section 3 of the Need Case and Project Benefits Statement **[APP-232]** presents the need for offshore wind, including a comparison to other renewable energy sources, a review of potential future energy mix scenarios and the grid decarbonisation pathways required in order for the UK to meet its legal net zero obligations by 2050. It also discusses the potential impacts associated with the delay in wind generation delivery.<br><br>All of the ES Chapters **[APP-013 – APP-048]** include a description of potential changes to the existing environment and the baseline conditions relevant to each topic as a result of climate change. North Falls have had regard to potential future scenarios in assessing the likely significant effects. |

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| | 3.2.2 | We need a range of different types of energy infrastructure to deliver these objectives. This includes the infrastructure described within this NPS but also more nascent technologies, data, and innovative infrastructure projects consistent with these objectives. | The Project, as an offshore wind farm, is included within the definition of CNP infrastructure in NPS EN-1 and would contribute positively to the UK's overall renewable energy mix.<br><br>The Project complies with Paragraph 3.2.2. |
| | 3.2.3 – 3.2.4 | It is not the role of the planning system to deliver specific amounts or limit any form of infrastructure covered by this NPS. It is for industry to propose new energy infrastructure projects that they assess to be viable within the strategic framework set by government. This is the nature of a market-based energy system. With the exception of new coal or large-scale oil-fired electricity generation, the government does not consider it appropriate for planning policy to set limits on different technologies but planning policy can be used to support the government's ambitions in energy policy and other policy areas.<br><br>It is not the government's intention in presenting any of the figures or targets in this NPS to propose limits on any new infrastructure that can be consented in accordance with the energy NPSs. A large number of consented projects can help deliver an affordable electricity system, by driving competition and reducing costs within and amongst different technology and infrastructure types. Consenting new projects also enables projects utilising more advanced technology and greater efficiency to come forward. The delivery of an affordable energy system does not always mean picking the least cost technologies. A diversity of supply can aid in ensuring affordability for the system overall and relative costs can change over time, particularly for new and emerging technologies. It is not the role of the planning system to compare the costs of individual developments or technology types. | Together, the Planning Statement and Need Case and Project Benefits Statement **[APP-232]** set out how the Project accords with the relevant Government policies (including NPS EN-1) and the legally binding targets for GHG emissions set out in the Climate Change Act (2008) (as amended), which apply to renewable energy infrastructure projects. North Falls is also co-ordinating with Five Estuaries Offshore Wind Farm ('Five Estuaries') to support the delivery of new offshore wind generation in a timely and co-ordinated manner, in line with Government's ambitions to deliver more wind (and solar) energy.<br><br>The Applicant's Co-ordination Report **[AS-006]** from page 13 comprehensively sets out North Falls' long-term engagement in the Offshore Transmission Network Review, (OTNR commencing from 2020) and then subsequently, the Department of Energy Security and Net Zero (DESNZ) project, the Offshore Coordination Support Scheme (OCSS), that looked at alternative technologies. The OCSS was a UK Government led project facilitated, managed and directly funded by DESNZ.<br><br>On the 3 September 2024 (two months after North Falls DCO submission), the Secretary of State for DESNZ decided not to grant further funding to explore the potential for offshore cable and offshore grid connection coordination as part of the OTNR "Early Opportunities" workstream and advised key stakeholders accordingly. Whilst the workstream identified that an offshore cable and grid connection point was technically feasible, it identified the potential for significant additional costs and delay.<br><br>The Project complies with Paragraph 3.2.3 – 3.2.4. |
| | 3.2.6 | The Secretary of State should assess all applications for development consent for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure, which is urgent, as described for each of them in this Part. | As noted in the Planning Statement **[AS-004]** and Need Case and Project Benefits Statement **[APP-232]** (and as above in response to NPS EN-1 paragraphs 3.1.1 – 3.2.2) there is an urgent need to deliver North Falls and as CNP infrastructure it should be given substantial weight in the planning balance. |
| | 3.2.7 – 3.2.8 | In addition, the Secretary of State has determined that substantial weight should be given to this need when considering applications for development consent under the Planning Act 2008.<br><br>The Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying the need established in this NPS. | Please refer to the applicant's response to Paragraph 3.2.6 of NPS EN-1 above. |
| | 3.2.9 | This NPS, along with any technology specific energy NPSs, sets out policy for nationally significant energy infrastructure covered by sections 15-21 of the Planning Act 2008. | North Falls Offshore Wind Farm comprises of a generating station with a capacity exceeding 100 megawatts (MW). The Project is therefore classified as a nationally significant infrastructure project (NSIP) under sections 14(1)(a) and 15(3) of the Planning Act 2008. |

| SECTION | NPS EN-1 PARAGRAPH | NPS EN-1 POLICY WORDING | ACCORDANCE WITH NPS POLICY |
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| **3.3 The need for new nationally significant electricity infrastructure** | | | |
| The need for new nationally significant electricity infrastructure | 3.3.1 | Electricity meets a significant proportion of our overall energy needs and our reliance on it will increase as we transition our energy system to deliver our net zero target. We need to ensure that there is sufficient electricity to always meet demand; with a margin to accommodate unexpectedly high demand and to mitigate risks such as unexpected plant closures and extreme weather events. | The Project comprises of up to 57 wind turbine generators and will deliver over 100MW of renewable power. It will therefore help meet the increasing demand for electricity as the de-carbonisation of the grid continues to progress, and provide additional capacity to mitigate unexpectedly high demand. ES Chapter 33 Climate Change **[APP-047]** describes how the Project has been designed to account for extreme weather events that affect both the terrestrial and marine environments. |
| | 3.3.2 | The larger the margin, the more resilient the system will be in dealing with unexpected events, and consequently the lower the risk of a supply interruption. This helps to protect businesses and consumers, including vulnerable households, from volatile prices and, eventually, from physical interruptions to supply that might impact on essential services. But a balance must be struck between a margin which ensures a reliable supply of electricity and building unnecessary additional capacity which increases the overall costs of the system. | Please refer to the applicant's response to Paragraph 3.1.1 – 3.1.2 of NPS EN-1 with respect to the urgent need for North Falls in meeting the Government's policies and legally binding target for GHG emissions.<br>Section 4 of the Need Case and Project Benefits Statement **[APP-232]** summarises the economic benefits and efficiencies arising from the Project, which are as follows:<br>• Offshore wind power reduces the market price of electricity by displacing more expensive forms of generation such as the increasing cost of coal and gas. This delivers benefits for electricity consumers;<br>• Due to technological advances, the costs of offshore wind power have reduced consistently and significantly since 2015;<br>• Offshore wind power is economically attractive in GB against other forms of renewable generation such as large scale solar and onshore wind; and<br>• Size remains important, and maximising the generating capacity of projects improves their economic efficiency. |
| | 3.3.3 | To ensure that there is sufficient electricity to meet demand, new electricity infrastructure will have to be built to replace output from retiring plants and to ensure we can meet increased demand. Our analysis suggests that even with major improvements in overall energy efficiency, and increased flexibility in the energy system, demand for electricity is likely to increase significantly over the coming years and could more than double by 2050 as large parts of transport, heating and industry decarbonise by switching from fossil fuels to low carbon electricity. The Impact Assessment for CB6 shows an illustrative range of 465 515TWh in 2035 and 610-800TWh in 2050. | Section 3.2 of the Need Case and Project Benefits Statement **[APP-232]** sets out the future energy demands in the context of North Falls in Great Britain, which in 2022 was 1,399TWh, with 20% (286TWh) in the form of electricity. While our total energy demand must reduce significantly by 2050, electricity demand is expected to grow as carbon-intensive sources of energy are displaced by electrification, or production of non-carbon energy vectors by use of electricity such as hydrogen electrolysis. The proportion of energy demand met by electricity has increased from 19% in 2020 and is expected to reach up to 66% by 2050. |
| The need for different types of electricity infrastructure | 3.3.4 - 3.3.7 | There are several different types of electricity infrastructure that are needed to deliver our energy objectives. Additional generating plants, electricity storage, interconnectors and electricity networks all have a role, but none of them will enable us to meet these objectives in isolation.<br>New generating plants can deliver a low carbon and reliable system, but we need the increased flexibility provided by new storage and interconnectors (as well as demand side response, | North Falls would be consistent with the Government's energy objectives for delivering additional generating capacity alongside other infrastructure such as storage and electricity interconnectors. However, it is recognised by Paragraph 3.3.6 of NPS EN-1 that electricity storage and interconnectors cannot meet the anticipated increase in total demand that comes with the extensive electrification anticipated in the future. As such the need for North Falls is underpinned by the need for new generating capacity alongside other measures such as storage and interconnection. Section 5.2 of the Need Case and Project Benefits Statement |

| SECTION | NPS EN-1 PARAGRAPH | NPS EN-1 POLICY WORDING | ACCORDANCE WITH NPS POLICY |
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| | | discussed below) to reduce costs in support of an affordable supply.<br><br>Storage and interconnection can provide flexibility, meaning that less of the output of plant is wasted as it can either be stored or exported when there is excess production. They can also supply electricity when domestic demand is higher than generation, supporting security of supply. This means that the total amount of generating plant capacity required to meet peak demand is reduced, bringing significant system savings alongside demand side response (up to £12bn per year by 2050). Storage can also reduce the need for new network infrastructure. However, neither of these technologies, as with demand side response, are sufficient to meet the anticipated increase in total demand, and so cannot fully replace the need for new generating capacity.<br><br>Electricity networks are needed to connect the output of other types of electricity infrastructure with consumers and each other. However, they are a means of transporting electricity rather than generating or storing it, so cannot replace those other types of electricity infrastructure in meeting the substantial increase in demand expected over the coming decades. | **[APP-232]** describes today's electricity mix and the demand for renewable generation capacity. |
| Alternatives to new electricity infrastructure | 3.3.8 – 3.3.12 | The government has considered alternatives to the need for new large-scale electricity infrastructure and concluded that these would be limited to reducing total demand for electricity through efficiency measures or through greater use of low carbon hydrogen in decarbonising the economy; reducing maximum demand through demand side response; and increasing the contribution of decentralised and smaller-scale electricity infrastructure. In addition, there are alternative ways of decarbonising heating and transportation, which are being developed alongside electrification of these sectors.<br><br>Reducing total demand for energy is a key element of the government's strategy for meeting its energy objectives and we expect that increased energy efficiency measures could lead to a reduction in final energy demand from around 1550 TWh in 2019 to around 1000 TWh in 2050. However, even with a reduction in final energy demand the share of electricity in the system is likely to increase, potentially more than doubling by 2050 (see paragraph 3.3.3).<br><br>The precise level of electricity demand during the transition to net zero is uncertain and could be affected by alternative means of decarbonising these sectors, such as the use of low carbon hydrogen, and the pace of that decarbonisation. However, it is prudent to plan on a conservative basis to ensure that there is sufficient supply of electricity to meet demand across a wide range of future scenarios, including where the use of hydrogen is limited. | The Government's strategy includes influencing demand side factors through a combination of measures; including greater efficiency in the network or through use of low carbon hydrogen, and increasing the contribution of decentralised smaller-scale electricity infrastructure. Transport is a key sector being targeted for electrification.<br><br>The UK has set an offshore wind capacity target of 50GW by 2030, as outlined in the British Energy Security Strategy (DESNZ, 2022) and upheld in Powering Up Britain (DESNZ, 2023). Figure 3.3 of the Need Case and Project Benefits Statement **[APP-232]** shows that at time of writing there is a 17.6GW deficit in offshore wind generation, in respect of the 50GW target by 2030.<br><br>The Project, including both onshore and offshore generation, is to be considered 'Critical National Priority' (CNP) infrastructure, and it would make a significant contribution to the achievement of both the national renewable energy targets and to the UK's contribution to global efforts to reduce the effects of climate change. |

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| | | Demand side response, such as the use of thermal stores and smart charging of electric vehicles, can shift electricity demand, reducing the maximum amount of electricity required and therefore reduce the need for additional infrastructure. However, it cannot increase the total amount of electricity generated in the UK, or reduce the total amount of electricity consumed, and so cannot fully replace the need for new generating capacity to deliver our energy objectives.<br><br>Decentralised and community energy systems such as micro-generation contribute to our targets on reducing carbon emissions and increasing energy security. These technologies could also lead to some reduction in demand on the main generation and transmission system. However, the government does not believe they will replace the need for new large-scale electricity infrastructure to meet our energy objectives. This is because connection of large-scale, centralised electricity generating facilities via a high voltage transmission system enables the pooling of both generation and demand, which in turn offers a number of economic and other benefits, such as more efficient bulk transfer of power and enabling surplus generation capacity in one area to be used to cover shortfalls elsewhere. | |
| | 3.3.13 | The Net Zero Strategy sets out the government's ambition for increasing the deployment of low carbon energy infrastructure consistent with delivering our carbon budgets and the 2050 net zero target. This made clear the commitment that the cost of the transition to net zero should be fair and affordable. | As outlined in Section 5.4 of the Need Case and Project Benefits Statement **[APP-232]** the need for energy security and the vulnerability of the UK energy market to price spikes increases the urgency of wind generation projects. Delaying wind farm construction would extend the UK's energy insecurity, exposing the UK to market fluctuations further into the future. |
| Delivering affordable decarbonisation | 3.3.16 | If demand for electricity doubles by 2050, we will need a fourfold increase in low carbon generation and significant expansion of the networks that transport power to where it is needed. In addition, we committed in the Net Zero Strategy to take action so that by 2035, all our electricity will come from low carbon sources, subject to security of supply, whilst meeting a 40-60 per cent increase in electricity demand. This means that the majority of new generating capacity needs to be low carbon. | Please refer to the Applicant's response to Paragraphs 3.1.1 – 3.1.2 of NPS EN-1. |
| | 3.3.19 | Given the changing nature of the energy landscape, we need a diverse mix of electricity infrastructure to come forward, so that we can deliver a secure, reliable, affordable, and net zero consistent system during the transition to 2050 for a wide range of demand, decarbonisation, and technology scenarios. | Please refer to the Applicant's response to Paragraphs 3.3.4 - 3.3.7 of NPS EN-1. |
| The role of wind and solar | 3.3.20 – 3.3.21 | Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero | The Need Case and Project Benefits Statement **[APP-232]** details why there is an urgent need for new electricity infrastructure. It explains why the legally binding targets set out in Climate Change Act 2008 (as amended) are important for North Falls and concludes that the delay of offshore wind farms proposed for connection before 2030 (including North Falls) beyond 2030 would jeopardise the UK's ability |

| SECTION | NPS EN-1 PARAGRAPH | NPS EN-1 POLICY WORDING | ACCORDANCE WITH NPS POLICY |
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| | | consistent system in 2050 is likely to be composed predominantly of wind and solar.<br><br>As part of delivering this, UK government announced in the British Energy Security Strategy an ambition to deliver up to 50 gigawatts (GW) of offshore wind by 2030, including up to 5GW of floating wind, and the requirement in the Energy White Paper for sustained growth in the capacity of onshore wind and solar in the next decade. | to meet the Sixth Carbon Budget. New offshore wind energy is fundamental to the Government achieving net zero GHG emissions by 2050.<br><br>The purpose of the Project is to contribute to climate change mitigation by replacing outgoing high carbon energy generation with a renewable form of energy which will improve energy security and help the UK meet is net zero commitments. |
| | 3.3.22 – 3.3.24 | However, it is recognised that ensuring affordable system reliability, today and in the future, means wind and solar need to be complemented with technologies which supply electricity, or reduce demand, when the wind is not blowing, or the sun does not shine.<br><br>Applications for onshore wind of all sizes should be consented outside of the Planning Act 2008 process, unless the Secretary of State directs otherwise under section 35 of the Planning Act 2008.<br><br>Applications for offshore wind above 100MW or solar above 50MW in England, or 350MW for either in Wales, will continue to be defined as NSIPs, requiring consent from the Secretary of State (see EN-3). | North Falls Offshore Wind Farm comprises of a generating station with a capacity exceeding 100 megawatts (MW). The Project is therefore classified as a nationally significant infrastructure project (NSIP) under sections 14(1)(a) and 15(3) of the Planning Act 2008. |
| The need for electricity generating capacity | 3.3.59 | All the generating technologies mentioned above are urgently needed to meet the government's energy objectives by:<br><br>• Providing security of supply (by reducing reliance on imported oil and gas, avoiding concentration risk and not relying on one fuel or generation type)<br><br>• Providing an affordable, reliable system (through the deployment of technologies with complementary characteristics)<br><br>• Ensuring the system is net zero consistent (by remaining in line with our carbon budgets and maintaining the options required to deliver for a wide range of demand, decarbonisation and technology scenarios, including where there are difficulties with delivering any technology) | Diversifying energy generation through increasing renewable energy generation, including from offshore wind, which North Falls contributes to, allows the UK to generate more domestic energy and thereby reduces the reliance on international supply.<br><br>The need for energy security and the vulnerability of the UK energy market to price spikes increases the urgency of wind generation projects. Delaying wind farm construction would extend the UK's energy insecurity, exposing the UK to market fluctuations further into the future.<br><br>As stated in the Powering Up Britain-Net Zero Growth Plan (2023), to reduce high household energy bills, the UK should move to cleaner and cheaper energy for protection against volatile international energy markets. Therefore, increasing the development of offshore wind farms, such as North Falls, would decrease reliance on fossil fuels, decreasing the wholesale electricity price and household energy bills in the UK. This in turn would help to decrease local and UK deprivation levels and fuel poverty by increasing affordability.<br><br>North Falls could contribute to both the reduced cost of energy and the decarbonisation of the national grid. Providing renewable energy at a reduced cost through the national grid, means a net zero future is accessible and affordable, supporting the delivery of a 'just transition'. Ensuring a just transition to net zero is a social justice issue and requires that the benefits of a net zero future be distributed equally and accessibly across society, leaving no one behind.<br><br>As outlined in paragraph 6.1.8 of the Need Case and Project Benefits Statement **[APP-232]** only 14GW of consented offshore wind farms have a grid connection offer on or before 2030, including North Falls (National Grid, 2024). This shows there is a deficit of 17.7GW to meet the 50GW target by 2030 and highlights the |

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| | | | need to deliver North Falls. Based on the current rate of deployment, the UK is set to fall short of the 50GW target by 2030 and not meet 50GW until 2048. North Falls is consistent with de-carbonising in line with net zero emissions by 2050. |
| | 3.3.60 – 3.3.62 | Known generation technologies that are included within the scope of this NPS (and would be classed as an NSIP if above the relevant capacity thresholds set out under the Planning Act 2008) include:<br>• Offshore Wind (including floating wind)<br>• Solar PV<br>• Wave<br>• Tidal Range<br>• Tidal Stream<br>• Pumped Hydro<br>• Energy from Waste (including ACTs) with or without CCS<br>• Biomass with or without CCS<br>• Natural Gas with or without CCS<br>• Low carbon hydrogen<br>• Large-scale nuclear, Small Modular Reactors, Advanced Modular Reactors, and fusion power plants<br>• Geothermal<br>The need for all these types of infrastructure is established by this NPS and a combination of many or all of them is urgently required for both energy security and Net Zero, as set out above.<br>Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure. Section 4.2 states which energy generating technologies are low carbon and are therefore CNP infrastructure. | North Falls is an offshore wind project and therefore falls under a generation technology defined within Paragraphs 3.3.60 – 3.3.62 of NPS EN-1. |
| | 3.3.63 | Subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible. | New nationally significant offshore wind farms such as North Falls would provide a source of renewable energy with a wide range of benefits, including economic growth, energy security and decarbonisation of a key sector in order to meet the 2050 net zero target. North Falls would make a measurable contribution to the achievement of UK decarbonisation targets, which in turn contributes towards global commitments to mitigate climate change.<br>By generating renewable electricity in the UK, North Falls would also help to reduce the UK's reliance on imported energy and improve UK energy security. The key benefits of offshore wind energy as a contributor to the renewable energy mix are as follows:<br>• Diversification and security of home-grown energy generation capacity which make use of an abundant source of energy; |

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| | | | • A technology with potential to make significant and rapid contributions to the national renewable energy targets;<br>• Economic development and job creation, both within the UK and further afield within the supply chain; and<br>• Very low lifetime $CO_2$ emissions per unit of electricity generated. |
| The need for new electricity networks | 3.3.82 – 3.3.83 | Government has committed to reduce GHG emissions by 78 per cent by 2035 under CB6.65 According to the Net Zero Strategy this means that by 2035, all our electricity will need to come from low carbon sources, subject to security of supply, whilst meeting a 40-60 per cent increase in demand.<br>Given the urgent need for new electricity infrastructure and the time it takes for electricity NSIPs to move from design conception to operation, there is an urgent need for new (and particularly low carbon) electricity NSIPs to be brought forward as soon as possible, given the crucial role of electricity as the UK decarbonises its economy. | New nationally significant offshore wind farms such as North Falls would provide a source of renewable energy with a wide range of benefits, including economic growth, energy security and decarbonisation of a key sector in order to meet the 2050 net zero target. North Falls would make a measurable contribution to the achievement of UK decarbonisation targets, which in turn contributes towards global commitments to mitigate climate change. |
| **Part 4: Assessment Principles** | | | |
| **4.1 General Policies and Considerations** | | | |
| General policies and Considerations | 4.1.2 – 4.1.4 | The Energy White Paper and British Energy Security Strategy emphasises the importance of the government's net zero commitment and efforts to fight climate change, as well as the need to maintain a secure and reliable energy system. The Levelling Up White Paper calls on the Government to ensure investment in the transition to Net Zero benefits less well-performing parts of the UK, reducing emissions, facilitating economic development and the creation of jobs.<br>Given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the Secretary of State will start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused.<br>The presumption is also subject to the provisions of the Planning Act 2008 referred to at paragraph 1.1.4 of this NPS. | As outlined in Section 6 of the Planning Statement **[AS-004]** North Falls benefits from a presumption in favour of granting consent and that there is an urgent need for energy infrastructure in the form of offshore wind.<br>The Applicant has had regard to the provisions set out in the Planning Act 2008 and referred to at Paragraph 1.1.4 of NPS EN-1. By generating renewable electricity in the UK, North Falls would also help to reduce the UK's reliance on imported energy and improve UK energy security. The key benefits of offshore wind energy as a contributor to the renewable energy mix are as follows:<br>• Diversification and security of home-grown energy generation capacity which make use of an abundant source of energy;<br>• A technology with potential to make significant and rapid contributions to the national renewable energy targets;<br>• Economic development and job creation, both within the UK and further afield within the supply chain; and<br>• Very low lifetime $CO_2$ emissions per unit of electricity generated. |
| Weighing impacts and benefits | 4.1.5 | In considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account:<br>• Its potential benefits including its contribution to meeting the need for energy infrastructure, job creation, reduction of | As outlined in the Project Need and Benefits Statement **[APP-232]**. New nationally significant offshore wind farms such as North Falls would provide a source of renewable energy with a wide range of benefits, including economic growth, energy security and decarbonisation of a key sector in order to meet the 2050 net zero target. |

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| | | geographical disparities, environmental enhancements, and any long-term or wider benefits<br>• Its potential adverse impacts, including on the environment, and including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy | By generating renewable electricity in the UK, North Falls would also help to reduce the UK's reliance on imported energy and improve UK energy security. The key benefits of offshore wind energy as a contributor to the renewable energy mix are as follows:<br>• Diversification and security of home-grown energy generation capacity which make use of an abundant source of energy;<br>• A technology with potential to make significant and rapid contributions to the national renewable energy targets;<br>• Economic development and job creation, both within the UK and further afield within the supply chain; and<br>• Very low lifetime $CO_2$ emissions per unit of electricity generated.<br>• In addition to meeting national and international targets, North Falls would contribute to the economy by providing jobs during all phases of the project's lifetime.<br>For all offshore topics, the assessments in the ES **[APP-013 – APP-048]** predict that, following mitigation, the project alone will not result in any significant effects in EIA terms. For the majority of onshore topics, the assessments predict that, following mitigation, the project will not result in any significant effects in EIA terms. However, significant adverse effects have been identified in relation to:<br>• Land use and agriculture, with temporary and permanent loss of agricultural land during construction and operation;<br>• Onshore ecology, with permanent and temporary loss of hedgerows and permanent or temporary impacts on bats during construction;<br>• Onshore ornithology, with a moderate adverse effect on corn bunting due to<br>• habitat loss and construction disturbance at the onshore substation;<br>For project-wide topics, significant adverse effects have been identified in relation to:<br>• Seascape, Landscape and Visual Impact Assessment, with widespread visibility of North Falls during operation, influencing the seascape and landscape character; and<br>• Landscape Visual Impact Assessment with respect to effect on the landscape fabric and visual amenity of the onshore substation during the construction and operational phase of North Falls.<br>Significant beneficial effects were also identified for a number of topics, including:<br>• Offshore and intertidal archaeology and cultural heritage, with potential opportunities for beneficial effects by regional mapping of accessible data and provision of this data publicly, post-consent;<br>• Onshore ecology, with significant beneficial effects of biodiversity enhancement during operation; and moderate beneficial long term effects (i.e. after three to |

| SECTION | NPS EN-1 PARAGRAPH | NPS EN-1 POLICY WORDING | ACCORDANCE WITH NPS POLICY |
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| | | | seven years) following application of mitigation measures for hedgerows, bats, and hazel dormice;<br>• Human health, with significant beneficial effects identified for employment during the construction and operation and maintenance phase, and moderate wider societal benefits during operation; and<br>• Climate change, with significant beneficial effect in relation to climate change targets.<br>Significant cumulative effects were identified for:<br>• Benthic and intertidal ecology, with cumulative effects associated with temporary physical disturbance, increased suspended sediment concentrations, loss of habitat and colonisation of introduced substrate;<br>• Offshore ornithology, with cumulative effects associated with collision risk for a number of bird species (great black-backed gull, kittiwake, and the lesser black-backed gull);<br>• Land use and agriculture, with cumulative effects associated with a permanent change of agricultural land during operation;<br>• Human health, with some likely significant cumulative beneficial effects with regard to employment and wider societal benefits;<br>• Seascape, Landscape and Visual Impact Assessment, with total cumulative effects predicted to be significant (major) for effects on marine character areas, and with potential for significant effects (moderate) on landscape and views;<br>• Landscape Visual Impact Assessment, with respect to the total operational cumulative landscape and visual effects, which was deemed significant for a localised area to the west of Bromley. It was not possible to rule out significant cumulative effects on Public Rights of Way near Lilley's Farm, Little Bromley Road, Norman's Farm, and the bridleway at Barn Lane; and<br>• Socio-economics, with significant beneficial cumulative effects on employment and direct economic benefit during construction (major beneficial), and during the operation and maintenance phase (moderate beneficial).<br>As set out in the ES Chapters (summarised above) by applying the mitigation hierarchy, potential effects identified throughout the application preparation process have been accordingly addressed so that there are no significant residual effects that should affect the presumption in favour of granting consent.<br>Section 6 of the Planning Statement **[AS-004]** sets out the planning balance for North Falls, taking into account the likely significant effects and the benefits arising from the Project and concludes that there are no significant environmental impacts arising that cannot be outweighed by the benefits. |
| | 4.1.6 | In this context, the Secretary of State should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels. These may be identified in this NPS, the relevant technology specific NPS, in the application or | The Planning Statement **[AS-004]** and Project Need and Benefits Statement **[APP-232]** (and other documents submitted including the Environmental Statement, Design and Access Statement **[APP-235]**, and Co-ordination Report **[AS-006]**) together establish the environmental, social, and economic benefits of the Project |

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| | | elsewhere (including in local impact reports, marine plans, and other material considerations as outlined in Section 1.1). | and identify measures that have been taken in the design, siting, and planned delivery to reduce adverse impacts on the environment and communities.<br><br>A review of both Essex County Council and Tendring District Local Plan has assessed North Falls against the relevant policies and it would not be in conflict with the Development Plan. The Project's Offshore Area covers both the East Inshore and East Offshore Marine Plans and the South East Inshore Marine Plan areas. The marine plans do not establish new requirements or policies; however, they do clarify the intent of national policy to the marine plan areas. North Falls is not in conflict with the marine plans aforementioned as outlined in the Marine Plan Assessment **[APP-240]**.<br><br>When taking into account the national, regional, and local benefits of the Project any adverse impacts are outweighed, and it has been demonstrated that North Falls is in accordance with the NPS EN-1, NPS EN-3, and NPS EN-5, the relevant Marine Plans, and local planning policy. |
| | 4.1.7 | Where this NPS or the relevant technology specific NPSs require an applicant to mitigate a particular impact as far as possible, but the Secretary of State considers that there would still be residual adverse effects after the implementation of such mitigation measures, the Secretary of State should weigh those residual effects against the benefits of the proposed development. For projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases. This presumption, however, does not apply to residual impacts which present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk. | The Project including but not limited to the offshore array, offshore cables, landfall infrastructure, onshore cables, and the onshore substation would all enable electricity generation and therefore qualify as CNP infrastructure as defined in NPS EN-1.<br><br>NPS EN-1, in relation to CNP infrastructure, states that the urgent need for CNP infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy.<br><br>As outlined in the relevant ES Chapter 28 Human Health **[APP-042]** North Falls would not present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Where adverse effects on the integrity of a Habitats Site cannot be excluded appropriate compensatory measures have been included, as outlined in the RIAA **[APP-173 – APP-182]**.<br><br>The relevant ES Chapters 21 Water Resources and Flood Risk **[APP-035]** and Chapter 15 Shipping and Navigation **[APP-029]** also conclude that North Falls would not present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk. |
| Land Rights | 4.1.8 – 4.1.9 | Where the use of land at a specific location is required to facilitate the development by providing for mitigation and landscape enhancement, an applicant may, as part of its application to the Secretary of State, seek the compulsory acquisition of that land, or rights over that land.<br><br>The Secretary of State will consider any such application under the usual compulsory acquisition principles, taking into account the content of the NPSs. | The application includes a Statement of Reasons **[AS-028]** and a Funding Statement **[APP-008]** in accordance with the Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ('the 2009 Regulations').<br><br>Section 5 of the Statement of Reasons **[AS-028]** outlines that the Draft Development Consent Order (DCO) **[AS-022]** contains powers to enable the acquisition of land, new rights over land and the imposition of restrictions that are required to construct, operate and maintain and decommission the Project. In addition, it contains powers sought for the possession and use of land on a temporary basis to facilitate the construction of the Project. These powers in the draft DCO relate to the Order Land only. |

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| | | | The Statement of Reasons **[AS-028]** and Funding Statement **[APP-008]** have been prepared in accordance with Section 122 of the PA2008 and the relevant paragraphs of the Compulsory Acquisition Guidance. They are supported by a suite of documents submitted with the application and should be read in conjunction with the following documents:<br>• Draft Development Consent Order **[AS-022]**<br>• Explanatory Memorandum **[AS-024]**<br>• Book of Reference **[AS-026]**<br>• Schedule of Negotiations **[APP-010]**<br>• Statutory Undertakers Schedule **[APP-011]**<br>• Land Plans **[AS-018]**<br>• Works Plans **[AS-019]** |
| Other Documents | 4.1.10 – 4.1.12 | The policy set out in this NPS and the technology specific energy NPSs is intended to provide greater clarity around existing policy and practice of the Secretary of State in considering applications for nationally significant energy infrastructure, (or therefore the "benchmark" for what is, or is not, an acceptable nationally significant energy development).<br>The energy NPSs have taken account of the National Planning Policy Framework (NPPF), the Planning Practice Guidance for England, and Planning Policy Wales and Technical Advice Notes (TANs) for Wales, where appropriate.<br>Other matters that the Secretary of State may consider both important and relevant to their decision-making may include Development Plan documents or other documents in the Local Development Framework. | The Development Plan Documents and the Local Development Framework have been considered within the submitted Planning Statement **[AS-004]**. There is no conflict between the Project and the relevant Development Plans and Local Development Framework, should North Falls be consented, and a positive determination for the Project would result in local development framework policies for renewable energy being met.<br>Specific national, regional and local legislation, policy and guidance are assessed in each topic chapter across the ES, which provide an overview of how NFOW responds to relevant legislation at the national, regional and local levels, with the following documents used for assessment:<br>• Marine Policy Statement (MPS) (2011)<br>• National Planning Policy Framework (NPPF) (2024)<br>• Tendering District Local Plan 2013 -2033 and Beyond North Essex Authorities Share Strategic Section 1 Plan (Adopted January 2021)<br>• Tendering District Local Plan 2013-2033 and Beyond – Section 2 Plan (Adopted January 2022)<br>Further information regarding relevant legislation at the national, regional and local levels is outlined within Section 4.7 of the Planning Statement **[AS-004]**. |
| | 4.1.13 | Where the project conflicts with a proposal in a Draft Development Plan, the Secretary of State should take account of the stage which the Development Plan document in England or Local Development Plan in Wales has reached in deciding what weight to give to the plan for the purposes of determining the planning significance of what is replaced, prevented, or precluded. | The Development Plan documents are considered within the submitted Planning Statement **[AS-004]**, which confirms there is no conflict of interest with proposals in the Development Plan.<br>NFOW can confirm that the project does not conflict with the relevant Local Development Plans as set out within ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]**. |

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| | 4.1.15 | In the event of a conflict between these documents and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the infrastructure. | Please refer to the applicant's response above to Paragraph 4.1.12 of NPS EN-1. |
| Development Consent | 4.1.16 – 4.1.17 | The Secretary of State 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.<br>The Secretary of State should consider the guidance in the NPPF, the Planning Practice Guidance: Use of Planning Conditions, and TANs, or any successor documents, where appropriate. | The Draft Development Consent Order **[AS-022]** sets out the Requirements needed to control the delivery of the Project. The Explanatory Memorandum **[AS-024]** provides further context to the purpose and scope of each Requirement. |
| | 4.1.18 | The Secretary of State may consider any development consent obligations that an applicant agrees with local authorities. These must be relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects. | The Applicant is cognisant that under certain circumstances there may be a need, and it may be appropriate, for planning obligations to be secured with relevant local authorities. Should these circumstances arise the Applicant will make the Examining Authority aware of any proposed planning obligations. |
| Early engagement | 4.1.19 – 4.1.20 | Early engagement both before and at the formal pre-application stage between the applicant and key stakeholders, including public regulators, Statutory Consultees (including Statutory Nature Conservation Bodies (SNCBs)), and those likely to have an interest in a proposed energy infrastructure application, is strongly encouraged in line with the Government's pre-application guidance. This means that only applications which are fully prepared and comprehensive can be accepted for examination, enabling them to be properly assessed by the Examining Authority and leading to a clear recommendation report to the Secretary of State.<br>This is particularly so in the case of HRA matters covered in paragraphs 5.4.25 to 5.4.31 below, which explain the onus is on the applicant to submit sufficient information to enable the Secretary of State to conduct an Appropriate Assessment if required. | Section 4-11 of the Consultation Report **[AS-015]** sets out all of the engagement undertaken (from Stage 1 to Stage 4) by the Applicant including both statutory and non-statutory consultations and outlines how the Applicant has had regard to the feedback received. The Draft Section 55 Checklist **[APP-004]** confirms that consultation has been undertaken, and that the application has been prepared, in compliance with section 55 of the PA2008.<br>ES Chapter 7 Technical Consultation **[APP-21]** sets out the approach taken to consultation on the technical environmental matters with the relevant stakeholders.<br>The Application was accepted for Examination on 22 August 2024.<br>Please refer to the Applicant's response to Paragraphs 5.4.25 – 5.4.31 of NPS EN-1 in relation to HRA matters. |
| Financial and technical viability | 4.1.21 – 4.1.22 | In deciding to bring forward a proposal for infrastructure development, the applicant will have made a judgement on the financial and technical viability of the proposed development, within the market framework and taking account of government interventions.<br>Where the Secretary of State considers that the financial viability and technical feasibility of the proposal has been properly assessed by the applicant, it is unlikely to be of relevance in Secretary of State decision making (any exceptions to this principle are dealt with where they arise in this, or other energy NPSs, and the reasons why financial viability or technical feasibility is likely to be of relevance explained). | The Applicant is North Falls Offshore Wind Farm Limited (NFOW) which is a joint venture between SSE Renewables Offshore Windfarm Holdings Limited (SSER) and RWE Renewables UK Swindon Limited (RWE), both of which are highly experienced operators and developers of offshore wind projects. Both organisations are committed to developing renewable energy in the UK.<br>SSER is a leading developer, owner and operator of renewable energy across the UK and Ireland, with a portfolio of around 4GW of onshore wind, offshore wind and hydro generation. Part of the SSER strategy is to drive the transition to a net zero future through the world class development, construction and operation of renewable energy assets. |

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| | | | RWE is one of the world's leading renewable energy companies. It has one of the largest portfolios of offshore wind farms, photovoltaic plants and battery storage facilities in the world, with a combined pro-rata capacity of approximately 9GW.<br><br>The Applicant is confident that the Project will be commercially viable based on the reasonable assumption that it will receive the key consents required, and that a final investment decision ("FID") is taken, indicating the final unconditional decision of the shareholders to invest in the construction of the wind farm and associated infrastructure. The Applicant has considered the funding of compulsory acquisition costs in line with the approach taken in other DCO applications, including those which have been through examination.<br><br>The Funding Statement **[APP-008]**, Draft Development Consent Order **[AS-022]**, and other application documents, together demonstrate the financial and technical viability of North Falls and the Project is therefore consistent with Paragraph 4.1.21 of NPS EN-1. |
| **4.2 – The critical national priority for low carbon infrastructure** | | | |
| The critical national priority for low carbon infrastructure | 4.2.1 – 4.2.3 | Government has committed to fully decarbonising the power system by 2035, subject to security of supply, to underpin its 2050 net zero ambitions. More than half of final energy demand in 2050 could be met by electricity, as transport and heating in particular shift from fossil fuel to electrical technology.<br><br>Ensuring the UK is more energy independent, resilient and secure requires the smooth transition to abundant, low-carbon energy. The UK's strategy to increase supply of low carbon energy is dependent on deployment of renewable and nuclear power generation, alongside hydrogen and CCUS. Our energy security and net zero ambitions will only be delivered if we can enable the development of new low carbon sources of energy at speed and scale.<br><br>With smart and strategic planning, the UK can maintain high environmental standards and minimise impacts while increasing the levels of deployment at the scale and pace needed to meet our energy security and net zero ambitions. | North Falls would be consistent with the Government's ambitions to decarbonise the power system by 2035 and increase the UK's energy security by providing low carbon offshore wind capacity by 2030. North Falls is consistent with the ambition of 'at speed and scale' and would contribute significantly to new low carbon capacity. |
| | 4.2.4 – 4.2.6 | Government has therefore concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure.<br><br>This does not extend the definition of what counts as nationally significant infrastructure: the scope remains as set out in the Planning Act 2008. Low carbon infrastructure for the purposes of this policy means:<br><br>• For electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion (that is, renewable generation, including anaerobic digestion and other plants that convert residual waste into energy, including combustion, provided they meet existing definitions of low carbon; and | Offshore wind has been defined by Government as being a CNP infrastructure and would meet the definition of low carbon infrastructure on the basis that it is for electricity generation and renewable generation, as outlined in the Planning Statement **[AS-004]** and Needs Case and Project Benefits Statement **[APP-232]**.<br><br>The Government has highlighted that there is an urgent need for CNP Infrastructure to achieving energy objectives, together with the national security, economic, commercial, and net zero benefits.<br><br>As noted in the Planning Statement **[AS-004]** and Need Case and Project Benefits Statement **[APP-232]** (and as above in response to NPS EN-1 paragraphs 3.1.1 – 3.2.2) there is an urgent need to deliver North Falls and as CNP infrastructure it should be given substantial weight in the planning balance. |

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| | | nuclear generation), as well as natural gas fired generation which is carbon capture ready<br>• For electricity grid infrastructure, all power lines in scope of en-5 including network reinforcement and upgrade works, and associated infrastructure such as substations. This is not limited to those associated specifically with a particular generation technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the national electricity transmission system<br>• For other energy infrastructure, fuels, pipelines and storage infrastructure, which fits within the normal definition of “low carbon”, such as hydrogen distribution, and carbon dioxide distribution<br>• For energy infrastructure which is directed into the nsip regime under section 35 of the planning act 2008, and fit within the normal definition of “low carbon”, such as interconnectors, multi-purpose interconnectors, or ‘bootstraps’ to support the onshore network which are routed offshore<br>• Lifetime extensions of nationally significant low carbon infrastructure, and repowering of projects<br>The overarching need case for each type of energy infrastructure and the substantial weight which should be given to this need in assessing applications, as set out in paragraphs 3.2.6 to 3.2.8 of EN-1, is the starting point for all assessments of energy infrastructure applications. | |
| | 4.2.7 | The CNP policy does not create an additional or cumulative need case or weighting to that which is already outlined for each type of energy infrastructure. The policy applies following the normal consideration of the need case, the impacts of the project, and the application of the mitigation hierarchy. As such, it is relevant during Secretary of State decision making and specifically in reference to any residual impacts that have been identified. It should therefore also be given consideration by the Examining Authority when it is making its recommendation to the Secretary of State. | For all offshore topics, the assessments in the ES **[APP-013– APP-048]** predict that, following mitigation, the project alone will not result in any significant effects in EIA terms. For the majority of onshore topics, the assessments predict that, following mitigation, the project will not result in any significant effects in EIA terms. However, significant adverse effects have been identified in relation to:<br>• Land use and agriculture, with temporary and permanent loss of agricultural land during construction and operation;<br>• Onshore ecology, with permanent and temporary loss of hedgerows and permanent or temporary impacts on bats during construction;<br>• Onshore ornithology, with a moderate adverse effect on corn bunting due to habitat loss and construction disturbance at the onshore substation.<br>For project-wide topics, significant adverse effects have been identified in relation to:<br>• Seascape, Landscape and Visual Impact Assessment, with widespread visibility of North Falls during operation, influencing the seascape and landscape character; and |

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| | | | • Landscape Visual Impact Assessment with respect to effect on the landscape fabric and visual amenity of the onshore substation during the construction and operational phase of North Falls.<br><br>The RIAA **[APP-173 – APP-182]** concludes that the Project, whether alone or in-combination with other plans and projects will not adversely affect the integrity of any European site with the exception of in-combination collision risk on the lesser black backed gull of the Alde Ore Estuary Special Protection Area (SPA). Evidence to support a derogation case is therefore provided.<br><br>In the RIAA Part 4 Offshore Ornithology **[APP-178]**, the Applicant concluded that, due to the very low predicted mortality from North Falls alone there would be no AEoI of any other species. However, it is noted that in consenting Rampion 2 Offshore Wind Farm, the Secretary of State concluded that AEoI could not be ruled out beyond reasonable scientific doubt for in-combination effects on guillemot at the Flamborough and Filey (FFC) Coast SPA and Farne Islands SPA; and Kittiwake at FFC SPA. Noting that the effects of Rampion 2 are similar to North Falls for these species, the Applicant accepts that the Competent Authority is likely to consider the contribution of North Falls to be material also. Thus, the proposed compensation for these species is no longer provided on a without-prejudice basis, and has been added to Schedule 15 of the draft DCO **[6.1, Rev 7]** at Deadline 6. Section 5.3 of the document has been updated to reflect the Applicant's latest position.<br><br>Following consultation with Natural England, the derogation case is also provided in relation to red throated diver from the Outer Thames Estuary SPA and in relation to razorbill from the Flamborough and Filey Coast SPA, without prejudice to the Applicant's position presented in the Page 11 of 18 RIAA which concludes there is no risk of an adverse effect on integrity of these species / sites from North Falls alone or in-combination. |
| | 4.2.8 | During decision making, the CNP policy will influence how non-HRA and non MCZ residual impacts are considered in the planning balance. The policy will therefore also influence how the Secretary of State considers whether tests requiring clear outweighing of harm, exceptionality, or very special circumstances have been met by a CNP Infrastructure application. Further detail is provided in paragraphs 4.2.15 to 4.2.17, and Figure 2. | ES Chapter 3 Policy and Legislative Context **[APP-017]** sets out the relevant statutory regulations and relevant guidance required to assess the impacts arising from the Project. The Applicant notes that non-HRA and non MCZ residual impacts are unlikely to outweigh the urgent need for CNP infrastructure (save for the exceptional circumstances set out in Paragraph 4.2.15 and 4.2.17) and conclude that residual impacts in EIA terms relating to land use, onshore ecology, and onshore ornithology, do not outweigh the urgent need for North Falls as CNP infrastructure. |
| | 4.2.9 | During decision making, the CNP policy also explains the Secretary of State's approach to HRA derogations and MCZ assessments. Specifically, the policy explains how the alternative solutions and IROPI tests are considered by the Secretary of State. Further detail is provided in paragraphs 4.2.18 to 4.2.22, and Figure 3. | Please refer to the applicant's response to Paragraphs 4.2.18 – 4.2.22 of NPS EN-1. |
| Applicants Assessment | 4.2.10 | Applicants for CNP infrastructure must continue to show how their application meets the requirements in this NPS and the relevant technology specific NPS, applying the mitigation hierarchy, as well as any other legal and regulatory requirements. | The Applicant has considered the policies in NPS EN-1 and other legal and regulatory requirements, in the preparation of the application and in the drafting of the Draft Development Consent Order **[AS-022]** and continues to demonstrate accordance with the NPS EN-1, and the other technology specific NPS EN-3, and |

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| | | | NPS EN-5. As evidenced in this National Policy Statement Accordance Table **[**9.10, Rev 0**]**.<br><br>The Applicant has taken a systematic and diligent approach to avoiding, reducing, mitigating, and compensating for any likely significant effects in accordance with the mitigation hierarchy. This is evidenced in each ES Chapter **[APP-013 – APP-048]**, the RIAA **[APP-173 – APP-182]**, and the Marine Conservation Zone Assessment Report **[APP-237]**. |
| | 4.2.11 | Applicants must apply the mitigation hierarchy and demonstrate that it has been applied. They should also seek the advice of the appropriate SNCB or other relevant statutory body when undertaking this process. Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated. | The Applicant has taken a systematic and diligent approach to avoiding, reducing, and mitigating for any likely significant effects in accordance with the mitigation hierarchy. This is demonstrated in ES Chapter 4 Site Selection and Alternatives **[APP-018]** and within each topic specific ES Chapter.<br><br>Full details of the consultation process undertaken is outlined in the Consultation Report **[AS-015]** and supporting appendices. Table 7.2 of ES Chapter 7 Technical Consultation **[APP-021]** sets out the time and nature of the technical topic specific consultations undertaken and with what relevant statutory bodies, including the appropriate SNCBs.<br><br>In accordance with the Habitats Regulations and DCLG guidance (DCLG, 2015), the Applicant consulted the relevant statutory and non-statutory bodies in order to gain evidence to inform the Report to Inform Appropriate Assessment (RIAA) **[APP-173 – APP-182]**, which accompanies the application. The HRA screening was the subject of consultations that took place from 1 October 2021 (offshore effects) and 15 November 2022 (onshore effects) as well as through stage 3 (statutory) consultation. Table 12.1 of the Consultation Report **[AS-015]** details the consultees engaged as part of the Applicant's derogation process. |
| | 4.2.12 | Applicants should set out how residual impacts will be compensated for as far as possible. Applicants should also set out how any mitigation or compensation measures will be monitored and reporting agreed to ensure success and that action is taken. Changes to measures may be needed e.g. adaptive management. The cumulative impacts of multiple developments with residual impacts should also be considered. | The ES **[APP-013 – APP-048]** provides a summary of likely significant effects for each chapter and includes a description of the effects for construction, operation, decommissioning, and in the cumulative scenario.<br><br>The Schedule of Mitigation **[APP-012]** sets out a summary of the mitigation and monitoring commitments detailed within the ES, it also identifies where this mitigation is secured. Measures are controlled in the main via the Draft Development Consent Order **[AS-022]** and in the additional plans provided as part of the Requirements. In some limited cases other licences are relevant to securing the mitigation and this information is detailed in the table within the Schedule of Mitigation **[APP-012]**. |
| | 4.2.13 | Where residual impacts relate to HRA or MCZ sites then the Applicant must provide a derogation case, if required, in the normal way in compliance with the relevant legislation and guidance. | Section 9 of the Marine Conservation Zone Assessment Report **[APP-237]** states that based on the information presented in the report which include assessments on the relevant broadscale habitats and habitat features of conservation interest, it can be concluded that the conservation objectives for the Blackwater, Crouch Roach and Colne (Estuaries MCZ) and the Kentish Knock East MCZ will not be hindered by the construction, operation and decommissioning phases of North Falls. Consultation feedback from the preliminary Stage 1 Assessment has been considered and incorporated into the Marine Conservation Zone Assessment Report **[APP-237]** for the DCO application. Based on the outcome of the Stage 1 |

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| | | | Assessment, a Stage 2 Assessment is not required. There is no requirement for a MCAA derogation case.<br><br>The relevant application documents collectively referred to as the Report to Inform Appropriate Assessment (herein referred to as the 'RIAA') **[APP-173 – APP-182]** are as follows:<br><br>• Report to Inform Appropriate Assessment Part 1 Introduction **[APP-173]**<br>• Report to Inform Appropriate Assessment Appendix 1.1 Habitats Regulations Assessment Screening **[APP-174]**<br>• Report to Inform Appropriate Assessment Part 2 Benthic Ecology (Annex I habitat in Special Areas of Conservation and Special Protection Areas supporting habitat) **[APP-175]**<br>• Report to Inform Appropriate Assessment Part 3 Marine Mammals (Annex II species) **[APP-176]**<br>• Report to Inform Appropriate Assessment Appendix 3.1 Unexploded Ordnance Clearance Information and Assessment **[APP-177]**<br>• Report to Inform Appropriate Assessment Part 4 Offshore Ornithology (Birds Directive Annex 1 and Migratory Species) **[APP-178]**<br>• Report to Inform Appropriate Assessment Appendix 4.1 Modelling the abundance of red-throated divers in the area of overlap between North Falls digital aerial surveys (12km buffer) and the Outer Thames Estuary Special Protection Area **[APP-179]**<br>• Report to Inform Appropriate Assessment Appendix 4.2 Population Viability Analysis **[APP-180]**<br>• Report to Inform Appropriate Assessment Part 5 Onshore European and Ramsar Sites **[APP-181]**<br>• Report to Inform Appropriate Assessment Part 6 Summary **[APP-182]**<br><br>The documents listed above together identify all relevant European sites and provide the necessary information for the competent authority to determine whether the Project is like to have any adverse effects on the integrity of any European site (including any European offshore marine site).<br><br>The RIAA **[APP-173 – APP-182]** concludes that the Project, whether alone or in-combination with other plans and projects will not adversely affect the integrity of any European site with the exception of in-combination collision risk on the lesser black backed gull of the Alde Ore Estuary Special Protection Area (SPA). Evidence to support a derogation case is therefore provided.<br><br>In the RIAA Part 4 Offshore Ornithology **[APP-178]**, the Applicant concluded that, due to the very low predicted mortality from North Falls alone there would be no AEoI of any other species. However, it is noted that in consenting Rampion 2 Offshore Wind Farm, the Secretary of State concluded that AEoI could not be ruled out beyond reasonable scientific doubt for in-combination effects on guillemot at the Flamborough and Filey (FFC) Coast SPA and Farne Islands SPA; and Kittiwake at FFC SPA. Noting that the effects of Rampion 2 are similar to North Falls for these |

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| | | | species, the Applicant accepts that the Competent Authority is likely to consider the contribution of North Falls to be material also. Thus, the proposed compensation for these species is no longer provided on a without-prejudice basis, and has been added to Schedule 15 of the draft DCO **[6.1, Rev 7]** at Deadline 6. Section 5.3 of the document has been updated to reflect the Applicant's latest position.<br><br>Following consultation with Natural England, the derogation case is also provided in relation to red throated diver from the Outer Thames Estuary SPA and in relation to razorbill from the Flamborough and Filey Coast SPA, without prejudice to the Applicant's position presented in the Page 11 of 18 RIAA which concludes there is no risk of an adverse effect on integrity of these species / sites from North Falls alone or in-combination.<br><br>The relevant documents are listed below. They set out the Applicant's derogation case, including the assessment of alternative solutions, the imperative reasons of overriding public interest, and proposed compensatory measures.<br><br>• Habitats Regulations Derogation: Provision of Evidence **[APP-183]**<br>• Appendix 1 Compensatory Measures Overview **[APP-184]**<br>• Annex 1A Habitats Regulations Assessment Compensation Consultation **[APP-185]**<br>• Annex 1B Compensation Funding Statement **[APP-186]**<br>• Annex 1C In Principle Letter of Agreement from Dogger Bank South (East and West) **[APP-187]**<br>• Appendix 2 Lesser Black-Backed Gull Compensation Document **[APP-188]**<br>• Annex 2A Outline Lesser Black-backed Gull Compensation Implementation and Monitoring Plan (CIMP) **[APP-189]**<br>• Appendix 3 Red Throated Diver Compensation Document **[APP-190]**<br>• Annex 3A Outline Red Throated Diver Compensation Implementation and Monitoring Plan (CIMP) **[APP-191]**<br>• Appendix 4 Kittiwake Compensation Document **[APP-192]**<br>• Annex 4A Outline Kittiwake Compensation Implementation and Monitoring Plan (CIMP) **[APP-193]**<br>• Appendix 5 Guillemot and Razorbill Compensation Document **[APP-194]**<br>• Annex 5A Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan (CIMP) **[APP-195]**<br><br>The documents listed above demonstrate that there are no alternative solutions that meet the objectives of the Project; that there are Imperative Reasons of Overriding Public Interest; and that there are measures which can fully compensate the effects of the Project on the European Site features assessed in the documentation above and which can be legally secured. |

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| Secretary of State decision making | 4.2.14 | The Secretary of State will continue to consider the impacts and benefits of all CNP Infrastructure applications on a case-by-case basis. The Secretary of State must be satisfied that the applicant's assessment demonstrates that the requirements set out above have been met. Where the Secretary of State is satisfied that they have been met, the CNP presumptions set out below apply. | The impacts of the Project, as assessed and reported in terms of the likely significant effects, are outlined in the ES **[APP-013 – APP-048]** and the RIAA **[APP-173 – APP-182]**. Together with the Consultation Report **[AS-015]** and the Draft Development Consent Order **[AS-022]** they demonstrate that the mitigation hierarchy has been followed, in consultation with the relevant bodies, and that where necessary any unavoidable residual effects have been mitigated or compensated and that this is secured in the Order. The Planning Statement **[AS-004]** notes that the Project would provide significant benefits and that there is an urgent need for new low carbon infrastructure in the form of offshore wind. |
| Non HRA – and non-MCZ residual impacts of CNP Infrastructure | 4.2.15 – 4.2.16 | Where residual non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts. The exception to this presumption of consent are residual impacts onshore and offshore which present an unacceptable risk to, or unacceptable interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk.<br><br>As a result, the Secretary of State will take as the starting point for decision making that such infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances. | As set out in the ES Chapters applying the mitigation hierarchy, potential effects identified throughout the application preparation process have been accordingly addressed so that there are no significant residual effects that should affect the presumption in favour of granting consent. Section 6 of the Planning Statement **[AS-004]** sets out the planning balance for North Falls, taking into account the likely significant effects and the benefits arising from the Project and concludes that there are no significant environmental impacts arising that cannot be outweighed by the benefits.<br><br>Please also refer to the Applicant's response to Paragraph 4.1.5 of NPS EN-1. |
| | 4.2.17 | This means that the Secretary of State will take as a starting point that CNP Infrastructure will meet the following, non-exhaustive, list of tests:<br><br>• Where development within a Green Belt requires very special circumstances to justify development;<br><br>• Where development within or outside a Site of Special Scientific Interest (SSSI) requires the benefits (including need) of the development in the location proposed to clearly outweigh both the likely impact on features of the site that make it a SSSI, and any broader impacts on the national network of sssis.<br><br>• Where development in nationally designated landscapes requires exceptional circumstances to be demonstrated; and<br><br>• Where substantial harm to or loss of significance to heritage assets should be exceptional or wholly exceptional. | North Falls is not located in the Green Belt.<br><br>ES Chapter 23 Onshore Ecology **[APP-037]** has concluded that overall, the worst-case effect upon Holland Haven Marshes SSSI and LNR is predicted to be minor adverse, which is not significant in EIA terms. ES Chapter 23 Onshore Ecology **[APP-037]** Table 23.33 sets out the potential effects upon designated sites for nature conservation. In addition to Holland Haven Marshes SSSI and LNR, there are a further eight statutory and 30 non-statutory designated sites of nature conservation located within 5km and 2km of the onshore project area respectively (Table 23.12) (ES Figure 23.1 **[APP-068]**). These sites have all avoided direct effects through the North Falls site selection process as part of the embedded mitigation (see ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** for further information).<br><br>North Falls onshore and offshore infrastructure would be located outside the boundary of any National Landscapes, National Parks, and the Broads. It is therefore not inside any nationally designated landscape.<br><br>The Projects effects on onshore heritage assets is assessed in ES Chapter 25 Onshore Archaeology and Cultural Heritage **[APP-039]**. With the implementation of |

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| | | | these mitigation measures, North Falls is predicted to have no greater than minor adverse residual (not significant in EIA terms) effects upon onshore archaeology and cultural heritage receptors during all its phases.<br><br>The Project's offshore effects on heritage assets are assessed in ES Chapter 16 Offshore and Intertidal Archaeology **[APP-030]**. With the implementation of mitigation measures, North Falls is predicted to have no greater than minor adverse (not significant in EIA terms) effect on offshore and intertidal archaeology and cultural heritage during all its phases. |
| HRA – derogations and MCZ assessments for CNP Infrastructure | 4.2.18 – 4.2.21 | Any HRA or MCZ residual impacts will continue to be considered under the framework set out in the Habitats Regulations and the Marine and Coastal Access Act 2009 respectively.<br><br>Where, following Appropriate Assessment, CNP Infrastructure has residual adverse impacts on the integrity of sites forming part of the UK national site network, either alone or in combination with other plans or projects, the Secretary of State will consider making a derogation under the Habitats Regulations.<br><br>Similarly, if during an MCZ assessment, CNP Infrastructure has residual impacts which significantly risk hindering the achievement of the stated conservation objectives for the MCZ, the Secretary of State will consider making a derogation under section 126(7) of the Marine and Coastal Access Act 2009.<br><br>For both derogations, the Secretary of State will consider the particular circumstances of any plan or project, but starting from the position that energy security and decarbonising the power sector to combat climate change:<br><br>• Requires a significant number of deliverable locations for CNP Infrastructure and for each location to maximise its capacity. This NPS imposes no limit on the number of CNP infrastructure projects that may be consented. Therefore, the fact that there are other potential plans or projects deliverable in different locations to meet the need for CNP Infrastructure is unlikely to be treated as an alternative solution. Further, the existence of another way of developing the proposed plan or project which results in a significantly lower generation capacity is unlikely to meet the objectives and therefore be treated as an alternative solution; and<br><br>• Are capable of amounting to imperative reasons of overriding public interest (IROPI) for HRAs, and, for MCZ assessments, the benefit to the public is capable of outweighing the risk of environmental damage, for CNP Infrastructure. | North Falls would make an important contribution to UK policies and targets through the generation of low carbon, renewable electricity. North Falls is expected to become operational in 2030, in accordance with the Project's National Grid connection offer. North Falls would contribute to the delivery of CNP infrastructure in the form of offshore wind.<br><br>There is no requirement for a Marine and Coastal Access Act 2009 derogation case following the assessment conclusions provided in Section 8 of the Marine Conservation Zone Assessment Report **[APP-237]**.<br><br>Section 1.2 of the RIAA Part 4 Offshore Ornithology Birds Directive Annex 1 and Migratory Species **[APP-178]** concludes that an adverse effects on integrity (AEoI) cannot be ruled out for lesser black-backed gull from the Alde Ore Estuary as a result of predicted mortality due to collision risk, when considered in-combination with other offshore wind farms. As such, the Applicant has provided proposals for compensatory measures which are secured in the Draft Development Consent Order**[6.1, Rev 7]** .<br><br>Compensatory measures are also provided for the following:<br><br>• Collision risk of kittiwake from Flamborough and Filey Coast SPA; and<br><br>• Displacement of guillemot from Flamborough and Filey Coast SPA.<br><br>Compensatory measures are also provided for the following, without prejudice of the Applicants conclusions presented in the RIAA Part 4 **[APP-178]** that there would be no AEoI:<br><br>• Displacement of red-throated diver from the OTE SPA; and<br><br>• Displacement of razorbill from Flamborough and Filey Coast SPA.<br><br>If required following the Secretary of State's Appropriate Assessment, compensation for these species can be legally secured through the draft DCO.<br><br>The Habitats Regulations Derogation: Provision of Evidence **[APP-183]** sets out the Applicant's full derogation case. Section 5.4 (Step 3: Long list alternative solutions) and Section 5.5 (Step 4: Feasibility of alternative solutions) set out the Applicant's assessment of alternative solutions. Section 6 sets out the imperative reasons of overriding public interest in relation to energy security, the climate change/decarbonisation imperative, socio-economic benefits, and consequences for the ecosystem. Section 7 sets out the proposed compensatory measures. |
| | 4.2.22 | For HRAs, where an applicant has shown there are no deliverable alternative solutions, and that there are IROPI, compensatory measures must be secured by the Secretary of State as the competent authority, to offset the adverse effects to site integrity as | |

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| | | part of a derogation. For MCZs, where an applicant has shown there are no other means of proceeding which would create a substantially lower risk, and the benefit to the public outweighs the risk of damage to the environment, the Secretary of State must be satisfied that measures of equivalent environmental benefit will be undertaken. | Together the Habitats Regulations Derogation: Provision of Evidence **[APP-183]** demonstrates that:<br>• There are no alternative solutions that meet the objectives of the Project;<br>• That there are Imperative Reasons of Overriding Public Interest;<br>• And that there are measures which can fully compensate the effects of the Project on the European Site features assessed and which can be legally secured.<br>The relevant documents are listed in full below.<br>• Habitats Regulations Derogation: Provision of Evidence **[APP-183]**.<br>• Appendix 1 Compensatory Measures Overview **[APP-184]**.<br>• Annex 1A Habitats Regulations Assessment Compensation Consultation **[APP-185]**.<br>• Annex 1B Compensation Funding Statement **[APP-186]**.<br>• Annex 1C In Principle Letter of Agreement from Dogger Bank South (East and West) **[APP-187]**.<br>• Appendix 2 Lesser Black-Backed Gull Compensation Document **[APP-188]**.<br>• Annex 2A Outline Lesser Black-backed Gull Compensation Implementation and Monitoring Plan (CIMP) **[APP-189]**.<br>• Appendix 3 Red Throated Diver Compensation Document **[APP-190]**.<br>• Annex 3A Outline Red Throated Diver Compensation Implementation and Monitoring Plan (CIMP) **[APP-191]**.<br>• Appendix 4 Kittiwake Compensation Document **[APP-192]**.<br>• Annex 4A Outline Kittiwake Compensation Implementation and Monitoring Plan (CIMP) **[APP-193]**.<br>• Appendix 5 Guillemot and Razorbill Compensation Document **[APP-194]**.<br>• Annex 5A Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan (CIMP) **[APP-195]**. |
| **4.3 Environmental Effects / Considerations** | | | |
| Environmental Effects / Considerations | 4.3.1 – 4.3.3 | All proposals for projects that are subject to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) must be accompanied by an Environmental Statement (ES) describing the aspects of the environment likely to be significantly affected by the project.<br>The Regulations specifically refer to effects on population, human health, biodiversity, land, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them. | The ES **[APP-013 – APP-048]** has been prepared in accordance with The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations 2017) and covers all topics included in the regulations and referred to herein Paragraph 4.3.1 of NPS EN-1.<br>This ES describes the baseline environment; EIA methodology; likely significant effects (assessed to date); and any proposed mitigation measures. It also sets out the consultation undertaken to date on the EIA (ES Chapter 7 Technical Consultation, **[APP-021]**). The EIA considers likely significant effects associated with the construction, operation, maintenance and decommissioning phases of |

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| | | The Regulations require an assessment of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, transboundary, short, medium, and long-term, permanent and temporary, positive and negative effects at all stages of the project, and also of the measures envisaged for avoiding or mitigating significant adverse effects. | North Falls for the Project alone and provides an assessment of the cumulative effects with other plans and projects.<br><br>The Schedule of Mitigation **[APP-012]** summarises the mitigation measures identified in each ES Chapter and describes how they are to be secured. |
| | 4.3.4 | To consider the potential effects, including benefits, of a proposal for a project, the applicant must set out information on the likely significant environmental, social and economic effects of the development, and show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy. This information could include matters such as employment, equality, biodiversity net gain, community cohesion, health and well-being. | The ES **[APP-013 – APP-048]** has been prepared in accordance with Paragraph 4.3.3 and includes an assessment of the potential effects, both beneficial and adverse, in in relation to the environmental, social, and economic receptors identified for each topic area.<br><br>The Applicant has taken a systematic and diligent approach to avoiding, reducing, and mitigating for any likely significant effects in accordance with the mitigation hierarchy. This is demonstrated in ES Chapter 4 Site Selection and Alternatives **[APP-018]** and subsequently within each topic specific ES Chapter. |
| | 4.3.5 – 4.3.7 | For the purposes of this NPS and the technology specific NPSs the ES should cover the environmental, social and economic effects arising from pre construction, construction, operation and decommissioning of the project.<br><br>Where the NPSs use the term 'environment' they are referring to both the natural and historic environments.<br><br>In the absence of any additional information on additional assessments, the principles set out in this Section will apply to all assessments. | The ES **[APP-013 – APP-048]** assessed the likely significant environmental, social and economic effects arising from all phases: pre-construction, construction, operation and decommissioning of the Project in accordance with NPS EN-1, NPS-EN3, and NPS EN-5.<br><br>North Falls has prepared the ES in accordance with the Scoping Opinion **[APP-260]** and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations 2017). |
| Applicant assessment | 4.3.10 – 4.3.13 | The applicant must provide information proportionate to the scale of the project, ensuring the information is sufficient to meet the requirements of the EIA Regulations.<br><br>In some instances, it may not be possible at the time of the application for development consent for all aspects of the proposal to have been settled in precise detail. Where this is the case, the applicant should explain in its application which elements of the proposal have yet to be finalised, and the reasons why this is the case.<br><br>Where some details are still to be finalised, the ES should, to the best of the applicant's knowledge, assess the likely worst-case environmental, social and economic effects of the proposed development to ensure that the impacts of the project as it may be constructed have been properly assessed.<br><br>To help the Secretary of State consider thoroughly the potential effects of a proposed project in cases where the EIA Regulations do not apply and an ES is not therefore required, the applicant should instead provide information proportionate to the scale of the | As discussed in ES Chapter 1 Introduction **[APP-015]**, NFOW is committed to working with the Department for Energy Security and Net Zero (DESNZ) to explore grid connection options and as such, NFOW has co-operated with the Offshore Transmission Network Review (OTNR) process.<br><br>The following grid connection options are therefore included in the Project design envelope:<br><br>• Option 1: Onshore electrical connection at a National Grid connection point within the Tendring peninsula of Essex (discussed in Section 5.7), with a project alone onshore cable route and onshore substation infrastructure;<br><br>• Option 2: Onshore electrical connection at a National Grid connection point within the Tendring peninsula of Essex, sharing an onshore cable route and onshore cable duct installation (but with separate onshore export cables) and co-locating separate project onshore substation infrastructure with Five Estuaries Offshore Wind Farm ('Five Estuaries'); or<br><br>• Option 3: Offshore electrical connection, supplied by a third party.<br><br>The relevant worst-case scenario of these options is assessed throughout the technical chapters (ES Chapters 8 to 33, **[APP-022 – APP-047]**). Where there are |

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| | | project on the likely significant environmental, social, and economic effects | key differences between the options which are relevant to different technical chapters, these are highlighted in Sections 5.5 - 5.7 of ES Chapter 5 **[APP-019]**.<br><br>Following a commitment by the Applicant and Five Estuaries Offshore Wind Farm Limited to seek to co-ordinate and collaborate where practicable in order to minimise both projects' environmental and social effects, the onshore electrical connection options set out under Option 1 and 2 have been designed in co-ordination with the Five Estuaries project. The onshore cable routes of the two projects will run immediately adjacent, with the footprint required for both covered by the onshore project area. This is to allow either project to install cable ducting for both projects to realise efficiencies in construction. In addition, the onshore substations have been co-located in the same location to the west of Little Bromley. Due to electrical requirements, separate cables and onshore substations are required for each project, and therefore construction of the Five Estuaries' cabling and onshore substation is not included within the North Falls DCO application.<br><br>When developing a co-ordinated design onshore, North Falls and Five Estuaries have developed three possible build-out scenarios for both projects.<br><br>These are:<br><br>• Scenario 1 – North Falls proceeds to construction and undertakes the additional onshore cable trenching and ducting works for Five Estuaries as part of a single construction activity (i.e. ducting for four electrical circuits). North Falls would undertake the cable installation and onshore substation construction for its project only (i.e. two electrical circuits). The two projects would share accesses from the public highway for onshore cable installation and substation construction. The projects would utilise and share the same TCCs for the cable installation works.<br><br>• Scenario 2 – Both North Falls and Five Estuaries projects proceed to construction on different but overlapping timescales (between 1 and 3 years apart), with onshore cable trenching and ducting works undertaken independently but opportunities for reuse of enabling infrastructure e.g. haul roads / site accesses etc., with the other project then reinstating once complete.<br><br>• Scenario 3 – Five Estuaries does not proceed to construction; or both Five Estuaries and North Falls projects proceed to construction on significantly different programmes (over 3 years apart). In the latter case the significantly different programmes would mean that haul roads and TCCs are reinstated prior to the second project proceeding. In such case cumulative impacts are for a potential construction period of 6 years+. This scenario presents no reduction in overall impacts for the projects from the sharing of infrastructure.<br><br>These potential build out scenarios are assessed within the Project's Cumulative Effects Assessment (CEA). As with the assessment of the effects arising from the development of North Falls alone outlined above, each technical chapter has selected one of these build out scenarios as the worst case for the technical topic, depending on the parameters relevant to that topic. To help provide clarity when reading the technical chapter CEA sections, ES Chapter 5 Project Description **[APP-019]** Table 5.2 sets out how these scenarios interact with the grid connection options outlined above. |

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| | 4.3.15 – 4.3.17 | Applicants are obliged to include in their ES, information about the reasonable alternatives they have studied. This should include an indication of the main reasons for the applicant's choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility.<br><br>In some circumstances, the NPSs may impose a policy requirement to consider alternatives.<br><br>Where there is a policy or legal requirement to consider alternatives, the applicant should describe the alternatives considered in compliance with these requirements. | ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** presents a description of the site selection process and assessment of alternatives undertaken by the Applicant to define the North Falls offshore wind farm offshore and onshore project areas.<br><br>The siting, design and refinement of the North Falls offshore and onshore project areas has followed a site selection process, taking account of environmental, physical, economic and social effects and opportunities, as well as engineering, technical and commercial feasibility. The details of the approach taken to select the array area; offshore cable corridor; landfall; onshore cable route and onshore substation works area are provided in Sections 4.4 to 4.9 of ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]**. The aim was to identify project areas that would be environmentally acceptable, deliverable and consentable, whilst also enabling, in the long term, the benefits of being economic and efficient.<br><br>Table 4.4 of ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** provides a summary of the infrastructure element, the alternatives assessed, and the preferred option for each element. A description of the main reasons for the applicant's choice are provided in each Section 4.4 to 4.9. |
| Secretary of State decision making | 4.3.18 – 4.3.19 | The Secretary of State should consider the worst-case impacts in its consideration of the application and consent, providing some flexibility in the consent to account for uncertainties in specific project details.<br><br>The Secretary of State should consider how the accumulation of, and interrelationship between, effects might affect the environment, economy, or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place. | As outlined in Section 6.6.2 of the ES Chapter 6 **[APP-020]**. The EIA for the Project is based on a project design envelope (or 'Rochdale Envelope') approach on a topic-by-topic basis. At the time of submitting an application, offshore wind developers may not know the precise nature and arrangement of infrastructure and associated infrastructure that make up the proposed development. This is due to a number of factors such as the evolution of technology and the need for further detailed surveys which are required before a final design and layout can be determined. This flexibility is important as it prevents consent being granted for specific infrastructure or a particular layout which is not possible or optimal by the time of construction, which may be several years after the granting of the Development Consent Order (DCO).<br><br>The general principle of the assessment, under the project design envelope approach, is that for each receptor and potential impact, the impact assessment will be based on assessing project design parameters likely to result in the maximum adverse effect (i.e., the worst case scenario). The Rochdale Envelope for a project outlines the realistic worst case scenario for each individual impact, so that it can be safely assumed that all other scenarios within the design envelope will have a less significant effect.<br><br>If a combination of design parameters leads to a scenario that cannot realistically occur, then the worst case scenario will be reconsidered, and a realistic set of worst case parameters will be assessed. The end result will be an EIA based on clearly defined environmental parameters that will define the range of development possibilities and hence the likely significant environmental effects that could result from the Project. This represents a precautionary but robust assessment of likely significant effects at this stage of the development process.<br><br>Using the project design envelope approach means that receptor-specific likely significant effects draw on the options from within the wider envelope that represent |

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| | | | the most realistic worst case scenario. It is also worth noting that under this approach the combination of project options constituting the realistic worst case scenario may differ from one receptor to another and from one impact to another. |
| | 4.3.22 – 4.3.24 | Given the level and urgency of need for new energy infrastructure, the Secretary of State should, subject to any relevant legal requirements (e.g. under the Habitats Regulations) which indicate otherwise, be guided by the following principles when deciding what weight should be given to alternatives:<br>• The consideration of alternatives in order to comply with policy requirements should be carried out in a proportionate manner; and<br>• Only alternatives that can meet the objectives of the proposed development need to be considered.<br>The Secretary of State should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security, climate change, and other environmental benefits) in the same timescale as the proposed development.<br>The Secretary of State should not refuse an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site, and should have regard as appropriate to the possibility that all suitable sites for energy infrastructure of the type proposed may be needed for future proposals. | North Falls has given appropriate weight to alternatives in accordance with NPS EN-1, NPS EN-3, and NPS EN-5, and in the context of the urgency and need for CNP infrastructure.<br>ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** presents a description of the site selection process and assessment of reasonable alternatives undertaken by the Applicant to define the North Falls' offshore and onshore project areas. It includes a description of the main reasons for selecting the Project taking into account the environmental, social, and economic effects.<br>The Habitats Regulations Derogation: Provision of Evidence **[APP-183]** demonstrates the robust assessment of alternative solutions that has been undertaken by the Applicant. The assessment followed available guidance and included a 'do nothing scenario', and alternative locations, scale, design, methodology and timing. No feasible alternative solutions which could host comparable scale offshore wind farms and meet the Project Need and Objectives were identified.<br>North Falls retains within the Draft Development Consent Order **[AS-022]** the option for an offshore grid connection supplied by a third party (Option 3) should a supplier come forward to allow North Falls to meet its planned connection date of 2030.<br>The Applicant has given due weight to alternative options in accordance with the relevant policy and legal requirements. |
| | 4.3.25 – 4.3.28 | Alternatives not among the main alternatives studied by the applicant (as reflected in the ES) should only be considered to the extent that the Secretary of State thinks they are both important and relevant to the decision.<br>As the Secretary of State must assess an application in accordance with the relevant NPS (subject to the exceptions set out in section 104 of the Planning Act 2008), if the Secretary of State concludes that a decision to grant consent to a hypothetical alternative proposal would not be in accordance with the policies set out in the relevant NPS, the existence of that alternative is unlikely to be important and relevant to the Secretary of State's decision.<br>Alternative proposals which mean the necessary development could not proceed, for example because the alternative proposals are not commercially viable or alternative proposals for sites would not be physically suitable, can be excluded on the grounds that they are not important and relevant to the Secretary of State's decision.<br>Alternative proposals which are vague or immature can be excluded on the grounds that they are not important and relevant to the Secretary of State's decision. | |

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| | 4.3.29 | It is intended that potential alternatives to a proposed development should, wherever possible, be identified before an application is made to the Secretary of State (so as to allow appropriate consultation and the development of a suitable evidence base in relation to any alternatives which are particularly relevant). Therefore, where an alternative is first put forward by a third party after an application has been made, the Secretary of State may place the onus on the person proposing the alternative to provide the evidence for its suitability as such and the Secretary of State should not necessarily expect the applicant to have assessed it. | The Applicant notes the obligations placed upon third parties once an application is made to the Secretary of State to provide evidence in relation to alternatives<br><br>The Applicant has, in ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** presented a description of the site selection process and assessment of reasonable alternatives undertaken by the Applicant to define the North Falls offshore and onshore project areas.<br><br>The Project's site selection process was underpinned by a set of 'golden rules'. These are a set of assumptions and principles which set the framework for the site selection exercise, and which will be adhered to throughout the process. Whilst an extensive range of other environmental and technical parameters have also been considered during site selection, the golden rules represent the starting point for identifying viable options for the location of infrastructure. They are not an exhaustive list of the constraints considered, as these vary depending on the infrastructure element and were updated as the site selection progressed. Rather the golden rules serve as a starting point for the process to ensure there was a common set of rules which underpin the different studies and assessments which comprise the North Falls site selection process.<br><br>The golden rules have been derived using best practice guide for site selection, including The Crown Estate's Cable Route Protocol, the national grid's Horlock Rules (for the siting of substations) and Holford Rules (for the siting of transmission infrastructure), as well as NPS EN-1, NPS EN-3 and NPS EN-5 and other relevant planning considerations. The golden rules are presented in ES Appendix 4.1 Site Selection Golden Rules **[APP-091]**. |
| **4.4 Health** | | | |
| Health | 4.4.1 | Energy infrastructure has the potential to impact on the health and well-being ("health") of the population. Access to energy is clearly beneficial to society and to our health as a whole. However, the construction of energy infrastructure and the production, distribution and use of energy may have negative impacts on some people's health. | This topic is assessed in ES Chapter 28 Human Health **[APP-047]**.<br><br>The human health assessment is based on a desk-top study of available resources. The assessment has also drawn on information presented in other chapters of the North Falls ES (Volume 3.1), including ES Chapter 19 Ground Conditions and Contamination **[APP-033]**, ES Chapter 20 Onshore Air Quality **[APP-034]**, ES Chapter 21 Water Resources and Flood Risk **[APP-035]**, ES Chapter 26 Noise and Vibration **[APP-040]**, ES Chapter 27 Traffic and Transport **[APP-041]**, ES Chapter 31 Socio-economics **[APP-045]**, ES Chapter 32 Tourism and Recreation **[APP-046]** and ES Chapter 33 Climate Change **[APP-047]**.<br><br>Potential effects are assessed at site-specific (the onshore project area), local (Tendring District), regional (Essex County), national (England) and international levels where appropriate. Eleven different population groups for the assessment of human health effects have been identified within the study area, including geographic and vulnerable population groups:<br><br>• The population near landfall between Clacton-on-Sea and Frinton-on-Sea (site-specific);<br><br>• The population along the onshore cable route) (site-specific); |
| Applicant Assessment | 4.4.4 – 4.4.6 | As described in the relevant sections of this NPS and in the technology specific NPSs, where the proposed project has an effect on humans, the ES should assess these effects for each element of the project, identifying any potential adverse health impacts, and identifying measures to avoid, reduce or compensate for these impacts as appropriate.<br><br>The impacts of more than one development may affect people simultaneously, so the applicant should consider the cumulative impact on health in the ES where appropriate.<br><br>Opportunities should be taken to mitigate indirect impacts, by promoting local improvements to encourage health and wellbeing, this includes potential impacts on vulnerable groups within society and impacts on those with protected characteristics under the | |

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| | | Equality Act 2010, i.e. those groups which may be differentially impacted by a development compared to wider society as a whole. | • The population near the onshore substation works area (site-specific);<br>• The population of Tendring District (local);<br>• The population of Essex County (regional);<br>• The population of England and neighbouring countries (national and international);<br>• Children and young people;<br>• Older people (particularly those suffering with dementia);<br>• People with heightened sensitivity e.g. spending more time in affected dwellings (e.g. due to low economic activity, home working, shift work, retirement, or ill health) and/or neurological conditions;<br>• People living in deprivation (including those experiencing income and/or access/geographic vulnerability); and<br>• People with existing poor health (physical and mental health).<br>Potential impacts assessed for the construction and decommissioning phases include:<br>• Noise effects;<br>• Air quality effects;<br>• Ground and/or water contamination effects;<br>• Physical activity effects;<br>• Employment effects; and<br>• Journey times and/or reduced access effects.<br>For the operation and maintenance phase, potential impacts assessed include:<br>• Noise effects;<br>• EMF effects; and<br>• Wider societal benefits.<br>Mitigation measures proposed include work undertaken during the site selection process to avoid impacts on human health through appropriate siting of Project components (see Chapter 4 Site Selection and Assessment of Alternatives, **[APP-018]**), the use of trenchless crossing techniques to minimise disruption to the public and transport users, commitments to providing appropriate Occupational Health and Hygiene services for the workforce, providing road diversions where necessary with appropriate signage, cable design to minimise EMF and implementation of an Outline CTMP **[APP-251]**, as well as ensuring the level of dust and NRMM emissions experienced would be within the IAQM guidance and Defra technical guidance, undertaken in accordance with the relevant British Standards identified in ES Chapter 20 Onshore Air Quality **[APP-034]**.<br>With the implementation of mitigation measures, North Falls is predicted to have no greater than minor adverse (not significant in EIA terms) effects on human health |
| Secretary of State decision making | 4.4.7 – 4.4.8 | Generally, those aspects of energy infrastructure which are most likely to have a significantly detrimental impact on health are subject to separate regulation (for example for air pollution) which will constitute effective mitigation of them, so that it is unlikely that health concerns will either by themselves constitute a reason to refuse consent or require specific mitigation under the Planning Act 2008.<br>However, not all potential sources of health impacts will be mitigated in this way and the Secretary of State may want to take account of health concerns when setting requirements relating to a range of impacts such as noise. | |

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| | | | during all its phases. Moderate beneficial (significant in EIA terms) effects were identified for employment during the construction and operation and maintenance phase, and moderate wider societal benefits during operation.<br><br>There is potential for cumulative effects to occur with Five Estuaries Offshore Wind Farm and other projects in the study area. The CEA concluded that there are no likely significant adverse health effects (in EIA terms) and some likely significant beneficial effects on employment when North Falls is considered cumulatively with these projects.<br><br>Accordingly, no significant effects are likely to occur with respect to human health and so it has been demonstrated that North Falls accords Paragraph 4.4.1 – 4.4.8 of NPS EN-1. |
| **4.5 Marine Considerations** | | | |
| Marine Considerations | 4.5.1 – 4.5.3 | The Marine Policy Statement is the framework for preparing Marine Plans and taking decisions affecting the marine environment, as per section 44 of the Marine and Coastal Access Act 2009. Marine plans apply in the 'marine area', which is the area from mean high water springs to the seaward limit of the Exclusive Economic Zone (EEZ). The 'marine area' also includes the waters of any estuary, river or channel, so far as the tide flows at mean high water spring tide.<br><br>Marine plans set out marine specific aspects of many of the assessment principles in Part 4 and 5 of this NPS.108 Individual Marine Plans must be consulted to understand marine relevant specific considerations.<br><br>The cross-government Marine Spatial Prioritisation Programme will review how marine plans and the wider planning regime, legislation and guidance may need to evolve to ensure a more holistic approach to the use of the seas is taken and to maximise co-location possibilities. | As outlined in the Marine Plan Assessment **[APP-240]** part 3 of Marine and Coastal Access Act 2009 (MCAA) provides a framework for marine planning. The Marine Policy Statement (MPS) (HM Government, 2011) provides the policy framework for the preparation of Marine Plans, establishing how decisions affecting the marine area should be made in order to enable sustainable development.<br><br>In England, the Marine Management Organisation (MMO) is the planning authority for the marine environment, and the inshore and offshore waters have been split into 11 plan Marine Plan Assessment areas. The North Falls array area overlaps the East Inshore and Offshore Marine Plan Areas, and the offshore cable corridor overlaps the East Inshore and South East Inshore Marine Plan Areas.<br><br>North Falls' compliance with the South East Inshore Marine Plan (Defra, 2021) and East Inshore and Offshore Marine Plan (Defra, 2014) policies have been reviewed in Table 2.1 and Table 2.2 in Marine Plan Assessment **[APP-240]** with references to the relevant ES chapter, where appropriate, to provide further details.<br><br>Taking both the South East Inshore Marine Plan (Defra, 2021) and East Inshore and Offshore Marine Plan (Defra, 2014) there would be no conflict with North Falls and the marine plans. |
| | 4.5.5 – 4.5.6 | The Government is producing guidance to help applicants and regulators understand how to consider environmental impacts on Marine Protected Areas (MPAs), including applying the mitigation hierarchy and using strategic approaches. The guidance will not extend to waters where the devolved administrations have competence for managing MPAs.<br><br>A deemed marine licence can be granted as part of the Development Consent Order and is developed in consultation with regulators and statutory advisors. A Marine Licence is primarily concerned with the need to protect the environment and human health and to prevent interference with other legitimate uses of the sea. Marine Licences may be required for the marine elements of proposed developments (up to Mean High Water Springs), including associated development and activity such as cabling, dredging and | The Applicant notes the reference to further guidance anticipated from Defra in relation to applying the mitigation hierarchy and using strategic approaches, in relation to environmental impacts on Marine Protected Areas. It is understood this guidance has not been published at the time of writing. Consideration has been given to the Defra (2021) 'Best practice guidance for developing compensatory measures in relation to marine protection areas, version for consultation', including consideration of alternatives using the 'avoid, reduce, mitigate' hierarchy. The Assessment of Alternative Solutions is provided in the Habitats Regulations Derogation Provision of Evidence **[APP-183]**.<br><br>The deemed marine licences are contained within Schedules 8, 9, and 10 of the Draft Development Consent Order (DCO) **[AS-022]**.<br><br>Article 36 (Deemed marine licences under the 2009 Act) of the Development Consent Order (DCO) **[AS-022]** grants the deemed marine licences included in: |

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| | | offshore substations. Applicants should consult Part 4 Section 66 of the Marine and Coastal Access Act 2009 when considering what activities will require a Marine Licence. A Marine Licence cannot be deemed under the Planning Act 2008 in Waters adjacent to Wales up to the 12nm seaward limits of the territorial sea. Further information on marine licencing is provided in section 1.2 of this NPS and paragraphs 2.3.16 to 2.3.24 of EN-3. | • Schedule 8 (deemed marine licence under the 2009 Act – generation assets);<br>• Schedule 9 (deemed marine licence under the 2009 Act - transmission assets); and<br>• Schedule 10 (deemed marine licence under the 2009 Act – transmission assets – offshore converter station).<br>The deemed consent is provided for under 149A of the 2008 Act and under section 65 of the Marine and Coastal Access Act 2009, the successor provision to section 34 of the Coast Protection Act 1949.<br>The Applicant has engaged with the MMO as part of the pre application process as set out in Table 3.2 and 3.3 of the Consultation Report **[AS-015]** and has continued to engage with them. The Applicant will be entering into a Statement of Common Ground with the MMO. |
| | 4.5.7 | Applicants are encouraged to approach the marine licensing regulator (MMO in England and Natural Resources Wales in Wales) in pre-application, to ensure that they are aware of any needs for additional marine licenses alongside their Development Consent Order application. | Please refer to the Applicant's response above to Paragraph 4.5.5 – 4.5.6 of NPS EN-1. |
| Applicant Assessment | 4.5.8 - 4.5.9 | Applicants for a Development Consent Order must take account of any relevant Marine Plans and are expected to complete a Marine Plan assessment as part of their project development, using this information to support an application for development consent.<br>Applicants are encouraged to refer to Marine Plans at an early stage, such as in pre-application, to inform project planning, for example to avoid less favourable locations as a result of other uses or environmental constraints. | The relevant Marine Plans have been considered throughout the ES and in the development of the Project, including during pre-application and during engagement with the MMO. A Marine Plan Assessment **[APP-240]** is also provided within the DCO application. |
| Secretary of State decision making | 4.5.10 – 4.5.12 | Section 104(2)(aa) of the Planning Act 2008 requires the Secretary of State to have regard to any appropriate marine policy documents when making a decision on an application for a Development Consent Order where an NPS has effect. This will include any Marine Plan which is in effect for the relevant area, or areas where the project crosses the boundary between plan areas.<br>In making a decision, the Secretary of State is responsible for determining how the Marine Plan informs the decision-making process. For example, the Secretary of State will determine if and how proposals meet the high-level marine objectives, plan vision, and all relevant policies.<br>In the event of a conflict between an NPS and any marine planning documents, the NPS prevails for purposes of decision making. | In England, the Marine Management Organisation (MMO) is the planning authority for the marine environment, and the inshore and offshore waters have been split into 11 plan Marine Plan Assessment areas.<br>The North Falls array area overlaps the East Inshore and Offshore Marine Plan Areas, and the offshore cable corridor overlaps the East Inshore and South East Inshore Marine Plan Areas.<br>North Falls' compliance with the South East Inshore Marine Plan (Defra, 2021) and East Inshore and Offshore Marine Plan (Defra, 2014) policies have been reviewed in Table 2.1 and Table 2.2 in Marine Plan Assessment **[APP-240]** with references to the relevant ES Chapter, where appropriate, to provide further details.<br>Taking both the South East Inshore Marine Plan (Defra, 2021) and East Inshore and Offshore Marine Plan (Defra, 2014), there would be no conflict with North Falls and the marine plans. |
| **4.6 Environmental and Biodiversity Net Gain** | | | |

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| Environmental and Biodiversity Net Gain | 4.6.1 – 4.6.2 | Environmental net gain is an approach to development that aims to leave the natural environment in a measurably better state than beforehand. Projects should therefore not only avoid, mitigate and compensate harms, following the mitigation hierarchy, but also consider whether there are opportunities for enhancements.<br><br>Biodiversity net gain is an essential component of environmental net gain. Projects in England should consider and seek to incorporate improvements in natural capital, ecosystem services and the benefits they deliver when planning how to deliver biodiversity net gain. | The Applicant has taken a systematic and diligent approach to avoiding, reducing, and mitigating for any likely significant effects in accordance with the mitigation hierarchy.<br><br>The Outline Landscape and Ecological Management Strategy (OLEMS) **[APP-249]** for the Project is in respect of onshore ecology, ornithology and landscape receptors. The OLEMS sets out an outline of the measures that are proposed to avoid or mitigate ecological and landscape impacts during the pre-construction, construction and operation phases of the Project, as identified through the Project's Environmental Impact Assessment (EIA).<br><br>Section 2.6, Paragraph 173, includes a list of enhancement measures taking into account the local and national biodiversity strategies relevant to North Falls and include: reptile and amphibian hibernacula; scrape creation within open grassland; Sustainable Drainage System (SuDS) pond design.<br><br>Whilst achieving 10% Biodiversity Net Gain (BNG) is not mandatory for NSIPs North Falls has sought to provide BNG in accordance with this objective. The Biodiversity Net Gain Strategy **[APP-257]** provides further details to the overall approach taken by the Project. |
| | 4.6.3 | Currently biodiversity net gain policy in England only applies to terrestrial and intertidal components of projects. Principles for Marine Net Gain are currently being rolled out by the Government, who will provide guidance in due course. There are provisions in the Environment Act 2021 to allow Marine Net Gain to be made mandatory for NSIPs in the future. | The Applicant notes the principles for Marine Net Gain and await formal policy and guidance on these matters following the Government's consultation held in 2022, with a summary of responses published by the Government in March 2023.<br><br>At present there are no provisions or requirements for Marine Net Gain for North Falls (or other NSIPs) and therefore it has not been considered in the assessment of the application in the ES or other relevant documents. |
| Applicant Assessment | 4.6.6 – 4.6.8 | Energy NSIP proposals, whether onshore or offshore, should seek opportunities to contribute to and enhance the natural environment by providing net gains for biodiversity, and the wider environment where possible.<br><br>In England applicants for onshore elements of any development are encouraged to use the latest version of the biodiversity metric to calculate their biodiversity baseline and present planned biodiversity net gain outcomes. This calculation data should be presented in full as part of their application.<br><br>Where possible, this data should be shared, alongside a completed biodiversity metric calculation, with the Local Authority and Natural England for discussion at the pre-application stage as it can help to highlight biodiversity and wider environmental issues which may later cause delays if not addressed. | Section 4 of the Biodiversity Net Gain Strategy **[APP-257]** sets out the proposed approach to assessing BNG for North Falls. This approach covers project-specific requirements such as defining key terms, baseline data needs, pre-consent calculations and post-development approach. The North Falls Early Design BNG Assessment (Appendix A of the Biodiversity Net Gain Strategy) **[APP-257]** only applies to terrestrial and intertidal habitats within the onshore project area, namely this includes habitats running onshore down to Mean Low Water Springs (MLWS). In order to utilise the Defra Statutory Biodiversity Metric for North Falls, there are a number of terms used within the Metric which have a project-specific definition. |
| | 4.6.10 – 4.6.12 | Biodiversity net gain should be applied after compliance with the mitigation hierarchy and does not change or replace existing environmental obligations, although compliance with those obligations will be relevant to the question of the baseline for assessing net gain and if they deliver an additional enhancement | Appendix A: Early Design Biodiversity Net Gain Assessment Report of the Biodiversity Net Gain Strategy **[APP-257]** seeks to:<br><br>• Present preliminary calculations of changes in biodiversity value as a result of the development of the Project, based on the onshore project area boundary used for the ES; and |

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| | | beyond meeting the existing obligation, that enhancement will count towards net gain.<br><br>Biodiversity net gain can be delivered onsite or wholly or partially off-site. We encourage details of any off-site delivery of biodiversity net gain to be set out within the application for development consent.<br><br>When delivering biodiversity net gain off-site, developments should do this in a manner that best contributes to the achievement of relevant wider strategic outcomes, for example by increasing habitat connectivity, enhancing other ecosystem service outcomes, or considering use of green infrastructure strategies. Reference should be made to relevant national or local plans and strategies, to inform off-site biodiversity net gain delivery. If published, the relevant strategy is the Local Nature Recovery Strategy (LNRS). If an LNRS has not been published, the relevant consenting body or planning authority may specify alternative plans, policies or strategies to use. | • Provide potential options for on and off-site compensation measures, in order to achieve BNG.<br><br>Appendix A Early Design Biodiversity Net Gain Assessment Report of the Biodiversity Net Gain Strategy **[APP-257]** concludes that the 10% BNG target is exceeded by North Falls in both the area habitat and hedgerow modules of the BNG Metric, and therefore no further interventions on these habitats are required.<br><br>A net loss is experienced in watercourse module biodiversity units. It is not currently proposed to commit to off-site interventions to compensate for these losses due to the complexity of watercourse enhancement and creation, as well as the Project design already minimising impacts on watercourse habitats as far as practicable within the onshore project area.<br><br>The compensation required to offset North Falls' biodiversity unit losses will be recalculated at the detailed design stage post-consent. As set out in the BNG Strategy **[APP-257]** biodiversity offsets will prioritise utilisation of on-site compensation in the first instance, bespoke off-site compensation where on-site options are not possible, and then Defra biodiversity credit purchase as a last resort (in line with the mitigation hierarchy). All habitat creation and enhancement will be additional to the reinstatement of habitats which will occur during construction. |
| | 4.6.13 – 4.6.14 | In addition to delivering biodiversity net gain, developments may also deliver wider environmental gains and benefits to communities relevant to the local area, and to national policy priorities, such as:<br><br>• Reductions in GHG emissions<br>• Reduced flood risk<br>• Improvements to air or water quality,<br>• Climate adaptation,<br>• Landscape enhancement<br>• Increased access to natural greenspace, or<br>• The enhancement, expansion or provision of trees and woodlands<br><br>The scope of potential gains will be dependent on the type, scale, and location of specific projects. Applicants should look for a holistic approach to delivering wider environmental gains and benefits through the use of nature-based solutions and Green Infrastructure.<br><br>The Environment Act 2021 mandated the preparation of Local Nature Recovery Strategies (LNRSs) across England. They are a new system of spatial strategies for nature recovery and will play a major role in providing detail on the best locations to create, enhance and restore nature and deliver wider environmental benefits. LNRSs will also agree priorities for nature recovery and map the most valuable existing areas for nature. They will be critical in delivering new government targets for species abundance and habitat creation commitments, as well as other pressing | The Need Case and Project Benefits Statement **[APP-232]** outlines the need at a societal level to reduce GHG emissions and address the threats arising from climate change. It contextualises and quantifies the contribution North Falls would make to ensuring net zero can be achieved by 2050 in accordance with NPS EN-1, NPS EN-3, and NPS EN-5. ES Chapter 33 Climate Change **[APP-047]** provides further detail on the reductions in GHG emissions predicted from the Project.<br><br>• ES Chapter 21 Water Resources and Flood Risk **[APP-035]** provides an assessment against Flood Risk<br>• ES Chapter 20 Onshore Air Quality **[APP-034]** provides an assessment against Air quality<br>• Landscape enhancement is captured within the Outlined Landscape Ecological Mitigation Plan (OLEMP) **[APP-249]**<br>• ES Chapter 30 Landscape and Visual Impact Assessment **[APP-044]** assesses the effects on landscape including considerations for mitigation and enhancement<br><br>Greater Essex is one of the 48 regions across England creating a Local Nature Recovery Strategy (LNRS). Essex County Council (ECC) is the Responsible Authority appointed to deliver the LNRS for this location. In collaboration with the Essex Local Nature Partnership (LNP), they have created the draft Essex LNRS that was issued for public consultation 30 August 2024 to 25 October 2024. The Applicant has engaged in general and topics-specific discussions the pre-application and pre-examination phases of the project with the different technical specialists (e.g. archaeology, landscape, highways) within Essex County Council to agree priorities for habitat protection and mitigation. |

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| | | environmental outcomes for water and flood risk, carbon and tree planting and woodland creations. LNRSs will also drive the creation of a Nature Recovery Network (NRN), a major commitment in the government's 25 Year Environment Plan. | |
| | 4.6.15 | Applications for development consent should be accompanied by a statement demonstrating how opportunities for delivering wider environmental net gains have been considered, and where appropriate, incorporated into proposals as part of good design (including any relevant operational aspects) of the project. | The DCO application includes an ES which sets out how opportunities for the delivery beneficial effects have been considered, in tandem with other supporting documents such as the Biodiversity Net Gain Strategy **[APP-257]** and the Outline Landscape and Ecological Management Strategy (OLEMS) **[APP-249]**. Taken together provide an overview of the environmental net gains.<br><br>The Design Vision **[APP-234]** for the Onshore Substation presents the approach to the design of the Project's onshore substation and its associated infrastructure at Little Bromley. It sets out how design parameters, primary and secondary mitigation, landscape and ecological enhancements and biodiversity net gain measures interact to create an overarching Vision for the development that respects its landscape and heritage context, with an accompanying set of coherent design principles to guide detailed design post-consent. |
| | 4.6.16 | Applicants should make use of available guidance and tools for measuring natural capital assets and ecosystem services, such as the Natural Capital Committee's 'How to Do it: natural capital workbook', the government's guidance on Enabling a Natural Capital Approach (ENCA), and other tools that aim to enable wider benefits for people and nature. | The available and relevant guidance has been used when compiling the projects impact assessment upon ecological receptors. A Natural Capital Assessment has not been prepared as part of the application as Section 42 consultation feedback from the Local Planning Authority (Essex County Council) focussed instead on production of a Green Infrastructure Plan (see ES Appendix 23.10 **[APP-134]**) to demonstrate how the project will improve local green infrastructure networks, natural capital assets and ecosystem services and secure net environmental gains. |
| | 4.6.17 | Where environmental net gain considerations have featured as part of the strategic options appraisal process to select a project, applicants should reference that information to supplement the site-specific details. | ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** presents a description of the site selection process and assessment of alternatives undertaken by North Falls to define the offshore and onshore project areas.<br><br>A number of strategic-level project location and design alternatives have been considered as part of the site selection and assessment of alternatives process, shown in Table 4.2 of the ES Chapter. The table demonstrates the factors considered during the consideration of alternatives including trying to avoid impacts on the most sensitive environmental receptors. In doing so ensuring that any net gain would require less interventions by the Project than alternative options that - as a starting point – would have greater impacts. |
| | 4.6.18 | Opportunities for environmental, social, and economic enhancements, protection and mitigation measures are identified in a number of sections in Part 5 of this NPS, which provides guidance on the impacts of new energy infrastructure. | For each individual ES chapter opportunities for environmental, social, and economic enhancements, protection and mitigation measure have been considered and included in the assessment of effects where relevant. The Schedule of Mitigation **[APP-012]** provides a summary of mitigation measures and how they are to be secured, either as part of the Draft Development Consent Order **[AS-022]** or in a small proportion of cases via separate licences and consents. |
| Secretary of State Decision Making | 4.6.1 – 4.6.3 | Although achieving biodiversity net gain is not currently an obligation on applicants, Schedule 15 of the Environment Act 2021 contains provisions which, when commenced, mean the Secretary of State may not grant an application for a Development Consent | The Applicant has given appropriate weight to environmental and biodiversity net gain (BNG), notwithstanding the fact that there is currently no obligation on applicants to achieving net gain. The Project will follow industry best practice for BNG, and namely adhere to the ten principles developed by CIEEM, Institute of |

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| | | Order unless satisfied that a biodiversity gain objective is met in relation to the onshore development in England to which the application relates.<br><br>The biodiversity gain objective will be set out in a biodiversity gain statement (as defined under the Environment Act 2021). Normally these statements would be included within an NPS, but the Act allows for the statement to be published separately where a review of an NPS has begun before the provisions are commenced, as is the case with these energy NPSs. Under the provision of the Environment Act 2021, any such separate biodiversity gain statement will be regarded as being contained within these NPSs.<br><br>The Secretary of State should give appropriate weight to environmental and biodiversity net gain, although any weight given to gains provided to meet a legal requirement (for example under the Environment Act 2021) is likely to be limited. | Environmental Management and Assessment (IEMA) and Construction Industry Research Association (CIRIA) (2016), summarised in Table 3.1. of the Biodiversity Net Gain Strategy **[APP-257]**.<br><br>Whilst the guidance was produced in 2016, these principles remain relevant to statutory BNG. The principles in Table 3.1 are copied here as follows:<br><br>• Principle 1 – apply the mitigation hierarchy<br>• Principle 2 – avoid losing biodiversity that cannot be offset by gains elsewhere<br>• Principle 3 – be inclusive and equitable<br>• Principle 4 – address risks<br>• Principle 5 – make a measurable net gain contribution<br>• Principle 6 – achieve the best outcomes for biodiversity<br>• Principle 7 – be additional<br>• Principle 8 – create a net gain legacy<br>• Principle 9 – optimise sustainability<br>• Principle 10 – be transparent |
| **4.7 Criteria for good design for Energy Infrastructure** | | | |
| Criteria for good design for Energy | 4.7.1 | The visual appearance of a building, structure, or piece of infrastructure, and how it relates to the landscape it sits within, is sometimes considered to be the most important factor in good design. But high quality and inclusive design goes far beyond aesthetic considerations. The functionality of an object – be it a building or other type of infrastructure – including fitness for purpose and sustainability, is equally important. | With respect to the Onshore Scheme the ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** sets out the process that was undertaken to establish a suitable landfall location, onshore cable route, and substation zone. In addition, the Design Vision **[APP-234]** sets out the approach to understanding the site context and character, and then outlines the design response that will be further guided by the design principles at the detailed design stage.<br><br>The design process has sought to balance the functional requirements for the Onshore Scheme whilst at the same time considering the overall design and siting; this has included undergrounding cabling, minimising above ground plant, sensitively locating the onshore substation to avoid areas with adverse effects and proposing appropriate landscape mitigation and biodiversity enhancements at the onshore substation.<br><br>Coordination with Five Estuaries and National Grid has been an important factor in ensuring that the cumulative impacts on the onshore landscape are reduced, and the siting of both North Falls and Five Estuaries onshore substations within a co-located zone near to Ardleigh is an appropriate response to the local context.<br><br>North Falls is predicted to have a moderate adverse (significant in EIA terms) effect on the landscape fabric and visual amenity of the study area surrounding the onshore substation during operation. The area within which significant effects would occur is approximately bounded by Ardleigh Road to the south, Grange Road to the south-west, Wormseywood Farm to the north, and the junction of Barn Lane and Ardleigh Road to the east. Significant visual effects are predicted at viewpoint 2, 3 and 5, which represent higher sensitivity residential or recreational receptors and are located within 1km of the onshore substation. No significant effects (in EIA |

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| | | | terms) were identified for designated landscapes, including National Landscape designations.<br><br>The offshore array area and its design and siting is constrained by a number of technical factors but principally, by its very nature of being an extension to the existing Greater Gabbard Offshore Wind Farm, it is geographically constrained. Section 4.4 of ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** provides further details as to how the array area was determined.<br><br>Section 29.11 of ES Chapter 29 Seascape, Landscape, and Visual **[APP-043]** provides a summary of the likely significant effects and concludes that during operation there are no significant effects predicted on the landscape character of onshore landscape character types and no significant effects on the special qualities of the Suffolk & Essex Coast & Heaths National Landscape from the proposed offshore array. Significant effects (moderate) are predicted on views from viewpoint 8-13 and on the Suffolk Coastal Path.<br><br>The Applicant has sought to balance the functional requirements of the Project with other important factors such as the impacts on the landscape and seascape to ensure that overall, the Project represents good design. It is considered that the Project is in accordance with Paragraph 4.7.1 of NPS EN-1. |
| | 4.7.2 – 4.7.4 | Applying good design to energy projects should produce sustainable infrastructure sensitive to place, including impacts on heritage, efficient in the use of natural resources, including land-use, and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. It is acknowledged, however that the nature of energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area.<br><br>Good design is also a means by which many policy objectives in the NPSs can be met, for example the impact sections show how good design, in terms of siting and use of appropriate technologies, can help mitigate adverse impacts such as noise. Projects should look to use modern methods of construction and sustainable design practices such as use of sustainable timber and low carbon concrete. Where possible, projects should include the reuse of material.<br><br>Given the benefits of good design in mitigating the adverse impacts of a project, applicants should consider how good design can be applied to a project during the early stages of the project lifecycle. | The Project has been sensitive to its surroundings and to place, including impacts on heritage (through avoidance of notable heritage sites and buried heritage) and in achieving an efficient land-use (for example by seeking to minimise the length of the cable corridor and co-ordinating with Five Estuaries on the landfall location at Kirby Brook). Section 4.6, 4.8, and 4.9 of ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** sets out the approach to avoiding sensitive receptors in determining an appropriate location for the landfall, onshore substation, and cable route corridor respectively.<br><br>The Design Vision **[APP-234]** sets out how the Project has evolved and how it has taken into consideration the surrounding character and been informed by feedback with the Design Council and other stakeholders.<br><br>Section 1.2 of the Outline Code of Construction Practice (OCoCP) **[APP-248]** sets out the general principles that will be included within the detailed CoCP; this includes how the Project intends to ensure sustainable design practices by following a carbon management process (the PAS 2080:2023 Carbon Management in Buildings and Infrastructure) and following the 'Best practicable means' to minimise noise during construction. Other best practice methods of construction in relation to soil and waste management and the control of dust are included. ES Chapter 26 Noise and Vibration **[APP-040]** provides an assessment of the likely significant effects during construction and operation. The Project has sought to minimise construction impacts arising cumulatively through the shared landfall location and shared onshore cable route with Five Estuaries (in the event they are constructed at similar times).<br><br>The Consultation Report **[AS-015]** sets out how the Project has engaged throughout the scheme development phase including with the Design Council and has had due regard to those responses. It is considered that the Project is in accordance with Paragraphs 4.7.2 – 4.7.4 of NPS EN-1. |

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| Applicant assessment | 4.7.5 – 4.7.6 | To ensure good design is embedded within the project development, a project board level design champion could be appointed, and a representative design panel used to maximise the value provided by the infrastructure. Design principles should be established from the outset of the project to guide the development from conception to operation. Applicants should consider how their design principles can be applied post-consent.<br><br>Whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, land form and vegetation. Furthermore, the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area. Applicants should also, so far as is possible, seek to embed opportunities for nature inclusive design within the design process. | The Design Vision **[APP-233]** sets out the Design Principles for the onshore substation and Section 5 of the Design and Access Statement **[APP-235]** sets out the matters considered with respect to onshore design.<br><br>The Applicant remains committed to ensuring design matters are properly embedded in the development of the Project and the Applicant is considering a Design Champion for the detailed design phase of the Project.<br><br>As outlined in Section 4.2.7 of the Design Vision **[APP-234]** there are opportunities which were identified in the proposed location of the substation that include a flat topography that provides flexibility and opportunities to increase planting and vegetation. In addition, opportunities to reinforce the pattern of field boundaries with new hedgerows and planting in keeping within the landscape character area.<br><br>The onshore substation will avoid the use of reflective materials, and the exact colour palette will be determined through the detailed design. Hard landscape features will also be sensitive to the local character and could include self-binding gravel, reinforced gravel surfaces, or reinforced grass where appropriate. It is considered that the Project is in accordance with Paragraphs 4.7.5 – 4.7.6 of NPS EN-1. |
| | 4.7.7 – 4.7.9 | Applicants must demonstrate in their application documents how the design process was conducted and how the proposed design evolved. Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected.<br><br>Applicants should consider taking independent professional advice on the design aspects of a proposal. In particular, the Design Council can be asked to provide design review for nationally significant infrastructure projects and applicants are encouraged to use this service. Applicants should also consider any design guidance developed by the local planning authority.<br><br>Further advice on what applicants should demonstrate by way of good design is provided in the technology specific NPSs where relevant. | Section 4.6, 4.8, and 4.9 of ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** sets out the approach to avoiding sensitive receptors in determining an appropriate location for the landfall, onshore substation, and cable route corridor respectively.<br><br>Following confirmation of the onshore grid connection location by NGET three options were identified, with Kirby Brook being deemed most appropriate, due to the ability of this location to accommodate the onshore landfall works for both North Falls and Five Estuaries.<br><br>The onshore substation site selection exercise undertaken was multi-disciplinary, iterative and consultative, seeking to ensure a breadth of information was used to inform the identification of locations for the project's infrastructure. This involved establishing an area of search, a long list, and then undertaking a 'Red Amber Green' (RAG) assessment of the long list. After which a series of further studies were undertaken (see Table 4.4 of ES Chapter 4) to reduce the uncertainties arising from the options. A further RAG of these options culminated in a preferred option known as the 'onshore substation zone' - covering two of the options identified during the initial long-listing process.<br><br>Following feedback on the Preliminary Environmental Impact Report (PEIR) an onshore substation works area was identified in collaboration with Five Estuaries to form a combined area and is the area assessed in the ES. This area includes provision for ancillary infrastructure as listed in Section 4.8.5.2 of the ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018].**<br><br>With respect to the onshore cable corridor there was a four-stage process undertaken as outlined in paragraph 107 of ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** that followed the Project's 'golden rules' (ES Appendix 4.1 Site Selection Goden Rules **[APP-091]**. This generated an initial ten |

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| | | | corridors that was then refined. The cable corridor - which is shared with Five Estuaries - was then further refined through a series of RAG assessments.<br><br>Section 1.7 of the Design Vision **[APP-234]** sets out the process for engagement undertaken including activities prior to EIA Scoping and prior to the publication of the Preliminary Environmental Information Report (PEIR). This has included Expert Technical Group (ETGs) with stakeholders on design matters and public consultation. A series of formal reviews have been undertaken with the Design Council which comprises of independent experts.<br><br>Section 2.3 of the Design Vision **[APP-234]** details the relevant local design guidance considered in the development of the Project and the design principles. The Co-ordination Report **[AS-006]** also provides specific reference to how the design has been considered alongside the Five Estuaries and National Grid East Anglia Connection Node projects. It is considered that the Project is in accordance with Paragraphs 4.7.7 – 4.7.8 of NPS EN-1. |
| Secretary of State decision making | 4.7.10 – 4.7.11 | In the light of the above and given the importance which the Planning Act 2008 places on good design and sustainability, the Secretary of State needs to be satisfied that energy infrastructure developments are sustainable and, having regard to regulatory and other constraints, are as attractive, durable, and adaptable (including taking account of natural hazards such as flooding) as they can be.<br><br>In doing so, the Secretary of State should be satisfied that the applicant has considered both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located, any potential amenity benefits, and visual impacts on the landscape or seascape) as far as possible. | The Project has sought to respond appropriately to the site and its surrounding context recognising both opportunities and constraints. Good design and measures ensuring sustainable development have been embedded into the site selection process and the Project appropriately balances the need for efficient transmission infrastructure and its overall impacts on local communities and the environment both offshore and onshore.<br><br>Impacts on landscape, seascape, and visual amenity have been key factors in determining the design of the Project and steps to reduce the cumulative effects arising from other projects has been considered, to reduce the impacts and where necessary ensure mitigation is effective such that the residual effects are reduced as far as practicable. Details of the mitigation secured as part of the Application are found in the Schedule of Mitigation **[APP-234].** |
| | 4.7.12 – 4.7.15 | In considering applications, the Secretary of State should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to satisfy. Many of the wider impacts of a development, such as landscape and environmental impacts, will be important factors in the design process.<br><br>The Secretary of State should consider such impacts under the relevant policies in this NPS. Assessment of impacts must be for the stated design life of the scheme rather than a shorter time period.<br><br>The Secretary of State should consider taking independent professional advice on the design aspects of a proposal. In particular, the Design Council can be asked to provide design review for nationally significant infrastructure projects.<br><br>Further advice on what the Secretary of State should expect applicants to demonstrate by way of good design is provided in the technology specific NPSs where relevant. | The operational requirements for the Project are set out in ES Chapter 5 Project Description **[APP-019]** with further details provided in the Cable Statement **[APP-262]** and the Safety Zone Statement **[APP-258].**<br><br>As outlined in the sections above ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** details how sensitive receptors (including the landscape, habitats, and other environmental receptors) were considered in the site selection process.<br><br>The Design Vision **[APP-234]** sets out how the Project responds to the site and its surroundings and how the detailed design will be informed by the design principles as set out in the Design Vision – for which there has been consistent stakeholder engagement and independent design reviews. Engagement with the Design Council has taken place prior to submission of the application across a series of meetings where their advice has helped inform the design. The Design Council's advice letters and the Applicant's responses to these letters are included in the Design Vision in Section 9 **[APP-234].** It is considered that the Project is in accordance with Paragraphs 4.7.12 – 4.7.15 of NPS EN-1. |

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| **4.10 Climate Change Adaptation and Resilience** | | | |
| Climate Change Adaptation and Resilience | 4.10.1 | Whilst we must continue to accelerate efforts to end our contribution to climate change by reaching Net Zero greenhouse gas emissions, adaptation is also necessary to manage the impacts of current and future climate change. If new energy infrastructure is not sufficiently resilient against the possible impacts of climate change, it will not be able to satisfy the energy needs as outlined in Part 3 of this NPS. | Each ES Chapter under 'Future trends in baseline conditions' includes an assessment of the impacts on the baseline environment arising from climate change without the Project.<br>The projected impacts of climate change over the operational lifetime of the Project have been considered as part of the Climate Change Risk Assessment, which is presented in Section 33.6.2 of ES Chapter 33 Climate Change **[APP-047].**<br>The only climate hazards with potential to pose climate change impacts upon receptors associated with the Project during construction are extreme weather events in the short term, as chronic hazards that involve gradual change to climate averages and extremes would occur over the medium to long term (i.e. the O&M phase). Construction site workers, onshore and offshore project infrastructure (including temporary construction compounds and trenchless crossings) and construction equipment/vessels/vehicles associated with the Project have been identified as the receptors which may be vulnerable to the effects of climate change during the construction phase. The potential climate hazards with potential to affect these receptors are identified as:<br>• Flooding<br>• Heatwaves, and<br>• Storm events (high winds and flooding), including marine storm surges.<br>The Applicant's technical requirements and specifications are built upon industry good practice engineering codes and standards in the offshore wind sector, the Project will be designed to be resilient to hazards arising from current extreme weather events and climatic conditions, and have adaptive capacity to future climate change impacts where appropriate. Offshore structures are resilient to flooding and water ingress, and have been designed to withstand severe storm conditions, including potential changes in conditions as a result of future climate change. The onshore elements are also inherently robust to future climatic changes such as flooding and heatwaves.<br>Based on standard industry practice and occupational health and safety regulations and standards, construction management plans, such as the Code of Construction Practice (CoCP) and Project Environmental Management Plan (PEMP), will include risk assessments and health and safety protocols, which will be prepared prior to the commencement of construction works. Outline versions of these plans accompany the DCO application.<br>These management plans will account for exposure of site workers and construction plant to extreme weather events and ensure appropriate preparation and response measures are in place to minimise their impacts. These measures would include, but are not limited to, the following:<br>• Scheduling construction activities based on seasonality and timely weather forecasts;<br>• Monitoring of on-site weather conditions and severe weather alert services; |
| | 4.10.2 | Climate change is already altering the UK's weather patterns and this will continue to accelerate depending on global carbon emissions. This means it is likely there will be more extreme weather events. As well as climatic and seasonal changes such as hotter, drier summers and warmer, wetter winters, there is also a likelihood of increased flooding, drought, heatwaves, and intense rainfall events, as well as rising sea levels, increased storms and coastal change. Adaptation is therefore necessary to deal with the potential impacts of these changes that are already happening. | |
| | 4.10.3 | To support planning decisions, the government produces a set of UK Climate Projections as well as hazard-specific tools and guidance like the Environment Agency's climate change allowances for flood risk assessments. In addition, the government's National Adaptation Programme and Adaptation Reporting Power will ensure that reporting authorities (a defined list of public bodies and statutory undertakers, including energy utilities) assess the risks to their organisation presented by climate change. | |
| | 4.10.4 | The generic impacts advice in this NPS and the technology specific advice on impacts in the other energy NPSs provide additional information on climate change adaptation and should be read alongside this section (Section 5.3 on greenhouse gas emissions, Section 5.6 on coastal change and Section 5.8 on flood risk in particular provide relevant guidance for consideration). | |

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| | | | • Incorporating a severe weather protocol into construction management plans and assigning clear responsibilities in the event of an emergency; and<br>• Requiring contractors to include additional provisions in their management plans based on weather conditions at the time of works such as additional rest breaks during heatwaves, securing stored equipment and material during high wind events and specifying de-icing equipment during cold spells.<br><br>The wind turbine generators and fixed substructures have been designed with sufficient safety margins to account for extreme weather events such as storm surges and high winds. The substructures, turbines and inter-array cables have been designed using metocean hindcast data as the basis for all load cases. Hindcast models synthesise long-term time series of wind, waves and current data and are correlated with satellite observations and real-time measurements. Based on the models, wind, wave and current parameters for 10-year, 50-year and 100-year extreme weather events were extrapolated and accounted for in the Project design.<br><br>The turbine controller monitors the operational health of the turbines and adjusts the pitch and orientation based on the site conditions. At wind speeds above the design operational load limit, the turbines will shut down and remain in idle configuration to prevent structural damage during gusts or sustained high winds. Normal operations will resume once the wind speed returns below the cut-out speed.<br><br>Regular inspections and maintenance of offshore infrastructure will be carried out over the Project's operational lifetime to identify and remediate any damage and maintain good working conditions. Similar to construction works, prior to the commencement of O&M activities, risk assessments and health and safety protocols will be prepared, which will include the identification of suitable windows for works based on timely weather forecasts and the monitoring of weather conditions on-site. The Project's O&M personnel will monitor emerging climate change data and observed climate change impacts, such as extreme weather incidents on-site, and develop appropriate risk management measures on a rolling basis.<br><br>The flood risk assessment undertaken for the Project assesses flood risk at the onshore substation and has incorporated allowances for climate change in the drainage design. See ES Chapter 21 Water Resources and Flood Risk **[APP-035]** and associated Appendix 21.3 Flood Risk Assessment **[APP-121]** for further details.<br><br>Prior to the commencement of decommissioning activities, as part of health and safety protocols, a review of recent climate hazards and up-to-date climate projection data will be undertaken to develop suitable mitigation and management measures, which will be secured in management plans for this stage of works. |
| Applicant assessment | 4.10.5 | In certain circumstances, measures implemented to ensure a scheme can adapt to climate change may give rise to additional impacts, for example as a result of protecting against flood risk, there may be consequential impacts on coastal change. In preparing measures to support climate change adaptation | The projected impacts of climate change over the operational lifetime of the Project have been considered as part of the Climate Change Risk Assessment (CCRA), which is presented in Section 33.6.2 of ES Chapter 33 Climate Change **[APP-047].** |

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| | | applicants should take reasonable steps to maximise the use of nature-based solutions alongside other conventional techniques. | The CCRA presents the projected impacts of climate changes across a range of scenarios and considers the direct impacts of climate change on the Project, as provided in Section 33.5.2 and Section 33.6.2 of ES Chapter 33 Climate Change **[APP-047]** respectively. The high emissions scenario (RCP 8.5) for future climate baseline has been considered in the assessment.<br><br>Climate change resilience mitigation measures have been considered as part of the assessment and are outlined in Section 33.3.3 of ES Chapter 33 Climate Change **[APP-047].**<br><br>The latest UK Climate projections have been used in the assessment, see Section 33.5.2.2. Further information on the assessment of flood risk for the Project is provided in ES Chapter 21 Water Resources and Flood Risk **[APP-035]** which has been prepared in accordance with the methodology and guidance set out in the Environment Agency Flood Risk Assessment: Climate Change Allowance (2016) guidance.<br><br>An Outline Operational Drainage Strategy **[APP-254]** has been developed for the Project. This Outline Operational Drainage Strategy outlines the principles of the strategy to manage surface water runoff during operation. Post-consent, a detailed Operational Drainage Plan to be developed based on the outline developed to date. Production of this plan is secured by DCO Requirement.<br><br>The Outline Operational Drainage Strategy **[APP-254]** states that the final Operational Drainage Plan would be designed to meet the technical requirements set out in the National Planning Policy Framework (NPPF). The surface water drainage system would use SuDS techniques which would be accommodated primarily within the onshore substation works area. Surface water discharge rates would be controlled to prevent any increase in flood risk to surrounding land from present day levels.<br><br>Some form of surface water attenuation could be required with sufficient capacity to retain a peak rainfall event (100-year event plus climate change). Controls would be in place to ensure that water discharge back to the surrounding area matches the existing greenfield runoff rates, discharging into the closest watercourse, which will be the drainage ditch location south of Ardleigh Road. The full specification for the water attenuation and drainage system would be addressed as part of detailed design post-consent. |
| | 4.10.6 | Integrated approaches, such as looking across the water cycle, considering coordinated management of water storage, supply, demand, wastewater, and flood risk can provide further benefits to address multiple infrastructure needs, as well as carbon sequestration benefits. | |
| | 4.10.7 | In addition to avoiding further GHG emissions when compared with more traditional adaptation approaches, nature-based solutions can also result in biodiversity benefits and net gain, as well as increasing absorption of carbon dioxide from the atmosphere. | |
| | 4.10.8 - 4.10.12 | New energy infrastructure will typically need to remain operational over many decades, in the face of a changing climate. Consequently, applicants must consider the direct (e.g. site flooding, limited water availability, storms, heatwave and wildfire threats to infrastructure and operations) and indirect (e.g. access roads or other critical dependencies impacted by flooding, storms, heatwaves or wildfires) impacts of climate change when planning the location, design, build, operation and, where appropriate, decommissioning of new energy infrastructure.<br><br>The ES should set out how the proposal will take account of the projected impacts of climate change, using government guidance and industry standard benchmarks such as the Climate Change Allowances for Flood Risk Assessments, Climate Impacts Tool,149 and British Standards for climate change adaptation, in accordance with the EIA Regulations.<br><br>Applicants should assess the impacts on and from their proposed energy project across a range of climate change scenarios, in line with appropriate expert advice and guidance available at the time.<br><br>Applicants should demonstrate that proposals have a high level of climate resilience built-in from the outset and should also demonstrate how proposals can be adapted over their predicted lifetimes to remain resilient to a credible maximum climate change scenario. These results should be considered alongside relevant research which is based on the climate change projections.<br><br>Where energy infrastructure has safety critical elements, the applicant should apply a credible maximum climate change scenario. It is appropriate to take a risk-averse approach with elements of infrastructure which are critical to the safety of its operation. | |
| Secretary of State decision making | 4.10.13 | The Secretary of State should be satisfied that applicants for new energy infrastructure have taken into account the potential impacts of climate change using the latest UK Climate Projections and | ES Chapter 33 Climate Change **[APP-047]** has been prepared (at the time of submission of the DCO application) using the latest UK Climate projections for the assessment, see Section 33.5.2.2. Further information on the assessment of flood |

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| | | associated research and expert guidance (such as the EA's Climate Change Allowances for Flood Risk Assessments or the Welsh Government's Climate change allowances and flood consequence assessments) available at the time the ES was prepared to ensure they have identified appropriate mitigation or adaptation measures. This should cover the estimated lifetime of the new infrastructure, including any decommissioning period. | risk for the Project is provided in ES Chapter 21 Water Resources and Flood Risk **[APP-035]** which has been prepared in accordance with the methodology and guidance set out in the Environment Agency Flood Risk Assessment: Climate Change Allowance (2016) guidance. |
| | 4.10.14 | Should a new set of UK Climate Projections or associated research become available after the preparation of the ES, the Secretary of State (or the Examining Authority during the examination stage) should consider whether they need to request further information from the applicant. | |
| | 4.10.15 – 4.10.19 | The Secretary of State should be satisfied that there are not features of the design of new energy infrastructure critical to its operation which may be seriously affected by more radical changes to the climate beyond that projected in the latest set of UK climate projections, taking account of the latest credible scientific evidence on, for example, sea level rise (for example by referring to additional maximum credible scenarios – i.e. from the Intergovernmental Panel on Climate Change or EA) and that necessary action can be taken to ensure the operation of the infrastructure over its estimated lifetime.<br><br>If any adaptation measures give rise to consequential impacts (for example on flooding, water resources or coastal change) the Secretary of State should consider the impact of the latter in relation to the application as a whole and the impacts guidance set out in Part 5 of this NPS.<br><br>Any adaptation measures should be based on the latest set of UK Climate Projections, the government's latest UK Climate Change Risk Assessment, when available, and in consultation with the EA's Climate Change Allowances for Flood Risk Assessments or the Welsh Government's Climate change allowances and flood consequence assessments.<br><br>The Secretary of State may take into account reporting authorities' reports (see paragraph 4.10.3 above) to the Secretary of State when considering adaptation measures proposed by an applicant for new energy infrastructure.<br><br>Adaptation measures should be required to be implemented at the time of construction where necessary and appropriate to do so. However, where they are necessary to deal with the impact of climate change, and that measure would have an adverse effect on other aspects of the project and/or surrounding environment (for example coastal processes), the Secretary of State may consider requiring the applicant to keep the need for the adaptation measure under review, and ensure that the measure could be implemented | As outlined in Section 33.5.2 of ES Chapter 33 Climate Change **[APP-047]** observed and projected changes to the climate baseline in the study area indicate that the key climate variables which could be affected by climate change are temperature, precipitation, wind speed, coastal erosion, sea temperature and extreme weather events.<br><br>As part of Step 1 to the CCRA Table 33.26 of ES Chapter 33 Climate Change **[APP-047]** it identifies the project receptors that are susceptible to potential climate hazards during the operational phase of the Project.<br><br>The climate hazards with potential to affect receptors associated with the Project are identified as:<br><br>• Higher temperatures (including heatwaves);<br>• Increased precipitation and surface water flooding;<br>• Sea level rise and conditions, including coastal erosion; and<br>• Storm events (high winds and flooding), including storm surges.<br><br>Step 2 of the CCRA Table 33.27 of ES Chapter 33 Climate Change **[APP-047]** provides an assessment of the vulnerability of the Project to the climate hazards identified. The table describes the embedded mitigation in the design of the Project to deal with such climate hazards. Given that the Project is considered to have low vulnerability to all climate hazards identified, further assessment of climate change impacts and associated risks (Steps 3 and 4 of CCRA) has not been undertaken. |

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| | | should the need arise, rather than at the outset of the development (for example increasing height of existing, or requiring new, sea walls). | |
| **4.11 Network Connection** | | | |
| Network Connection | 4.11.1 – 4.11.4 | The connection of a proposed electricity generation plant to the electricity network is an important consideration for applicants wanting to construct or extend a generation plant.<br><br>In the market system and in the past, it has been for the applicant to ensure that there will be necessary infrastructure and capacity within an existing or planned transmission or distribution network to accommodate the electricity generated.<br><br>To support the achievement of the transition to net zero, government is accelerating the co-ordination of the development of the grid network to facilitate the UK's net zero energy generation development and transmission.<br><br>Transmission network infrastructure, and related network reinforcement and upgrade works, associated with nationally significant low carbon infrastructure is considered as CNP Infrastructure. Further guidance can be found in Section 4.2 of this NPS and EN-5. | North Falls includes the infrastructure required to connect the new generating station to the National Grid. The Applicant and Five Estuaries Offshore Wind Farm have been allocated the same connection point to the national electricity transmission network by the Connection and Infrastructure Options Note process. This point is the East Anglia Connection Node Substation, which forms part of National Grid Electricity Transmission's proposed Norwich to Tilbury Project.<br><br>The Application includes the option for an offshore grid connection described as Build Option 3 in the Draft Development Consent Order (DCO) **[AS-022]** via the offshore converter platform, with Build Option 1 and 2 relating to an onshore grid connection. The Co-ordination Report **[AS-006]** sets out the context to this approach in more detail. |
| Applicant Assessment | 4.11.5 – 4.11.6 | The applicant must liaise with National Grid who own and manage the transmission network in England and Wales or the relevant regional DNO or TSO to secure a grid connection.<br><br>Applicants may wish to take a commercial risk where they have not received or accepted a formal offer of a grid connection from the relevant network operator at the time of the application. In this situation applicants should provide information as part of their application confirming that there is no obvious reason why a network connection would not be possible. | North Falls have in place a transmission connection agreement with NESO to connect into a new East Anglia Connection Node (EACN) substation, which is part of the Norwich to Tilbury Project. |
| | 4.11.7 – 4.11.8 | The Planning Act 2008 aims to create a holistic planning regime so that the cumulative effect of different elements of the same project can be considered together. Co-ordinated applications typically bring economic efficiencies and reduced environmental impact. The government therefore envisages that wherever reasonably possible, applications for new generating stations and related infrastructure should be contained in a single application to the Secretary of State or in separate applications submitted in tandem which have been prepared in an integrated way, as outlined in EN-5. This is particularly encouraged to ensure development of more co-ordinated transmission overall.<br><br>On some occasions it may not be possible to coordinate applications. For example, different elements of a project may have different lead-in times and be undertaken by different legal entities | The Applicant has co-ordinated and collaborated with Five Estuaries Offshore Wind Farm and National Grid's Norwich to Tilbury Project which includes the East Anglia Connection Node (EACN) substation, as well as other NSIPs, in the preparation of the Project.<br><br>North Falls and Five Estuaries have both been allocated the same grid connection point by National Grid Electricity Transmission (NGET), being the EACN, and have co-ordinated extensively on their development proposals to include: an aligned landfall location for the offshore export cables to come ashore; a shared onshore cable corridor; and an overlapping onshore substation zone for the co-location of their prospective substations.<br><br>The Co-ordination Report **[AS-006]** sets out how the Project has co-ordinated at multiple levels to reduce the impacts on the environment and local communities; at a strategic level as part of the Department of Energy Security and Net Zero |

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| | | subject to different commercial and regulatory frameworks (for example grid companies operate within OFGEM controls) making it inefficient from a delivery perspective to submit one application. Applicants may therefore decide to submit separate applications for each element. Where this is the case, the applicant should include information on the other elements and explain the reasons for the separate application confirming that there are no obvious reasons for why other elements are likely to be refused. | programmes for offshore co-ordination (Offshore Coordination Support Scheme) and at a project level with other NSIPs, in accordance with the relevant policies included within NPS EN-1, NPS EN-3, and NPS EN-5.<br><br>Following a commitment by North Falls and Five Estuaries to seek to co-ordinate and collaborate where practicable in order to minimise both projects' environmental and social effects, the onshore electrical connection options set out under Option 1 and 2 have been designed in coordination with Five Estuaries. |
| | 4.11.9 – 4.11.10 | If this option is pursued, the applicant accepts the implicit risks involved in doing so and must ensure they provide sufficient information to comply with the EIA Regulations including the indirect, secondary, and cumulative effects, which will encompass information on grid connections.<br><br>It is recognised that this may be the situation for some new offshore transmission projects, where applications for consent may be brought forward separate to (though planned with) the applications for associated wind farms as outlined in EN-5. | The onshore cable routes of the two projects will run immediately adjacent, with the footprint required for both covered by the onshore project area. This is to allow either project to install cable ducting for both projects to realise efficiencies in construction. In addition, the onshore substations have been co-located in the same location to the west of Little Bromley. Due to electrical requirements, separate cables and onshore substations are required for each project, and therefore construction of the Five Estuaries' cabling and onshore substation is not included within the North Falls DCO application.<br><br>When developing a co-ordinated design onshore, North Falls and Five Estuaries have developed three possible build-out scenarios for both projects. These are:<br><br>Scenario 1 – North Falls proceeds to construction and undertakes the additional onshore cable trenching and ducting works for Five Estuaries as part of a single construction activity (i.e. ducting for four electrical circuits). North Falls would undertake the cable installation and onshore substation construction for its project only (i.e. two electrical circuits). The two projects would share accesses from the public highway for onshore cable installation and substation construction. The projects would utilise and share the same Temporary Construction Compounds (TCC) for the cable installation works.<br><br>Scenario 2 – Both North Falls and Five Estuaries projects proceed to construction on different but overlapping timescales (between 1 and 3 years apart), with onshore cable trenching and ducting works undertaken independently but opportunities for reuse of enabling infrastructure e.g. haul roads / site accesses etc., with the other project then reinstating once complete.<br><br>Scenario 3 – Five Estuaries does not proceed to construction; or both Five Estuaries and North Falls projects proceed to construction on significantly different programmes (over 3 years apart). In the latter case the significantly different programmes would mean that haul roads and TCCs are reinstated prior to the second project proceeding. In such case cumulative impacts are for a potential construction period of 6 years+. This scenario presents no reduction in overall impacts for the projects from the sharing of infrastructure.<br><br>These potential build out scenarios are assessed within the project's Cumulative Effects Assessment (CEA). As with the assessment of the effects arising from the development of North Falls alone outlined above, each technical chapter of the ES **[APP-013 – APP-048]** has selected one of these build out Scenarios as the worst case for the technical topic, depending on the parameters relevant to that topic. To help provide clarity when reading the technical chapter CEA sections, each chapter |

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| | | | sets out how these scenarios interact with the grid connection options outlined above. |
| Secretary of State decision making | 4.11.11 – 4.11.13 | The Secretary of State should consider guidance contained within EN-5.<br>The Secretary of State should be satisfied that appropriate network connection arrangements are/will be in place for a given project regardless of whether one or multiple (linked) applications are submitted.<br>Where the Secretary of State has decided to grant consent for one project this should not in any way fetter the Secretary of State's ability to take subsequent decisions on any related projects. | North Falls have in place a transmission connection agreement with NESO to connect into a new East Anglia Connection Node (EACN) substation, which is part of the Norwich to Tilbury Project.<br>Appendix C of the Co-ordination Report **[AS-006]** includes The Tripartite Position Statement which outlines the position between North Falls, Five Estuaries, and National Grid. |
| **4.12 Pollution control and Other Environmental Regulatory Regimes** | | | |
| Pollution Control and Other Environmental Regulatory Regimes | 4.12.3 – 4.12.4 | Pollution from industrial sources in England and Wales is controlled through the Environmental Permitting (England and Wales) Regulations 2016. The Environmental Permitting Regulations require industrial facilities to have an Environmental Permit and meet limits on allowable emissions to operate.<br>Larger industrial facilities undertaking specific types of activity are required to use Best Available Techniques (BAT) to reduce emissions to air, water, and land. Agreement on what sector specific BAT standards are, will now be determined through a new UK-specific BAT process. | The Consents and Licences Statement **[AS-030]** sets out the Applicant's strategy for obtaining any consents, licences, permits or other agreements that may be necessary to construct, operate, maintain and decommission the Project.<br>The Environmental Permitting (England and Wales) Regulations 2016 require most waste management activities and discharges to surface or groundwater to have a permit. However, there are some exceptions to this, being activities that do not need a permit but do need to be registered. It is anticipated any permits under the aforementioned regulations would be applied for post the granting of consent. |
| Applicant assessment | 4.12.5 | Applicants should consult the MMO (or NRW in Wales) on energy NSIP projects which would affect, or would be likely to affect, any relevant marine areas as defined in the Planning Act 2008 (as amended by section 23 of the Marine and Coastal Access Act 2009). Applicants are encouraged to consider the relevant marine plans in advance of consulting the MMO for England or the relevant policy teams at the Welsh government. | The offshore ES Chapters detail engagement that has taken place with specific stakeholders in relation to assessing environmental impacts including the MMO. Engagement commenced prior to EIA scoping to discuss landfall and offshore export cable route selection and survey methods. Tables 3.2 and 3.3 of the Consultation Report **[AS-015]** sets out key meetings and engagement with the MMO that has informed the Project's development. |
| | 4.12.6 | Many projects covered by this NPS will be subject to the Environmental Permitting Regulations, which also incorporates operational waste management requirements for certain activities. When an applicant applies for an Environmental Permit, the relevant regulator (usually the EA or NRW but sometimes the local authority) requires that the application demonstrates that processes are in place to meet all relevant Environmental Permitting Regulations requirements. | The Consents and Licences Statement **[AS-030]** sets out the Applicant's strategy for obtaining any consents, licences, permits or other agreements that may be necessary to construct, operate, maintain and decommission the Project.<br>The Environmental Permitting (England and Wales) Regulations 2016 require most waste management activities and discharges to surface or groundwater to have a permit. However, there are some exceptions to this, being activities that do not need a permit but do need to be registered. It is anticipated any permits under the aforementioned regulations would be applied for post the granting of consent. |
| | 4.12.7 – 4.12.8 | Applicants should make early contact with relevant regulators, including EA or NRW and the MMO, to discuss their requirements for Environmental Permits and other consents, such as marine licences. | The deemed marine licences are contained within Schedules 8, 9, and 10 of the Draft Development Consent Order (DCO) **[AS-022]**. |

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| | | Wherever possible, applicants should submit applications for Environmental Permits and other necessary consents at the same time as applying to the Secretary of State for development consent. | Article 36 (Deemed marine licences under the 2009 Act) of the Development Consent Order (DCO) **[AS-022]** grants the deemed marine licences included in:<br>• Schedule 8 (deemed marine licence under the 2009 Act – generation assets);<br>• Schedule 9 (deemed marine licence under the 2009 Act - transmission assets); and<br>• Schedule 10 (deemed marine licence under the 2009 Act – transmission assets – offshore converter station).<br>The deemed consent is provided for under 149A of the 2008 Act and under section 65 of the Marine and Coastal Access Act 2009, the successor provision to section 34 of the Coast Protection Act 1949.<br>The Applicant has engaged with the MMO as part of the pre application process as set out in Table 3.2 and 3.3 of the Consultation Report **[AS-015]** and has continued to engage with them. The Applicant will be entering into a Statement of Common Ground with the MMO. |
| Secretary of State decision making | 4.12.9 – 4.12.10 | In considering an application for development consent the Secretary of State should focus on whether the development itself is an acceptable use of the land or sea, and the impact of that use, rather than the control of processes, emissions or discharges themselves.<br>The Secretary of State should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator. The Secretary of State should act to complement but not seek to duplicate them. | The Project is an acceptable use of land and sea and has been developed in accordance with the NPS EN-1, NPS EN-3, and NPS EN-5 which seeks to support the delivery of CNP Infrastructure. The supporting ES Chapters and RIAA set out the likely significant effects of the Project and explain how the mitigation hierarchy has been followed.<br>The Consents and Licences Statement **[AS-030]** sets out the Applicant's strategy for obtaining any consents, licences, permits or other agreements that may be necessary to construct, operate, maintain and decommission the Project.<br>The Outline Project Environmental Management Plan **[APP-241]** is provided by the Applicant, as part of the DCO application to provide a framework for the PEMP, outlining the measures proposed to manage the environmental risks associated with the construction and operation of the offshore components of North Falls. A range of mitigation measures are also proposed and are detailed in the Outline Code of Construction Practice **[APP-248]**. |
| | 4.12.11 – 4.12.13 | The Secretary of State's consent may include a deemed marine licence and the MMO, or NRW, will advise on what conditions should apply to the deemed marine licence.<br>The Secretary of State and the MMO, or NRW, should cooperate closely to ensure that energy NSIPs are licensed in accordance with environmental legislation.<br>In considering the impacts of the project, the Secretary of State may wish to consult the regulator on any management plans that would be included in an Environmental Permit application. | Part 6: Articles 35 and 36 provide powers for the operation of the generating station and the provision of the deemed marine licences in Schedules 8, 9 and 10 to the Draft Development Consent Order **[AS-022]**.<br>The Applicant has engaged with the MMO as part of the pre application process as set out in Table 3.2 and 3.3 of the Consultation Report **[AS-015]** and has continued to engage with them. The Applicant will be entering into a Statement of Common Ground with the MMO. |
| | 4.12.14 – 4.12.15 | The Secretary of State should be satisfied that development consent can be granted taking full account of environmental impacts. | A range of mitigation measures are proposed and are detailed in the Outline Code of Construction Practice **[APP-248]** submitted with the DCO application. During the construction phase, these measures include ground investigations and a |

| SECTION | NPS EN-1 PARAGRAPH | NPS EN-1 POLICY WORDING | ACCORDANCE WITH NPS POLICY |
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| | | Working in close cooperation with the EA or NRW and/or the pollution control authority, and other relevant bodies, such as the MMO, the SNCB, Drainage Boards, and water and sewerage undertakers, the Secretary of State should be satisfied, before consenting any potentially polluting developments, that:<br>• The relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework<br>• The effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable, particularly in relation to statutory environmental quality limits | hydrogeological risk assessment, a Horizontal Directional Drill Method Statement and Contingency Plan, crossing all Main Rivers and most ordinary watercourses using trenchless techniques, use of bailey bridges to traverse Main Rivers, applying best practice measures at trenched crossings and appointing a land drainage consultant to develop pre-and post-construction drainage plans designed to comply with the water quality design criteria outlined in the Construction Industry Research and Information Association Sustainable Drainage Systems manual. Outline soil management measures have been detailed in the Outline Code of Construction Practice **[APP-248]**.<br>The Applicant will operate an Environmental Management System (EMS) based on the requirements of ISO 14001:2015, that describes the processes and Outline Project Environmental Management Plan **[APP-241]** procedures by which the Applicant identifies and manages significant risks associated with its operations and activities. The EMS is a primary mechanism by which environmental policy commitments, such as compliance with relevant legislation and standards, pollution prevention and continual improvement in environmental performance are measured, monitored and delivered. The EMS will provide the preparation and implementation of a programme of environmental monitoring and auditing to ensure that the Applicant's environmental standards are being adhered to.<br>Specifically in relation to pollution the Outline Project Environmental Management Plan **[APP-241]** refers to the following plans and measures to ensure compliance with the plan itself but also under the relevant pollution control framework:<br>*Releases of oil or hazardous substances to the marine environment*<br>• Marine Pollution Contingency Plan (MPCP) secured as part of the PEMP under Condition 21 of Part 2 Conditions of Schedule 8 of the Draft DCO **[AS-022]**.<br>*Marine water and sediment quality*<br>• Chemical Risk Assessment secured as part of the PEMP under DML Condition 21 of Part 2 Conditions of Schedule 8 of the Draft DCO **[AS-022]**.<br>• Marine Pollution Contingency Plan (MPCP) secured as part of the PEMP under DML Condition 21 of Part 2 Conditions of Schedule 8 of the Draft DCO **[AS-022]**.<br>• The waste management and disposal plan is secured through DML Condition 21 Part 2 of Schedule 8 and DML Condition 22 Part 2 of Schedule 9 of the draft DCO **[AS-022]**. |
| | 4.12.16 | The Secretary of State should not refuse consent on the basis of pollution impacts unless there is good reason to believe that any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted. On this basis, it is reasonable for the Secretary of State to consider residual amenity issues only when considering whether the development itself is an acceptable use of the land or sea, and on the impacts of that use. | |
| **4.13 Safety** | | | |
| Safety | 4.13.3 – 4.13.4 | Some energy infrastructure will be subject to the Control of Major Accident Hazards (COMAH) Regulations 2015. These Regulations aim to prevent major accidents involving dangerous substances and limit the consequences to people and the environment of any that do occur. COMAH regulations apply throughout the life cycle of the facility, i.e. from the design and build stage through to decommissioning. They are enforced by the Competent Authority | No dangerous substances listed under Schedule 1 of the Control of Major Accident Hazards (COMAH) Regulations 2015 is required as part of the project design and therefore hazardous substances consent is not anticipated. The Project is not subject to the COMAH Regulations 2015. |

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| | | comprising HSE or ONR (Office for Nuclear Regulation, for nuclear) and the EA acting jointly in England and by the HSE and NRW acting jointly in Wales, and the HSE and Scottish Environment Protection Agency (SEPA) acting jointly in Scotland.<br><br>The same principles apply here as for those set out in the previous section on pollution control and other environmental permitting regimes. | |
| Applicant Assessment | 4.13.5 – 4.13.7 | Applicants should consult with the HSE on matters relating to safety.<br><br>Applicants seeking to develop infrastructure subject to the COMAH regulations should make early contact with the Competent Authority.<br><br>If a safety report is required it is important to discuss with the Competent Authority the type of information that should be provided at the design and development stage, and what form this should take. This will enable the Competent Authority to review as much information as possible before construction begins, in order to assess whether the inherent features of the design are sufficient to prevent, control and mitigate major accidents. | The HSE has been consulted and feedback is presented in Section 34.2 Consultation (see Table 34.1) of ES Chapter 34 Major Accidents and Disasters **[AS-012]**.<br><br>No dangerous substances listed under Schedule 1 of COMAH Regulations 2015 is required as part of the project design and therefore hazardous substances consent is not anticipated. |
| Secretary of State decision making | 4.13.8 | The Secretary of State should be satisfied that a safety assessment has been prepared, where required, and that the Competent Authority has raised no safety objections. | |
| **4.14 Hazardous Substances** | | | |
| Hazardous Substances | 4.14.1 – 4.14.2 | All establishments wishing to hold stocks of certain hazardous substances above a threshold need 'Hazardous Substances Consent.<br><br>The Hazardous Substances Authority (HSA) has responsibility for deciding whether the risk of storing hazardous substances is tolerable for the community. The HSA will usually be the local planning authority. In some circumstances, the county council are the HSA. | The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) would likely require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended.<br><br>Hazardous substances above the set threshold quantities are not part of the Project design, and therefore hazardous substances consent is not anticipated.<br><br>ES Chapter 34 Major Accidents and Disasters **[AS-012]** Table 34.1 provides a summary of the consultation responses received from HSE and how they have been considered in the approach taken. |
| | 4.14.3 | HSE is a statutory consultee on applications for hazardous substances consent. HSE is required to undertake detailed assessment work before producing its public safety statutory advice and the supporting consultation distances. This involves HSE considering the compatibility of the proposal outlined in the application (e.g. to store defined quantities of each hazardous substance in specific locations on site) against the risks to the offsite population. HSE advice takes into account existing and potential developments in the area. The aim of HSE's advice is to mitigate the effects of a major accident on the populations around a major hazard site or pipeline. | |

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| | 4.14.4 | Where HSE does not advise against the Secretary of State granting the consent, it will also recommend whether the consent should be granted subject to any requirements. | |
| Applicant Assessment | 4.14.5 | Applicants must consult the HSA and HSE at pre-application stage if the project is likely to need hazardous substances consent. Hazardous substances consents are a part of the planning regime which contributes to public safety. | |
| | 4.14.6 | HSE sets a consultation distance around every site with hazardous substances consent and notifies the relevant local planning authorities. The applicant should therefore consult the local planning authority at pre-application stage to identify whether its proposed site is within the consultation distance of any site with hazardous substances consent and, if so, should consult the HSE for its advice on locating the particular development on that site. Where a hazardous substance consent has been deemed to be granted, the developer is required to send the relevant HSA any information required by them for the purposes of a register. | |
| Secretary of State Decision Making | 4.14.7 | Where hazardous substances consent is applied for, the Secretary of State will consider whether to make an order directing that hazardous substances consent shall be deemed to be granted alongside making an order granting development consent. The Secretary of State should consult HSE about this. | |
| **4.15 Common Law Nuisance and Statutory Nuisance** | | | |
| Applicant Assessment | 4.15.5 | At the application stage of an energy NSIP, possible sources of nuisance under section 79(1) of the EPA 1990 and how they may be mitigated or limited should be identified by the applicant so that appropriate requirements can be included in any subsequent order granting development consent (see Section 5.7 on dust, odour, artificial light etc. and Section 5.12 on noise and vibration). | Section 79(1) of the EPA 1990 states:<br>"*the following matters constitute "statutory nuisances" for the purposes of this Part **[**of the Act**]**, that is to say*<br>*a) any premises in such a state as to be prejudicial to health or a nuisance;*<br>*b) smoke emitted from premises so as to be prejudicial to health or a nuisance;*<br>*c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance;*<br>*d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;*<br>*e) any accumulation or deposit which is prejudicial to health or a nuisance;*<br>*f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;*<br>*(fa) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance;*<br>*(fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance;* |
| Secretary of State decision making | 4.15.6 – 4.15.7 | At the application stage of an energy NSIP, possible sources of nuisance under section 79(1) of the EPA 1990 and how they may be mitigated or limited should be considered by the Secretary of State so that appropriate requirements can be included in any subsequent order granting development consent (see Section 5.7 on dust, odour, artificial light etc. and Section 5.12 on noise and vibration).<br>The Secretary of State should note that the defence of statutory authority is subject to any contrary provision made by the Secretary of State in any particular case in a Development Consent Order (section 158(3) of the Planning Act 2008). Therefore, subject to Section 5.7 and Section 5.12, the Secretary of State can disapply the defence of statutory authority, in whole or in part, in any | |

| SECTION | NPS EN-1 PARAGRAPH | NPS EN-1 POLICY WORDING | ACCORDANCE WITH NPS POLICY |
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| | | particular case, but in so doing should have regard to whether any particular nuisance is an inevitable consequence of the development. | *g) noise1 emitted from premises so as to be prejudicial to health or a nuisance;*<br><br>*(ga) noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street; and*<br><br>*h) any other matter declared by any enactment to be a statutory nuisance."*<br><br>It is considered that the Project has the potential to give rise to complaints from local communities under sub-paragraphs (g) and (ga) under Section 79(1) in relation to noise (and vibration). The Statutory Nuisance Statement **[APP-239]** also considers air quality (subparagraph (d)) and lighting (sub-paragraph (fb)).<br><br>Whilst the ES concludes that no such nuisance will occur, a provision has been included in the Draft Development Consent Order **[AS-022]** at Article 7 which relates to defence to proceedings in respect of statutory nuisance. The Explanatory Memorandum **[AS-024]** provides further information.<br><br>The Applicant considers that none of the matters specified in Section 79(1) are engaged by the offshore elements of the Project, principally because the Project is located in the North Sea approximately 40km from the east coast of England. As such, the offshore aspects are not considered further within the Statutory Nuisance Statement **[APP-239]**.<br><br>The likely noise and vibration effects from construction, operation, maintenance and decommissioning of the onshore elements of the Project have been predicted and assessed in accordance with the appropriate legislation and guidance and are detailed in ES Chapter 26 Noise and Vibration **[APP-040]**. Survey data has been utilised to determine the baseline noise levels at locations representative of the potentially most affected noise sensitive receptors.<br><br>The Applicant has designed the Project in such a way as to seek to minimise environmental effects and has also included a variety of measures to mitigate any remaining effects further still. These measures are secured by the Requirements contained in Part 3 of Schedule 1 to the Draft DCO **[AS-022]** which cover a number of relevant matters including:<br><br>• A Code of Construction Practice in relation to onshore works, covering a wide range of matters, including:<br>• Construction noise mitigation measures;<br>• A Dust Management Plan;<br>• A Soil Management Plan;<br>• Limits on onshore construction hours;<br>• Details of operational external lighting at the onshore substation.<br><br>Following adherence to the measures set out in the plans described, no significant residual effects are predicted in relation to noise, air quality and light emissions; therefore, they are not expected to engage Section 79(1).<br><br>Notwithstanding the above conclusion, the Draft DCO **[AS-022]** that accompanies the Application contains a provision at Article 7 (Defence to proceedings in respect of statutory nuisance) that would provide a defence to proceedings for statutory |

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| | | | nuisance should they be initiated against NFOW as undertaker under the terms of the DCO. Given the Project's status as nationally significant infrastructure it is appropriate that NFOW are protected from proceedings under Section 79 of the Environmental Protection Act (1990) and is capable of construction and subsequent continued operation. |
| **4.16 Security Considerations** | | | |
| Applicant Assessment | 4.16.6 – 4.16.7 | Where national security implications have been identified, the applicant should consult with relevant security experts from NPSA, ONR (for civil nuclear) and/or DESNZ to ensure security measures have been adequately considered in the design process and that adequate consideration has been given to the management of security risks.<br>The applicant should only include sufficient information in the application as is necessary to enable the Secretary of State to examine the development consent issues and make a properly informed decision on the application. | The Project would not result in any national security implications as currently identified and with proposed mitigation measures in place. Therefore, it was not necessary to consult NPSA or ONR.<br>ES Chapter 17 Aviation and Radar **[APP-031]** has provided a characterisation of the existing aviation and radar environment likely to be affected by North Falls. Desk-based data with full coverage across the North Falls aviation and radar study area was used to inform the assessments and full details are provided in Section 17.4.2.<br>A summary of the potential impacts on aviation and radar, mitigation measures and conclusion of likely significant effects in EIA terms are presented in Table 17.9. The impacts assessed include: Impacts on civil and military radar systems, due to the height of construction vessels (i.e. cranes and partially complete structures); creation of an aviation obstacle environment; and Increased air traffic in areas related to wind farm activity and wind turbine generators causing permanent interference on civil and military radars.<br>Considering the implementation of the mitigation measures proposed, the impacts on aviation and radar during the construction, operation and decommissioning phases of North Falls have been assessed as not significant or to cause no change. The assessment also considered potential cumulative effects also assessed as not significant (Section 17.8 of ES Chapter 17 Aviation and Radar **[APP-031]**).<br>Transboundary effects on aviation and radar are unlikely to occur as the North Falls array area is completely within UK airspace and any effect would be localised. |
| Secretary of State decision making | 4.16.8 – 4.16.10 | If NPSA, ONR (for civil nuclear) and/or DESNZ are satisfied that security issues have been adequately addressed in the project when the application is submitted to the Secretary of State, it will provide confirmation of this to the Secretary of State. The Secretary of State should not need to give any further consideration to the details of the security measures in its examination.<br>In exceptional cases, where examination of an application would involve public disclosure of information about defence or national security which would not be in the national interest, the examination of that evidence may take place in a closed session as set out under Examination Procedure Rules.<br>The Secretary of State must also consider duties under other legislation including duties under the Environment Act 2021 in relation to environmental targets and the Government's Environmental Improvement Plan 2023. | |
| **Part 5 Generic Impacts** | | | |
| **5.2 Air Quality and emissions** | | | |
| Applicant Assessment | 5.2.8 – 5.2.10 | Where the project is likely to have adverse effects on air quality the applicant should undertake an assessment of the impacts of the proposed project as part of the ES.<br>The ES should describe:<br>• Existing air quality concentrations and the relative change in air quality from existing levels; | Air Quality is assessed ES Chapter 20 Onshore Air Quality **[APP-034].**<br>Section 20.5 'Existing environment' outlines existing air quality concentrations and the data used to establish the levels. The characterisation of the existing environment has been undertaken using data sources listed in Table 20.7. The baseline data sources are sufficient to provide an assessment of potential air quality impacts arising from North Falls and were agreed with Tendring District Council during technical engagement (pers. comm., 9 November 2022). |

| SECTION | NPS EN-1 PARAGRAPH | NPS EN-1 POLICY WORDING | ACCORDANCE WITH NPS POLICY |
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| | | • Any significant air quality effects, mitigation action taken and any residual effects, distinguishing between the project stages and taking account of any significant emissions from any road traffic generated by the project;<br>• The predicted absolute emissions, concentration change and absolute concentrations as a result of the proposed project, after mitigation methods have been applied; and<br>• Any potential eutrophication impacts.<br>In addition, applicants should consider the Environment Targets (Fine Particulate Matter) (England) Regulations 2022 and associated Defra guidance. | Section 20.6 'Assessment of significance' assesses the likely significant effects during construction, operation, and decommissioning, and the mitigation measures proposed. The assessment includes emissions arising from road traffic.<br>Section 20.6 'Assessment of significance' also includes an assessment of the predicted absolute emission levels.<br>Section 20.6 'Assessment of significance' also considers the impact of nitrogen deposition upon sensitive habitats, including potential eutrophication effects.<br>Section 20.4.1 'Legislation, guidance and policy' refers to the relevant Defra guidance and the Environmental Targets (Fine Particulate Matter) (England) Regulations 2023. |
| | 5.2.11 | Defra publishes future national projections of air quality based on estimates of future levels of emissions, traffic, and vehicle fleet. Projections are updated as the evidence base changes and the applicant should ensure these are current at the point of an application. The applicant's assessment should be consistent with this but may include more detailed modelling and evaluation to demonstrate local and national impacts. If an applicant believes they have robust additional supporting evidence, to the extent they could affect the conclusions of the assessment, they should include this in their representations to the Examining Authority along with the source. | The assessment uses Defra's published air quality data as presented in Section 20.5 of ES Chapter 20 Onshore Air Quality **[APP-034]**. |
| | 5.2.12 | Where a proposed development is likely to lead to a breach of any relevant statutory air quality limits, objectives or targets, or affect the ability of a non compliant area to achieve compliance within the timescales set out in the most recent relevant air quality plan/strategy at the time of the decision, the applicant should work with the relevant authorities to secure appropriate mitigation measures to ensure that those statutory limits, objectives or targets are not breached. | Assessments of the compliance of the Project against relevant statutory air quality limits objectives or targets are presented in Section 20.6 of ES Chapter 20 Onshore Air Quality **[APP-034]**.<br>The study area for onshore air quality does not pass through, nor is it adjacent to, any statutory designated Air Quality Management Areas (AQMAs). The Tendring District Council monitoring network was amended in 2022 and 2020; therefore, results were obtained from the 2023, 2021 and 2019 ASR show the annual mean nitrogen dioxide (NO2) objective of 40µg m-3 has not been exceeded across the five-year period. The monitoring records indicate a declining trend in annual mean concentrations of NO2 since 2017.<br>Potential impacts assessed for the construction and decommissioning phases include:<br>• Construction dust and fine particulate matter;<br>  • NRMM emissions; and<br>  • Construction phase road vehicle exhaust emissions.<br>Operational impacts on air quality have been scoped out given the cable will be underground and the onshore substation will not produce emissions that would generate levels of dust and particulate matter sufficient to result in significant effects. An exception to this is emission generated during the reinstatement of the haul road connecting Bentley Road to Ardleigh Road to service Abnormal Indivisible |

| SECTION | NPS EN-1 PARAGRAPH | NPS EN-1 POLICY WORDING | ACCORDANCE WITH NPS POLICY |
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| | | | Load movements to the onshore substation in the unlikely event of transformer failure during the Project's lifetime.<br><br>North Falls will implement best practice dust mitigation measures, and follow mitigation measures specific to NRMM, which will be outlined in the Code of Construction Practice. Additionally, air quality considerations have been included in the site selection process (ES Chapter 4 Site Selection and Assessment of Alternatives, **[APP-018]**) for the onshore substation and associated infrastructure and using the shortest cable route length where practicable.<br><br>Table 20.56 of ES Chapter 20 Onshore Air Quality **[APP-034]** provides a summary of the potential environmental effects of the Project. With the implementation of mitigation measures, North Falls is predicted to have no significant effects on air quality during all project phases.<br><br>There is potential for cumulative effects to occur with Five Estuaries Offshore Wind Farm or any other project. However, when considering proposed mitigation measures, it is not anticipated that cumulative effects are likely to be significant in EIA terms. |
| | 5.2.13 - 5.2.14 | The Secretary of State should consider whether mitigation measures are needed both for operational and construction emissions over and above any which may form part of the project application. A construction management plan may help codify mitigation at this stage. In doing so the Secretary of State should have regard to the Air Quality Strategy in England, or the Clean Air Plan for Wales in Wales, or any successors to these and should consider relevant advice within Local Air Quality Management guidance and PM2.5 targets guidance.<br><br>The mitigations identified in Section 5.14 on traffic and transport impacts will help mitigate the effects of air emissions from transport. | A summary of embedded mitigation measures relevant to air quality is described in Section 20.3.3 of ES Chapter 20 Onshore Air Quality **[APP-034]**. The assessments determined there is no requirement for additional mitigation measures, as described in Section 20.6. |
| Secretary of State decision making | 5.2.15 – 5.2.16 | Many activities involving air emissions are subject to pollution control. The considerations set out in Section 4.12 on the interface between planning and pollution control therefore apply. The Secretary of State must also consider duties under other legislation including duties under the Environment Act 2021 in relation to environmental targets and have regard to policies set out in the Government's Environmental Improvement Plan 2023. | North Falls would not be in breach of any air quality Objectives at any identified sensitive receptor locations.<br><br>Assessments of the compliance of the Project against relevant statutory air quality limits objectives or targets are presented in Section 20.6 of ES Chapter 20 Onshore Air Quality **[APP-034]**. With the implementation of mitigation measures identified in ES Chapter 20, North Falls is predicted to have no significant effects on air quality during all project phases. |
| | 5.2.17 – 5.2.18 | The Secretary of State should give air quality considerations substantial weight where a project is proposed near a sensitive receptor site, such as an education or healthcare facility, residential use or a sensitive or protected habitat.<br><br>Where a project is proposed near to a sensitive receptor site for air quality, if the applicant cannot provide justification for this location, and a suitable mitigation plan, the Secretary of State should refuse consent. | |

| SECTION | NPS EN-1 PARAGRAPH | NPS EN-1 POLICY WORDING | ACCORDANCE WITH NPS POLICY |
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| | 5.2.19 | In all cases, the Secretary of State must take account of any relevant statutory air quality limits, objectives and targets. If a project will lead to non-compliance with a statutory limit, objective or target the Secretary of State should refuse consent. | North Falls would not be in breach of any air quality Objectives at any identified sensitive receptor locations. |
| **5.3 Greenhouse Gas Emissions** | | | |
| Applicant Assessment | 5.3.4 | All proposals for energy infrastructure projects should include a GHG assessment as part of their ES (See Section 4.3). This should include:<br>• A whole life GHG assessment showing construction, operational and decommissioning GHG impacts, including impacts from change of land use.<br>• An explanation of the steps that have been taken to drive down the climate change impacts at each of those stages.<br>• Measurement of embodied GHG impact from the construction stage.<br>• How reduction in energy demand and consumption during operation has been prioritised in comparison with other measures.<br>• How operational emissions have been reduced as much as possible through the application of best available techniques for that type of technology.<br>• Calculation of operational energy consumption and associated carbon emissions.<br>• Whether and how any residual GHG emissions will be (voluntarily) offset or removed using a recognised framework.<br>• Where there are residual emissions, the level of emissions and the impact of those on national and international efforts to limit climate change, both alone and where relevant in combination with other developments at a regional or national level, or sector level, if sectoral targets are developed. | The GHG assessment presented in ES Chapter 33 Climate Change **[APP-047]** quantifies GHG emissions arising from the construction (including embodied carbon), operation and maintenance, and decommissioning phases of the Project and includes a whole life assessment of GHG emissions from these phases. The assessment approach is outlined in Section 33.4.3.1 and ES Appendix 33.1 Greenhouse Gas Assessment Methodology **[APP-172]**, and the assessment is presented in Section 33.6.1.<br>The Project will seek to minimise where practicable GHG emissions during each phase through the use of best available techniques and efficient design/management (i.e. through offshore vessel and onshore traffic management plans).<br>A summary of mitigation measures recommended to reduce GHG emissions through the lifetime of the Project is provided in Sections 33.3.3 and 33.6.1 of ES Chapter 33 Climate Change **[APP-047]**. Once operational, the Project will have a carbon benefit after 2.5 years (as discussed in Section 33.6.1.4 of ES Chapter 33). |
| Mitigation | 5.3.5 – 5.3.7 | A GHG assessment should be used to drive down GHG emissions at every stage of the proposed development and ensure that emissions are minimised as far as possible for the type of technology, taking into account the overall objectives of ensuring our supply of energy always remains secure, reliable and affordable, as we transition to net zero.<br>Applicants should look for opportunities within the proposed development to embed nature-based or technological solutions to mitigate or offset the emissions of construction and decommissioning. | Mitigation measures to curb GHG emissions have also been considered as part of the assessment and embedded into the design as outlined in Sections 33.3.3.1 and 33.6.1, these include the minimising of emissions associated with the Project, through industry good practice measures in the Outline Code of Construction Practice **[APP-248]**, and a sustainable approach to securing materials etc.<br>It is anticipated that the requirements for a GHG Reduction Strategy under NPS EN-1 is primarily aimed at other energy generation forms.<br>ES Chapter 33 Climate Change **[APP-047]**, clearly demonstrates the benefit of provision of renewable energy to the grid, through the provision of the Project. |

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| | | Steps taken to minimise and offset emissions should be set out in a GHG Reduction Strategy, secured under the Development Consent Order. The GHG Reduction Strategy should consider the creation and preservation of carbon stores and sinks including through woodland creation, hedgerow creation and restoration, peatland restoration and through other natural habitats. | |
| Secretary of State decision making | 5.3.8 – 5.3.10 | The Secretary of State must be satisfied that the applicant has as far as possible assessed the GHG emissions of all stages of the development.<br><br>The Secretary of State should be content that the applicant has taken all reasonable steps to reduce the GHG emissions of the construction and decommissioning stage of the development.<br><br>The Secretary of State should give appropriate weight to projects that embed nature-based or technological processes to mitigate or offset the emissions of construction and decommissioning within the proposed development. However, in light of the vital role energy infrastructure plays in the process of economy wide decarbonisation, the Secretary of State must accept that there are likely to be some residual emissions from construction and decommissioning of energy infrastructure. | The GHG assessment and any recommended mitigation measures are presented in Section 33.6.1 of ES Chapter 33 Climate Change **[APP-047]**.<br><br>Please refer to the Applicants response to Paragraph 5.3.4 of NPS EN-1. |
| | 5.3.11 – 5.3.12 | Operational GHG emissions are a significant adverse impact from some types of energy infrastructure which cannot be totally avoided (even with full deployment of CCS technology). Given the characteristics of these and other technologies, as noted in Part 3 of this NPS, and the range of non-planning policies that can be used to decarbonise electricity generation, such as the UK ETS (see Section 2.4), government has determined that operational GHG emissions are not reasons to prohibit the consenting of energy projects or to impose more restrictions on them in the planning policy framework than are set out in the energy NPSs (e.g. the CCR requirements). Any carbon assessment will include an assessment of operational GHG emissions, but the policies set out in Part 2, including the UK ETS, can be applied to these emissions.<br><br>Operational emissions will be addressed in a managed, economy-wide manner, to ensure consistency with carbon budgets, net zero and our international climate commitments. The Secretary of State does not, therefore need to assess individual applications for planning consent against operational carbon emissions and their contribution to carbon budgets, net zero and our international climate commitments. | |
| **5.4 Biodiversity and geological conservation** | | | |

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| Biodiversity and geological conservation | 5.4.2 | In the 25 Year Environment Plan, the government set out its vision for a quarter of-a-century action to help the natural world regain and retain good health. A commitment to review the plan every 5 years was set into law in the Environment Act 2021. The Environmental Improvement Plan was published in 2023, which reinforces the intent of the 25 Year Environment Plan and sets out a plan to deliver on its framework and vision. The government's policy for biodiversity in England is set out in the Environmental Improvement Plan 2023, the National Pollinator Strategy and the UK Marine Strategy. The aim is to halt overall biodiversity loss in England by 2030 and then reverse loss by 2042, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people. This aim needs to be viewed in the context of the challenge presented by climate change. Healthy, naturally functioning ecosystems and coherent ecological networks will be more resilient and adaptable to climate change effects. Failure to address this challenge will result in significant adverse impact on biodiversity and the ecosystem services it provides. | Geological designated sites and impacts relating to climate change are discussed in Table 19.10 and Section 19.5.2 of ES Chapter 19 Ground Conditions and Contamination **[APP-033]** respectively.<br><br>No geologically designated sites, or Local Geological Sites, have been identified within the onshore project area (see ES Chapter 19 Figure 19.4 **[APP-064]**) and so an assessment of potential impacts to these features has not been undertaken.<br><br>Impacts to the ecologically designated sites are set out in Section 19.6.1 and 19.6.2 with further detail provided in ES Chapter 23 Onshore Ecology **[APP-037]**. |
| | 5.4.7 – 5.4.8 | Many SSSIs are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of SSSIs not covered by an international designation, should be given a high degree of protection. Most National Nature Reserves are notified as SSSIs.<br><br>Development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits (including need) of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs. | As the only designated sites for nature conservation located within the onshore project area, consideration of potential effects upon Holland Haven Marshes SSSI and LNR have been assessed separately to other designated sites.<br><br>Impacts upon Holland Haven Marshes SSSI and LNR have been considered against the interest features of the SSSI identified in Section 23.5.2.1 of ES Chapter 23 Onshore Ecology **[APP-037]** which are as follows:<br><br>• The ditch network, which, the citation states, represents an outstanding example of freshwater to brackish water transition intimated by the aquatic plant communities, and which include a number of nationally and locally scarce species.<br><br>• The adjoining grasslands, which are of botanical importance in their own right as well as acting as a buffer zone to the ditch system.<br><br>• Aquatic and terrestrial invertebrates associated with these habitats.<br><br>The potential impacts assessed in relation to Holland Haven Marshes SSSI and LNR are as follows:<br><br>• Indirect effects from trenchless crossing breakout; and<br><br>• Indirect effects from road traffic emissions.<br><br>Overall, as reported in Section 23.6.1 the worst case effect upon Holland Haven Marshes SSSI and LNR is predicted to be minor adverse during construction, which is not significant in EIA terms. It is anticipated that the decommissioning impacts will be similar in nature to those identified during construction.<br><br>Only minor cumulative effects could occur on Holland Haven Marshes SSSI and LNR, due to the use of HDD by both projects and the mitigation implemented by North Falls has minimised any potential effects to minor adverse. An Outline |

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| | | | Horizontal Directional Drill Method Statement and Contingency Plan has been provided with the DCO application for North Falls **[APP-250]**. No significant cumulative effects are therefore likely to occur.<br><br>Effects on designated nature conservation sites during operation are expected to be negligible, and during decommissioning effects are expected to be equivalent or less than those predicted/ assessed during construction. It is therefore considered that effects to designated sites would not combine over the lifetime of North Falls to increase the significance level of any effects. |
| | 5.4.9 | Marine Conservation Zones (MCZs) (Marine Protected Areas in Scotland), introduced under the Marine and Coastal Access Act 2009, are areas that have been designated for the purpose of conserving marine flora or fauna, marine habitats or types of marine habitat or features of geological or geomorphological interest. The protected feature or features and the conservation objectives for the MCZ are stated in the designation order for the MCZ. If a proposal is likely to have significant impacts on an MCZ, an MCZ Assessment should be undertaken as per the requirements under section 126 of the Marine and Coastal Access Act 2009. Government has recently designated the first three Highly Protected Marine Areas in England. These are designated as MCZs but with a higher conservation objective and with a single feature of the whole ecosystem within the site boundaries. | Section 9 of the Marine Conservation Zone Assessment Report **[APP-237]** states that based on the information presented in the report which include assessments on the relevant broadscale habitats and habitat features of conservation interest, it can be concluded that the conservation objectives for the Blackwater, Crouch Roach and Colne (Estuaries MCZ) and the Kentish Knock East MCZ will not be hindered by the construction, operation and decommissioning phases of North Falls. Consultation feedback from the preliminary Stage 1 Assessment has been considered and incorporated into the Marine Conservation Zone Assessment Report **[APP-237]** for the DCO application. Based on the outcome of the Stage 1 Assessment, a Stage 2 Assessment is not required. There is no requirement for a Marine and Coastal Access Act 2009 derogation case. |
| | 5.4.12 | Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Wildlife Sites, are areas of substantive nature conservation value and make an important contribution to ecological networks and nature's recovery. They can also provide wider benefits including public access (where agreed), climate mitigation and helping to tackle air pollution. | Please refer to the Applicant's response to Paragraph 5.4.7 – 5.4.8 of NPS EN-1. |
| | 5.4.15 | Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland183. Keepers of Time, the government's policy for ancient and native trees and woodlands in England sets out the government's commitment to maintain and enhance the existing area of ancient woodland, maintain and enhance the existing resource of known ancient and veteran trees, excluding natural losses from disease and death, and to increase the percentage of ancient woodland in active management. Ancient and veteran trees found outside ancient woodland are also particularly valuable. Other types of irreplaceable habitats include blanket bog, limestone pavement, coastal sand dunes, spartina salt marsh swards, mediterranean saltmarsh scrub, and lowland fen. | The onshore cable route does not cross areas of ancient woodland. However, ancient woodland is present within the ES boundary and information relating to this is presented in Section 23.5.2 of ES Chapter 23 Onshore Ecology **[APP-037]**.<br><br>Table 23.33 sets out the Potential effects upon designated sites for nature conservation including ancient woodland. All ancient woodland receptors within the ES boundary as negligible during construction.<br><br>As part of the Project's embedded mitigation, site selection has sought to avoid locating infrastructure within woodland as far as practicable. Where this has not been practicable, direct effects upon all remaining woodland parcels will be avoided through the use of trenchless techniques (e.g. HDD) to install cable ducts beneath woodlands. Where this takes place, cable ducts will be installed at least 2m below ground level to ensure the majority of the root zone is avoided.<br><br>As noted in Section 23.6.1.2 above, no ancient woodland will be directly affected by the Project's onshore works, including Simon's Wood ancient woodland, where no works will take place within 15m of the habitat. |

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| | | | The significance of effect for woodlands is minor adverse, which is not significant in EIA terms. No significant cumulative effects are likely to arise on woodland and veteran trees from dust emissions. |
| | 5.4.16 | Many individual species receive statutory protection under a range of legislative provisions. Other species and habitats have been identified as being of principal importance for the conservation of biodiversity in England and Wales, as well as for their continued benefit for climate mitigation and adaptation and thereby requiring conservation action. | Information on protected species and habitats is provided in Section 23.5 and the outcome of the assessment process is provided in Section 23.6 of ES Chapter 23 Onshore Ecology **[APP-037]**.<br><br>Baseline information on the presence and distribution of Schedule 1 species and other target species of higher conservation value within the onshore project area is provided in Section 24.5 of ES Chapter 24 Onshore Ornithology **[APP-038]** and the outcome of the assessment process is provided in Section 24.6. |
| Applicant Assessment | 5.4.17 – 5.4.18 | Where the development is subject to EIA, the applicant should ensure that the ES clearly sets out any effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats.<br><br>The applicant should provide environmental information proportionate to the infrastructure where EIA is not required to help the Secretary of State consider thoroughly the potential effects of a proposed project. | Relevant designated sites are discussed in Sections 10.5.6, 10.5.7 and 10.5.8 of ES Chapter 10 Benthic and Intertidal Ecology **[APP-024]** and the likely significant effects on the associated benthic ecology is assessed in Section 10.6. In addition, a RIAA **[APP-173** – **APP-182]** and MCZ Assessment **[APP-237]** are included with the DCO application.<br><br>Ecologically designated sites are also discussed within Table 19.10 of ES Chapter 19 Ground Conditions and Contamination **[APP-033]** within, with additional details in Appendix 19.1 (APP-112). Impacts to the ecologically designated sites are set out in Section 19.6.1 and 19.6.2, with further detail provided in ES Chapter 23 Onshore Ecology **[APP-037]**.<br><br>Potential impacts on river channels, which provide physical habitats of importance for ecology, protected species and the conservation of biodiversity, are considered in Section 21.6 of ES Chapter 21 Water Resources and Flood Risk **[APP-035]**.<br><br>Potential impacts on internationally, nationally and locally designated sites or ecological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity are considered in Section 23.6 of ES Chapter 23 Onshore Ecology **[APP-037]**. Additionally embedded mitigation measures are provided in Section 23.3.3 and where applicable, additional mitigation measures are outlined in Section 23.6. |
| | 5.4.19 – 5.4.21 | The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.<br><br>Applicants should consider wider ecosystem services and benefits of natural capital when designing enhancement measures.<br><br>As set out in Section 4.7, the design process should embed opportunities for nature inclusive design. Energy infrastructure projects have the potential to deliver significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains (see Section 4.6 on Environmental and Biodiversity Net Gain). The scope of potential gains will be dependent on the type, scale, and location of each project. | Embedded mitigation measures have been outlined in Section 23.3.3 of ES Chapter 23 Onshore Ecology **[APP-037]** as well as where applicable Section 23.6 and Section 13.3.3 of ES Chapter 13 Offshore Ornithology **[APP-027]**.<br><br>A review of geologically designated sites, including those listed on the GeoEssex website in relation to LoGS, within the onshore project area has been undertaken as part of the preparation of the chapter (Table 19.10, see also ES Chapter 19 Figure 19.4 **[APP-064]** which illustrates the location of LoGS in relation to the onshore project area, and Appendix 19.1 **[APP-112]**). The review identified that there were no nationally or locally geologically designated sites located within the onshore project area or the 250m buffer zone.<br><br>As there are no geologically designated sites located within the onshore project area, or within 250m, an assessment of the potential impacts to these features has not been undertaken. |

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| | | | Ecologically designated sites are also discussed within Table 19.10 of ES Chapter 19 Ground Conditions and Contamination **[APP-033]** within, with additional details in Appendix 19.1 **[APP-112]**. Impacts to the ecologically designated sites are set out in Section 19.6.1 and 19.6.2, with further detail provided in ES Chapter 23 Onshore Ecology **[APP-037]**.<br><br>Potential impacts on river channels, which provide physical habitats of importance for ecology, protected species and the conservation of biodiversity, are considered in Section 21.6 of ES Chapter 21 Water Resources and Flood Risk **[APP-035]**. |
| | 5.4.22 | The design of energy NSIP proposals will need to consider the movement of mobile/migratory species such as birds, fish and marine and terrestrial mammals and their potential to interact with infrastructure. As energy infrastructure could occur anywhere within England and Wales, both inland and onshore and offshore, the potential to affect mobile and migratory species across the UK and more widely across Europe (transboundary effects) requires consideration, depending on the location of development. | Site selection decisions and embedded mitigation measures have sought to minimise impacts to features of biodiversity and geological interest.<br><br>Embedded mitigation measures are provided in Section 23.3.3 and where applicable, further mitigation measures are outlined in Section 23.6 of ES Chapter 23 Onshore Ecology **[APP-037]**.<br><br>Details of the BNG delivered by the Project are detailed in the BNG Strategy **[APP-257].**<br><br>Potential impacts on river channels, which provide physical habitats of importance for ecology, protected species and the conservation of biodiversity, are considered in Section 21.6 of ES Chapter 21 Water Resources and Flood Risk **[APP-035]**. |
| | 5.4.23 | Energy projects will need to ensure vessels used by the project follow existing regulations and guidelines to manage ballast water. | Potential impacts on river channels, which provide physical habitats of importance for ecology, protected species and the conservation of biodiversity, are considered in Section 21.6 of ES Chapter 21 Water Resources and Flood Risk **[APP-035]**. |
| Applicant assessment – Habitats Regulation | 5.4.25 | The applicant should seek the advice of the appropriate SNCB and provide the Secretary of State with such information as the Secretary of State may reasonably require, to determine whether an HRA Appropriate Assessment (AA) is required. Applicants can request and agree 'Evidence Plans' with SNCBs, which is a way to record upfront the information the applicant needs to supply with its application, so that the HRA can be efficiently carried out. If an AA is required, the applicant must provide the Secretary of State with such information as may reasonably be required to enable the Secretary of State to conduct the AA. This should include information on any mitigation measures that are proposed to minimise or avoid likely significant effects. | The Applicant has consulted with Natural England as the SNCB throughout the pre-application phase and continues to engage with them.<br><br>The purpose of the Report to Inform Appropriate Assessment (RIAA) is to provide the information necessary for the competent authority to carry out the Appropriate Assessment of the Project.<br><br>The RIAA is provided in the following Parts:<br>• Part 1 Introduction **[APP-173]**;<br>  - Appendix 1.1 Habitats Regulations Assessment (HRA) Screening **[APP-174]**;<br>• Part 2 Annex I Habitat in Special Areas of Conservation (SACs) and Special Protection Area (SPA) supporting habitat **[APP-175]**<br>• Part 3 Marine Mammals (Annex II species) **[APP-176]**;<br>  - Appendix 3.1 Unexploded Ordnance Clearance Information and Assessment **[APP-177]**;<br>• Part 4 Offshore Ornithology (Birds Directive Annex 1 and Migratory Species) **[APP-178]**<br>  - Appendix 4.1 Modelling the abundance of red-throated divers in the area of overlap between North Falls digital aerial surveys (12km buffer) and the Outer Thames Estuary SPA **[APP-179]** |

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| | | | - Appendix 4.2 Population Viability Analysis **[APP-180]**;<br>• Part 5 Onshore European and Ramsar Sites **[APP-181]**; and<br>• Part 6 Summary **[APP-182]**<br>The RIAA provides an assessment of whether the Project alone or in combination could adversely affect the integrity of a European site, in view of its conservation objectives. Mitigation measures are taken into account during the assessment at this stage.<br>Evidence to support a HRA Derogation case for the Project is provided with the DCO application under HRA Derogation: Provision of Evidence **[APP-183]** |
| | 5.4.26 – 5.4.27 | If, during the pre-application stage, the SNCB indicate that the proposed development is likely to adversely impact the integrity of habitat sites, the applicant must include with their application such information as may reasonably be required to assess a potential derogation under the Habitats Regulations.<br>If the SNCB gives such an indication at a later stage in the development consent process, the applicant must provide this information as soon as is reasonably possible and before the close of the examination. This information must include assessment of alternative solutions, a case for Imperative Reasons of Overriding Public Interest (IROPI) and appropriate environmental compensation. | Section 1.2 of the RIAA Part 4 **[APP-178]** concludes that an AEoI cannot be ruled out for lesser black-backed gull from the Alde Ore Estuary as a result of predicted mortality due to collision risk, when considered in-combination with other offshore wind farms. As such, the Applicant has provided proposals for compensatory measures which are secured in the draft DCO **[6.1, Rev 7]** .<br>Compensatory measures are also provided for the following:<br>• Collision risk of kittiwake from Flamborough and Filey Coast SPA; and<br>• Displacement of guillemot from Flamborough and Filey Coast SPA.<br>Compensatory measures are also provided for the following, without prejudice of the Applicants conclusions presented in the RIAA Part 4 **[APP-178]** that there would be no AEoI:<br>• Displacement of red-throated diver from the OTE SPA; and<br>• Displacement of razorbill from Flamborough and Filey Coast SPA.<br>If required following the Secretary of State's Appropriate Assessment, compensation for these species can be legally secured through the Draft DCO.<br>The Habitats Regulations Derogation: Provision of Evidence **[APP-183]** sets out the Applicant's full derogation case. Section 5.4 (Step 3: Long list alternative solutions) and Section 5.5 (Step 4: Feasibility of alternative solutions) set out the Applicant's assessment of alternative solutions. Section 6 sets out the imperative reasons of overriding public interest in relation to energy security, the climate change/decarbonisation imperative, socio-economic benefits, and consequences for the ecosystem. Section 7 sets out the proposed compensatory measures.<br>Together the Habitats Regulations Derogation: Provision of Evidence **[APP-183]** demonstrates that:<br>• There are no alternative solutions that meet the objectives of the Project;<br>• That there are Imperative Reasons of Overriding Public Interest;<br>• And that there are measures which can fully compensate the effects of the Project on the European Site features assessed and which can be legally secured.<br>The relevant documents are listed in full below. |

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| | | | • Habitats Regulations Derogation: Provision of Evidence **[APP-183]**<br>• Appendix 1 Compensatory Measures Overview **[APP-184]**<br>• Annex 1A Habitats Regulations Assessment Compensation Consultation **[APP-185]**<br>• Annex 1B Compensation Funding Statement **[APP-186]**<br>• Annex 1C In Principle Letter of Agreement from Dogger Bank South (East and West) **[APP-187]**<br>• Appendix 2 Lesser Black-Backed Gull Compensation Document **[APP-188]**<br>• Annex 2A Outline Lesser Black-backed Gull Compensation Implementation and Monitoring Plan (CIMP) **[APP-189]**<br>• Appendix 3 Red Throated Diver Compensation Document **[APP-190]**<br>• Annex 3A Outline Red Throated Diver Compensation Implementation and Monitoring Plan (CIMP) **[APP-191]**<br>• Appendix 4 Kittiwake Compensation Document **[APP-192]**<br>• Annex 4A Outline Kittiwake Compensation Implementation and Monitoring Plan (CIMP) **[APP-193]**<br>• Appendix 5 Guillemot and Razorbill Compensation Document **[APP-194]**<br>• Annex 5A Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan (CIMP) **[APP-195]** |
| | 5.4.29 – 5.4.30 | It is vital that applicants consider the need for compensation as early as possible in the design process as 'retrofitting' compensatory measures will introduce delays and uncertainty to the consenting process.<br>Applicants should work closely at an early stage in the pre-application process with SNCB and Defra/Welsh Government to develop a compensation plan for all protected sites adversely affected by the development. Applicants should engage with the relevant Local Planning Authority at an early stage regarding the proposed location of compensatory measures. Applicants should also take account of any strategic plan level compensation plans in developing project level compensation plans. | Annex 1A Habitats Regulations Assessment Compensation Consultation **[APP-185]** sets out the consultation undertaken on the compensatory measures. The Applicant has consulted extensively throughout the pre-application process. The process has involved the iterative development of the proposed compensatory measures in consultation with Natural England and the RSPB.<br>Table 21.1 of the Consultation Report **[AS-015]** sets out the consultees engaged in the derogation process which included Defra, along with Natural England, and the RSPB. |
| | 5.4.31 | Before submitting an application, applicants should seek the views of the SNCB and Defra/Welsh Government as to the suitability, securability and effectiveness of the compensation plan to ensure the development will not hinder the achievement of the conservation objectives for the protected site. In cases where such views are provided, the applicant should include a copy of this information with the compensation plan in their application for further consideration by the Examining Authority. | |

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| Applicant assessment - Ancient woodland, veteran trees, and other irreplaceable habitats | 5.4.32 | Applicants should include measures to mitigate fully the direct and indirect effects of development on ancient woodland, ancient and veteran trees or other irreplaceable habitats during both construction and operational phases. | Please refer to the Applicant's response to Paragraph 5.4.15 (above) of NPS EN-1. |
| Applicant assessment - Protection and enhancement of habitats and other species | 5.4.33 – 5.4.34 | Applicants should consider any reasonable opportunities to maximise the restoration, creation, and enhancement of wider biodiversity, and the protection and restoration of the ability of habitats to store or sequester carbon as set out under Section 4.6.<br><br>Consideration should be given to improvements to, and impacts on, habitats and species in, around and beyond developments, for wider ecosystem services and natural capital benefits, beyond those under protection and identified as being of principal importance. This may include considerations and opportunities identified through Local Nature Recovery Strategies, and national goals and targets set through the Environment Act 2021 and the Environmental Improvement Plan 2023. | Please refer to the Applicant's Biodiversity Net Gain Strategy **[APP-257]** with respect to proposed opportunities for enhancement. |
| Mitigation | 5.4.35 | Applicants should include appropriate avoidance, mitigation, compensation and enhancement measures as an integral part of the proposed development. In particular, the applicant should demonstrate that:<br><br>• During construction, they will seek to ensure that activities will be confined to the minimum areas required for the works<br>• The timing of construction has been planned to avoid or limit disturbance<br>• During construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements<br>• Habitats will, where practicable, be restored after construction works have finished<br>• Opportunities will be taken to enhance existing habitats rather than replace them, and where practicable, create new habitats of value within the site landscaping proposals. Where habitat creation is required as mitigation, compensation, or enhancement, the location and quality will be of key importance. In this regard habitat creation should be focused on areas where the most ecological and ecosystems benefits can be realised.<br>• Mitigations required as a result of legal protection of habitats or species will be complied with. | Embedded mitigation measures are presented in Section 23.3.3 of ES Chapter 23 Onshore Ecology **[APP-037]**. Mitigation measures associated with potential impacts are presented in Section 23.6.<br><br>Ornithological embedded mitigation measures are presented in Section 24.3.3 of ES Chapter 24 Onshore ornithology **[APP-038]**. Mitigation measures associated with potential impacts represented in Section 24.6. |
| | 5.4.36 – 5.4.38 | Applicants should produce and implement a Biodiversity Management Strategy as part of their development proposals. This | A review of geologically designated sites, including those listed on the GeoEssex website in relation to LoGS, within the onshore project area has been undertaken |

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| | | could include provision for biodiversity awareness training to employees and contractors so as to avoid unnecessary adverse impacts on biodiversity during the construction and operation stages.<br><br>In the design of any direct cooling system the locations of the intake and outfall should be sited to avoid or minimise adverse impacts on the receiving waters, including their ecology. There should also be specific measures to minimise impact to fish and aquatic biota by entrainment and impingement or by excessive heat or biocidal chemicals from discharges to receiving waters.<br><br>To further minimise any adverse impacts on geodiversity, where appropriate applicants are encouraged to produce and implement a Geodiversity Management Strategy to preserve and enhance access to geological interest features, as part of relevant development proposals. | as part of the preparation of this chapter (Table 19.10, see also Figure 19.4 **[APP-064]** which illustrates the location of LoGS in relation to the onshore project area, and Appendix 19.1 **[APP-112]**). The review identified that there were no nationally or locally geologically designated sites located within the onshore project area or the 250m buffer zone.<br><br>As there are no geologically designated sites located within the onshore project area, or within 250m, an assessment of the potential impacts to these features has not been undertaken.<br><br>Ecologically designated sites are also discussed within Table 19.10 of ES Chapter 19 Ground Conditions and Contamination **[APP-033]** within, with additional details in Appendix 19.1 **[APP-112]**. Impacts to the ecologically designated sites are set out in Section 19.6.1 and 19.6.2, with further detail provided in ES Chapter 23 Onshore Ecology **[APP-037]**. |
| Secretary of State decision making | 5.4.39 – 5.4.41 | The government's 25 Year Environment Plan and the Environment Act 2021 mark a step change in ambition for wildlife and the natural environment. The Secretary of State should have regard to the aims and goals of the government's Environmental Improvement Plan 2023, and in Wales the objectives of the Nature Recovery Plan, and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere.<br><br>In addition, in exercising functions in relation to Wales, the Secretary of State should consider Section 6 of the Environment (Wales) Act 2016 and seek to maintain and enhance biodiversity, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of the Secretary of State's functions.<br><br>The benefits of nationally significant low carbon energy infrastructure development may include benefits for biodiversity and geological conservation interests and these benefits may outweigh harm to these interests. The Secretary of State may take account of any such net benefit in cases where it can be demonstrated. | The Environment Act 2021 (the '2021 Act') gained royal assent on 9 November 2021. Part 6 of the 2021 Act sets out provisions for "Biodiversity gain in planning" for developments in England.<br><br>The statutory provisions relating to BNG in nationally significant infrastructure projects (NSIPs) (e.g. section 99 and Schedule 15 of the 2021 Act) are not yet in effect and are not anticipated to come into effect until late 2025. Further details and draft Regulations are awaited from Government to explain how these statutory provisions will apply to NSIPs in future.<br><br>The Biodiversity Net Gain Strategy **[APP-257]** sets out: the Project's approach to exploring opportunities to deliver a minimum 10% BNG; the key assumptions that will be used to both deliver BNG and used when utilising the Defra Statutory Biodiversity Metric (or its successor); identify and justify any deviations from the Defra Statutory Biodiversity Metric (or its successor's) standard guidelines; and the approach to delivery of BNG for the Project pre- and post consent. |
| | 5.4.42 – 5.4.43 | As a general principle, and subject to the specific policies below, development should, in line with the mitigation hierarchy, aim to avoid significant harm to biodiversity and geological conservation interests, including through consideration of reasonable alternatives as set out in Section 4.3 above). Where significant harm cannot be avoided, impacts should be mitigated and as a last resort, appropriate compensation measures should be sought.<br><br>If significant harm to biodiversity resulting from a development cannot be avoided (for example through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last | A review of geologically designated sites, including those listed on the GeoEssex website in relation to LoGS, within the onshore project area has been undertaken as part of the preparation of this chapter (Table 19.10, see also Figure 19.4 **[APP-064]** which illustrates the location of LoGS in relation to the onshore project area, and Appendix 19.1 **[APP-112]**). The review identified that there were no nationally or locally geologically designated sites located within the onshore project area or the 250m buffer zone.<br><br>As there are no geologically designated sites located within the onshore project area, or within 250m, an assessment of the potential impacts to these features has not been undertaken. |

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| | | resort, compensated for, then the Secretary of State will give significant weight to any residual harm. | Ecologically designated sites are also discussed within Table 19.10 of ES Chapter 19 Ground Conditions and Contamination **[APP-033]** within, with additional details in Appendix 19.1 **[APP-112]**. Impacts to the ecologically designated sites are set out in Section 19.6.1 and 19.6.2, with further detail provided in ES Chapter 23 Onshore Ecology **[APP-037]** |
| | 5.4.44 | The Secretary of State should consider what appropriate requirements should be attached to any consent and/or in any planning obligations entered into, in order to ensure that any mitigation or biodiversity net gain measures, if offered, are delivered and maintained. Any habitat creation or enhancement delivered including linkages with existing habitats for compensation or biodiversity net gain should generally be maintained for a minimum period of 30 years, or for the lifetime of the project, if longer. | Requirement 8 of the Draft Development Consent Order **[AS-022]** stipulates the undertaker must submit to the Relevant Planning Authority a code of construction practice for approval any onshore works. The code of construction practice may be revised throughout the project, and any onshore works must be undertaken in accordance with the approved code.<br><br>Requirement 12 of the Draft Development Consent Order **[AS-022]** stipulates an ecological management plan, which is in accordance with the outline landscape and ecology management strategy, is required to be approved for each stage of the onshore works prior to that stage commencing. The ecological management plan is to be approved by the Relevant Planning Authority. Pre-commencement works must be carried out in accordance with the relevant details within the outline landscape and ecology management strategy certified by the SoS.<br><br>Requirement 14 of the Draft Development Consent Order **[AS-022]** stipulates prior to any stage of the onshore works (other than surveying and investigation related to this requirement) commencing a final pre-construction survey must be undertaken to establish whether any European protected species are present on the affected land or in any of the trees to be lopped or felled. If the pre-construction surveys identify any European protected species, then the relevant part of the onshore works cannot commence until the Relevant Planning Authority has approved a scheme of protection and mitigation measures or a European protected species licence has been granted. The onshore works cannot be carried out until the scheme of protection has been approved by the Relevant Planning Authority.<br><br>Requirement 21 of the Draft Development Consent Order **[AS-022]** stipulates that none of the onshore works may commence until a biodiversity net gain assessment, in accordance with the Biodiversity Net Gain Strategy **[APP-257]**, has been submitted and approved by the Relevant Planning Authority. |
| | 5.4.45 | The Secretary of State will need to take account of what mitigation measures may have been agreed between the applicant and the SNCB and the MMO/NRW (where appropriate). The Secretary of State will also need to consider whether the SNCB or the MMO/NRW has granted or refused, or intends to grant or refuse, any relevant licences, including protected species mitigation licences. | Embedded mitigation measures are presented in Section 23.3.3 of ES Chapter 23 Onshore Ecology **[APP-037]**. Mitigation measures associated with potential impacts are presented in Section 23.6. |
| | 5.4.46 | Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. The Secretary of State should give appropriate weight to environmental and biodiversity enhancements, although any weight | Please refer to the Applicant's response to Paragraphs 5.4.39 – 5.4.41 of NPS EN-1. |

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| | | given to gains provided to meet a legal requirement (for example under the Environment Act 2021) is likely to be limited. | |
| | 5.4.47 | When considering proposals, the Secretary of State should maximise such reasonable opportunities in and around developments, using requirements or planning obligations where appropriate. This can help towards delivering biodiversity net gain as part of or in addition to the approach set out at Section 4.6. | Please refer to the Applicant's response to Paragraphs 5.4.44 (above) of NPS EN-1. |
| | 5.4.48 | In taking decisions, the Secretary of State should ensure that appropriate weight is attached to designated sites of international, national, and local importance; protected species; habitats and other species of principal importance for the conservation of biodiversity; and to biodiversity and geological interests within the wider environment. | Impacts to the ecologically designated sites are set out in Section 19.6.1 and 19.6.2, with further detail provided in ES Chapter 23 Onshore Ecology **[APP-037]**. Ecologically designated sites are also discussed within Table 19.10 of ES Chapter 19 Ground Conditions and Contamination **[APP-033]** within, with additional details in Appendix 19.1 **[APP-112]**.<br><br>A review of geologically designated sites, including those listed on the GeoEssex website in relation to LoGS, within the onshore project area has been undertaken as part of the preparation of this chapter (Table 19.10, see also Figure 19.4 **[APP-064]** which illustrates the location of LoGS in relation to the onshore project area, and Appendix 19.1 **[APP-112]**). The review identified that there were no nationally or locally geologically designated sites located within the onshore project area or the 250m buffer zone. As there are no geologically designated sites located within the onshore project area, or within 250m, an assessment of the potential impacts to these features has not been undertaken. |
| Secretary of State decision making – Habitats Regulations | 5.4.49 | The Secretary of State must consider whether the project is likely to have a significant effect on a protected site which is part of the National Site Network (a habitat site), a protected marine site, or on any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans or projects. | Designated sites are presented in Section 23.5.2 of ES Chapter 23 Onshore Ecology **[APP-037]**. Note the SPAs and pSPAs are considered in the Project's Habitats Regulations Assessment (HRA) Screening Report and Report to inform Appropriate Assessment, published alongside the ES, and qualifying features of SPAs and pSPAs are considered in ES Chapter 24 Onshore Ornithology **[APP-038]**.<br><br>Site selection decisions have been made to minimise impacts to interests features within designated sites.<br><br>Please refer to the Applicant's response to Paragraph 5.4.26 – 5.4.27 of NPS EN-1 which sets out the likely significant effects on the relevant habitats sites and marine sites. |
| Secretary of State decision making – Sites of Special Scientific Interest | 5.4.50 | The Secretary of State should use requirements and/or planning obligations to mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest. | Potential SSSI impacts are considered in Section 21.6 of ES Chapter 21 Water Resources and Flood Risk **[APP-035]**. |
| Secretary of State decision making – Marine Conservation Zones | 5.4.51 | The Secretary of State is bound by the duties on public authorities in relation to MCZs imposed by sections 125 and 126 of the Marine and Coastal Access Act 2009. | The Marine Conservation Zone Assessment **[APP-237]** Stage 1 Report considers whether the conditions in Section 126 (6) of the MCAA can be met, to determine whether: |

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| | | | • there is no significant risk of the activity hindering the achievement of the conservation objectives stated for the MCZ; and<br>• the MMO can exercise its functions to further the conservation objectives stated for the MCZ (in accordance with Section 125 (2)(a)).<br>In order to determine if there is 'no significant risk of the activity hindering the achievement of the conservation objectives stated for the MCZ' the MMO (2013) guidance states that this should take into account *"the likelihood of an activity causing an effect, the magnitude of the effect should it occur, and the potential risk any such effect may cause on either the protected features of an MCZ or any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependant*."<br>The Marine Conservation Zone Assessment **[APP-237]** assess the potential impacts during all phases on the Blackwater Crouch, Roach, and Colne Estuaries MCZ and the Kentish Knock East MCZ, including potential cumulative effects.<br>Based on the information presented in the Marine Conservation Zone Assessment **[APP-237]** assess which include assessments on the relevant broadscale habitats and habitat features of conservation interest, it can be concluded that the conservation objectives for the Blackwater Crouch, Roach, and Colne Estuaries MCZ and the Kentish Knock East MCZ will not be hindered by the construction, operation and decommissioning phases of North Falls. |
| Secretary of State decision making – Regional and Local Sites | 5.4.52 | The Secretary of State should give due consideration to regional or local designations. However, given the need for new nationally significant infrastructure, these designations should not be used in themselves to refuse development consent. | The Applicant has given due weight to local designations which are listed in Table 23.12 of ES Chapter 23 Onshore Ecology **[APP-037]** which includes Local Wildlife Sites.<br>The EcIA has established that onshore ecological receptors could be affected as a result of direct and indirect effects during the construction and decommissioning phases. The residual effects on the majority of receptors during these phases would be negligible or minor adverse. These potential impacts as identified in this ES are summarised Table 23.44 of ES Chapter 23 Onshore Ecology **[APP-037]** which includes Local Wildlife Sites. |
| Secretary of State decision making – Ancient woodland, veteran trees, and other irreplaceable habitats | 5.4.53 | The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of any irreplaceable habitats, including ancient woodland, and ancient and veteran trees unless there are wholly exceptional reasons and a suitable compensation strategy exists. | The onshore cable route does not cross areas of ancient woodland. However, ancient woodland is present within the ES boundary and information relating to this is presented in Section 23.5.2 of ES Chapter 23 Onshore Ecology **[APP-037]**.<br>Table 23.33 sets out the Potential effects upon designated sites for nature conservation including ancient woodland. All ancient woodland receptors within the ES boundary as negligible during construction.<br>As part of the Project's embedded mitigation, site selection has sought to avoid locating infrastructure within woodland as far as practicable. Where this has not been practicable, direct effects upon all remaining woodland parcels will be avoided through the use of trenchless techniques (e.g. HDD) to install cable ducts beneath woodlands. Where this takes place, cable ducts will be installed at least 2m below ground level to ensure the majority of the root zone is avoided. |

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| | | | As noted in Section 23.6.1.2 above, no ancient woodland will be directly affected by the Project's onshore works, including Simon's Wood ancient woodland, where no works will take place within 15m of the habitat<br><br>The significance of effect for woodlands is minor adverse, which is not significant in EIA terms. No significant cumulative effects are likely to arise on woodland and veteran trees from dust emissions. |
| Secretary of State decision making – Protection and enhancement of habitats and species | 5.4.54 | The Secretary of State should ensure that species and habitats identified as being of importance for the conservation of biodiversity are protected from the adverse effects of development by using requirements, planning obligations, or licence conditions where appropriate. | There are appropriate Requirements (Requirements 8,14,12,21), to protect habitats and species, secured within the Draft Development Consent Order **[AS-022]** and are referred to in detail in response to Paragraph 5.4.44 (above) of NPS EN-1. |
| | 5.4.55 | The Secretary of State should refuse consent where harm to a protected species and relevant habitat would result, unless there is an overriding public interest and the other relevant legal tests are met. In this context the Secretary of State should give substantial weight to any such harm to the detriment of biodiversity features of national or regional importance or the climate resilience and the capacity of habitats to store carbon, which they consider may result from a proposed development. | Section 1.2 of the RIAA Part 4 **[APP-178]** concludes that an AEoI cannot be ruled out for lesser black-backed gull from the Alde Ore Estuary as a result of predicted mortality due to collision risk, when considered in-combination with other offshore wind farms. As such, the Applicant has provided proposals for compensatory measures which are secured in the draft DCO **[6.1, Rev 7]** .<br><br>Compensatory measures are also provided for the following:<br>• Collision risk of kittiwake from Flamborough and Filey Coast SPA; and<br>• Displacement of guillemot from Flamborough and Filey Coast SPA.<br><br>Compensatory measures are also provided for the following, without prejudice of the Applicants conclusions presented in the RIAA Part 4 **[APP-178]** that there would be no AEoI:<br>• Displacement of red-throated diver from the OTE SPA; and<br>• Displacement of razorbill from Flamborough and Filey Coast SPA.<br><br>If required following the Secretary of State's Appropriate Assessment, compensation for these species can be legally secured through the draft DCO.<br><br>The Habitats Regulations Derogation: Provision of Evidence **[APP-183]** sets out the Applicant's full derogation case. Section 5.4 (Step 3: Long list alternative solutions) and Section 5.5 (Step 4: Feasibility of alternative solutions) set out the Applicant's assessment of alternative solutions. Section 6 sets out the imperative reasons of overriding public interest in relation to energy security, the climate change/decarbonisation imperative, socio-economic benefits, and consequences for the ecosystem. Section 7 sets out the proposed compensatory measures.<br><br>Together the Habitats Regulations Derogation: Provision of Evidence **[APP-183]** demonstrates that:<br>• There are no alternative solutions that meet the objectives of the Project;<br>• That there are Imperative Reasons of Overriding Public Interest;<br>• And that there are measures which can fully compensate the effects of the Project on the European Site features assessed and which can be legally secured. |

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| **5.5 Military and Civil Aviation and Defence Interests** | | | |
| Applicant Assessment | 5.5.37 – 5.5.40 | Where the proposed development may affect the performance of civil or military aviation CNS, meteorological radars and/or other defence assets an assessment of potential effects should be set out in the ES (see Section 4.3).<br><br>The requirement for ATC and non-cooperative surveillance – i.e. radar/tracking technologies – forms part of the environmental baseline for proposed developments.<br><br>The applicant should consult the MOD, Met Office, Civil Aviation Authority (CAA), NATS and any aerodrome – licensed or otherwise – likely to be affected by the proposed development in preparing an assessment of the proposal on aviation, meteorological or other defence interests.<br><br>Any assessment of effects on aviation, meteorological or other defence interests should include potential impacts of the project upon the operation of CNS infrastructure, flight patterns (both civil and military), generation of weather warnings and forecasts, other defence assets (including radar) and aerodrome operational procedures. It should also assess the demonstratable cumulative effects of the project with other relevant projects in relation to aviation, meteorological and defence. | The likely significant effects in relation to civil or military aviation CNS are assessed and presented in Section 17.6 of ES Chapter 17 Aviation and Radar **[APP-031]**. Section 17.3.3 provides a summary of mitigation embedded in the design.<br><br>Consultation undertaken with relevant civil and military aviation stakeholders is detailed in Table 17.1.<br><br>Table 17.9 of ES Chapter 17 **[APP-031]** provides a summary of the potential environmental effects of the Project. With the implementation of mitigation measures, North Falls is predicted to have no significant effects on aviation and radar receptors during all its phases. |
| | 5.5.41 | In addition, consideration of developments near aerodromes should take into account the following factors:<br><br>• Bird Strike Risk – Aircraft are vulnerable to wildlife strike, in particular bird strike. Birds and other wildlife may be attracted to the vicinity of an aerodrome by various types of development, for example, large buildings with perching/roosting opportunities for birds. It is therefore important that infrastructure, buildings and other elements from energy installations, as well as environmental mitigation are designed in such a way so as not to increase the bird strike risk to the airport for developments within 13km (this can vary).<br><br>• Building Induced Turbulence – If a significant building or structure is proposed close to the airport/runways, there is potential for building induced turbulence/wind shear to be created which has the potential to impact on aircraft on take-off and landing. Studies may be required to identify the extent of any turbulence resulting from the energy infrastructure.<br><br>• Thermal Plume Turbulence – This is caused under certain conditions by the release of hot air from a power plant equipped with a dry cooling system. The plumes generated by these | The nearest licensed aerodromes with surveillance radar are Southend Airport, 81km to the west, Norwich Airport, 107km to the north, and Stansted Airport, 113km to the west. The impacts listed in 5.5.41 have been scoped out of the assessment. A summary of likely significant effects for all phases is provided in Table 17.9 of ES Chapter 17 Aviation and Radar **[APP-031]**. |

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| | | facilities have the potential to create invisible turbulence that can affect the manoeuvrability of aircraft. | |
| | 5.5.42 | If any relevant changes are made to proposals during the pre-application and determination period, it is the responsibility of the applicant to ensure that the relevant aviation, meteorological and defence consultees are informed as soon as reasonably possible. | The Applicant notes this policy requirement in the event relevant changes are made to the Project. |
| Mitigation | 5.5.43 – 5.5.44 | The applicant should include appropriate mitigation measures as an integral part of the proposed development.<br>Mitigation for infringement of OLS may include:<br>• Agreed changes to operational procedures of the aerodromes in accordance with relevant guidance, provided that safety assurances can be provided by the operator that are acceptable to the CAA where the changes are proposed to a civilian aerodrome. Applicants should engage airport operators at an early stage of the planning process to understand the potential impacts of development on aviation operations and develop mitigations if appropriate; or<br>• Installation of obstacle lighting and/or by notification in Aeronautical Information Service publications | Potential impacts assessed for the construction phases include:<br>• Impacts on civil and military radar systems, due to the height of construction vessels (i.e. cranes and partially complete structures);<br>• Creation of an aviation obstacle environment; and<br>• Increased air traffic in areas related to wind farm activity.<br>For the operation and maintenance phase, potential impacts assessed include:<br>• WTGs causing permanent interference on civil and military radars;<br>• Creation of an aviation obstacle environment; and<br>• Increased air traffic in areas related to wind farm activity.<br>For decommissioning, the following potential impacts were assessed:<br>• WTGs causing permanent interference on civil and military radars;<br>• Removal of aviation obstacle environment; and<br>• Increased air traffic in areas related to wind farm activity.<br>The mitigation proposed includes the use of obstacle location charts in aeronautical documents, marking and lighting of WTGs in accordance with relevant guidelines and application of minimum separation distances.<br>Additional notification measures will include Notices to Airmen, Aeronautical Information Circulars and publicity in relevant aviation publications/magazines. Mitigation in relation to radar will be agreed with the MoD.<br>It is noted the array area would be within the operational range of radar systems serving both civil and military agencies. Without additional mitigation, the likely effects on receptors receiving changes to their operational environment have been assessed to be major significant. However, it is anticipated that the potential risk posed to aviation and MoD operations can be wholly and successfully mitigated through various technical solutions applied to current generation PSRs. It is anticipated that, during the operational life of North Falls, the MoD and NERL will procure 'next generation' PSRs which should not require the application of mitigation measures to allow them to provide an appropriate surveillance picture in the presence of WTGs.<br>Following the application of either additional mitigation or the use of these next generation PSRs, the residual effect is assessed to be not significant. |
| | 5.5.45 – 5.5.46 | For CNS infrastructure, the UK military Low Flying system (including TTAs) and designated air traffic routes, mitigation may also include:<br>• Operational airspace changes<br>• Agreement to upgrade CNS infrastructure, the cost of which the applicant will be required to fund until the end of the life of the surveillance equipment if subsequently replaced by a fully windfarm tolerant system. If an appropriate system upgrade cannot be identified at the point of application, the applicant will be required to fund any future upgrade for the lifetime of the wind farm. Mod will engage early with developers to ensure that costs are reflective of their need and impacts of the energy installation on the monitoring equipment.<br>• Introducing commercially viable radar mitigation technology to the development, e.g. By using non-radar reflecting materials to manufacture wind turbine blades<br>Mitigation for effects on meteorological radar and CNS systems may include reducing the scale of a project, although it is likely to be unreasonable for the Secretary of State to require mitigation by way of a reduction or alteration in the scale of development. | |
| | 5.5.47 – 5.5.48 | There may be exceptional circumstances where a small reduction in the scale of a development and any associated reduction in | |

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| | | generating capacity, will result in proportionately greater mitigation for radar and CNS systems. In these cases, the Secretary of State may consider that the benefits to CNS and radar mitigation outweighs this loss of capacity.<br><br>Consideration from energy stakeholders should also be given to the possibility of introducing commercially viable radar mitigation technology as windfarm assets are renewed and replaced e.g., by using non-radar reflecting materials to manufacture turbine blades. | Table 17.9 of ES Chapter 17 Aviation and Radar **[APP-031]** provides a summary of the potential environmental effects of the Project. With the implementation of mitigation measures, North Falls is predicted to have no significant effects on aviation and radar receptors during all its phases.<br><br>There is potential for cumulative effects to occur with Five Estuaries Offshore Wind Farm and other projects. However, when considering proposed mitigation measures, it is not anticipated that cumulative effects are likely to be significant in EIA terms. |
| Secretary of State decision making | 5.5.49 – 5.5.50 | The Secretary of State should be satisfied that the effects on meteorological radars, civil and military aerodromes, aviation technical sites and other defence assets or operations have been addressed by the applicant and that any necessary assessment of the proposal on aviation, NSWWS or defence interests has been carried out.<br><br>In particular, the Secretary of State should be satisfied that the proposal has been designed, where possible, to minimise adverse impacts on the operation and safety of aerodromes and that realistically achievable mitigation is carried out on existing surveillance systems such as radar/tracking technologies. It is incumbent on Operators of aerodromes to regularly review the possibility of agreeing to make reasonable changes to operational procedures. | |
| | 5.5.51 | When assessing the necessity, acceptability, and reasonableness of operational changes to aerodromes, the Secretary of State should be satisfied that they have the necessary information regarding the operational procedures along with any demonstrable risks or harm of such changes, taking into account the cases put forward by all parties. When making such a judgement in the case of military aerodromes, the Secretary of State should have regard to interests of defence and national security. | |
| | 5.5.52 – 5.5.53 | In the case of meteorological radars, the Secretary of State should consider the extent to which the provision of weather and flood warnings is compromised.<br><br>If there are conflicts between the government's energy and transport policies and military interests in relation to the application, the Secretary of State should expect the relevant parties to have made appropriate efforts to work together to identify realistic and pragmatic solutions to the conflicts. In so doing, the parties should seek to protect the aims and interests of the other parties as far as possible, recognising simultaneously the evolving landscape in terms of the UK's energy security and the need to tackle climate change, which necessitates the installation of wind turbines and the need to maintain air safety and national defence and the national weather warning service. | Potential mitigation for impacts on military radars is discussed in Section 113 of ES Chapter 17 Aviation and Radar **[APP-031]**.<br><br>Engagement with the Ministry of Defence has been undertaken during the pre-application phase and will continue post consent if required. |

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| | 5.5.54 - 5.5.56 | There are statutory requirements concerning lighting to tall structures. Where lighting is requested on structures that goes beyond statutory requirements by any of the relevant aviation and defence consultees, the Secretary of State should be satisfied of the necessity of such lighting taking into account the case put forward by the consultees. The effect of such lighting on the landscape and ecology may be a relevant consideration.<br><br>Lighting must also be designed in such a way as to ensure that there is no glare or dazzle to pilots and/or ATC, aerodrome ground lighting is not obscured and that any lighting does not diminish the effectiveness of aeronautical ground lighting and cannot be confused with aeronautical lighting. Lighting may also need to be compatible with night vision devices for military low flying purposes.<br><br>Where new technologies to mitigate the adverse effects of wind farms on surveillance systems, such as radar, are concerned, the Secretary of State should have regard to any Civil Aviation Authority Guidelines and/or government guidance which emerges from existing and future including the joint government/Industry Aviation Management Board and the Joint Air Defence and Offshore Wind Task Force. | Marking and lighting requirements are discussed in Section 17.3.3.2 of ES Chapter 17 Aviation and Radar **[APP-031]**.<br><br>Construction of the wind farm would involve the installation of infrastructure above sea level which could pose a physical obstruction to aircraft utilising the airspace in the vicinity of the North Falls array area.<br><br>From a starting point of no infrastructure within the North Falls array area, the infrastructure outlined in Table 17.2 would gradually be installed over a period of 21 months. Specifically, for North Falls, permanent or temporary obstacles can increase risk to:<br><br>• General military low flying training and operations;<br>• Helicopters utilising HMRI 20 to and from the Greater Gabbard and Galloper offshore wind farms; and<br>• Other offshore fixed-wing and helicopter operations, including those undertaking SAR missions, over the Southern North Sea.<br><br>In compliance with international and national SARPs with respect to notification, marking and lighting, as outlined in Section 17.3.3, to make pilots aware of the addition of infrastructure to the site, the impact on the aviation sector during the construction of North Falls would be reduced to an acceptable level. For SAR missions an Emergency Response and Cooperation Plan would be developed and implemented for all phases of the Project.<br><br>Although HMRI routes in the southern North Sea are rarely used, the planned maximum WTG tip height means that helicopters operating along HMRI 20 would have less than the required 1,000ft (305m) obstacle clearance if in the vicinity of the North Falls array area in IMC. If necessary, helicopters can reroute in order to comply with obstacle clearance requirements. This may marginally increase journey times but would have no aviation safety implications.<br><br>In accordance with ANO Article 223, lighting intensity would be reduced at and below the horizontal and further reduced when visibility in all directions from every WTG that is more than 5km. |
| | 5.5.57 – 5.5.58 | Where suitable technological solutions have not yet been developed or proven, the Secretary of State will need to consider the likelihood of a solution becoming available within the time limit for implementation of the Development Consent Order.<br><br>Where a proposed energy infrastructure development would significantly impede or compromise the safe and effective use of civil or military aviation, meteorological radars, defence assets and/or significantly limit military training, the Secretary of State may consider the use of 'Grampian conditions', or other forms of requirement which relate to the use of current or future technological solutions, to mitigate impacts on legacy CNS equipment. | |
| | 5.5.59 - 5.5.60 | Where, after reasonable mitigation, operational changes, obligations and requirements have been proposed, the Secretary of State should consider whether:<br><br>• A development would prevent a licensed aerodrome from maintaining its licence and the operational loss of the said aerodrome would have impacts on national security and defence, or result in substantial local/national economic loss, or emergency service needs<br>• It would cause harm to aerodromes' training or emergency service needs | The Project has the potential to generate clutter on radar displays and thus could give rise to likely significant effects relating to the safe and efficient provision of air traffic control services from civil aviation and to the safe and effective use of defence assets. However, mitigation options are available, as discussed in Sections 17.6.2.1.1 and 17.6.2.1.4 of Section 17.3.3.2 of ES Chapter 17 Aviation and Radar **[APP-031].**<br><br>Once any required mitigation has been implemented there would be no significant effects on any of the stated infrastructure or services. |

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| | | • The development would impede or compromise the safe and effective use of defence assets or unacceptably limit military training<br>• The development would have a negative impact on the safe and efficient provision of en-route air traffic control services for civil aviation, in particular through an adverse effect on CNS infrastructure<br>• The development would compromise the effective provision of weather warnings by the NSWWS, or flood warnings by the UK's flood agencies<br>Provided that the Secretary of State is satisfied that the impacts of proposed energy developments do not present risks to national security and physical safety, and where they do, provided that the Secretary of State is satisfied that appropriate mitigation can be achieved, or appropriate requirements can be attached to any Development Consent Order to secure those mitigations, consent may be granted. | |
| **5.6 - Coastal Change** | | | |
| Applicant Assessment | 5.6.10 | Where relevant, applicants should undertake coastal geomorphological and sediment transfer modelling to predict and understand impacts and help identify relevant mitigating or compensatory measures. | The approach adopted in the ES for all impacts apart from waves is conceptual and evidence based using data from Galloper Wind Farm and Greater Gabbard Offshore Wind Farm as a suitable analogue (see ES Chapter 8 – Marine Geology, Oceanography and Physical Processes **[APP-022]**. Numerical modelling of waves has been completed for potential operational impacts due to the presence of the foundation structures. |
| | 5.6.11 | The ES (see Section 4.3) should include an assessment of the effects on the coast, tidal rivers and estuaries. In particular, applicants should assess:<br>• The impact of the proposed project on coastal processes and geomorphology, including by taking account of potential impacts from climate change. If the development will have an impact on coastal processes the applicant must demonstrate how the impacts will be managed to minimise adverse impacts on other parts of the coast<br>• The implications of the proposed project on strategies for managing the coast as set out in shoreline management plans (SMP's) (which are designed to identify the most sustainable approach to managing flood and coastal erosion risks from short to long term and are long term non-statutory plans which set out the agreed high-level objective for coastal flooding and erosion management for each SMP area), any relevant marine plans, river basin management plans, and capital programmes for maintaining flood and coastal defences and coastal change management areas | The assessment of potential construction and operation and maintenance impacts and likely significant effects are described in ES Chapter 8 – Marine Geology, Oceanography and Physical Processes **[APP-022]**.<br>Impacts associated with coastal recreation sites and features are assessed in Section 32.6 of ES Chapter 32 Tourism and Recreation **[APP-046]**.<br>North Falls will not affect the Shoreline Management Plan and allowance has been made for predicated erosion rates during North Falls design (further detail is provided in ES Chapter 4 – Site Selection and Assessment of Alternatives **[APP-018]**). Embedded mitigation to minimise likely significant effects at the coast of cable installation and operation are described in ES Chapter 8 – Marine Geology, Oceanography and Physical Processes **[APP-022]**.<br>Effects on marine ecology biodiversity and protected sites are assessed in ES Chapter 10 Benthic and Intertidal Ecology **[APP-024]**, Chapter 11 Fish and Shellfish Ecology **[APP-025]**, Chapter 12 Marine Mammals **[APP-026]**, Chapter 13 Offshore Ornithology **[APP-027],]**. Potential flood risk impacts are considered in ES Chapter 21 Water Resources and Flood Risk **[APP-035]**. Effects on recreation are assessed in Chapter 32 Tourism and Recreation **[APP-046]**. |

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| | | • The effects of the proposed project on marine ecology, biodiversity, protected sites and heritage assets<br>• How coastal change could affect flood risk management infrastructure, drainage and flood risk<br>• The effects of the proposed project on maintaining coastal recreation sites and features<br>• The vulnerability of the proposed development to coastal change, taking account of climate change, during the project's operational life and any decommissioning period | As described above, North Falls has been designed so that it is not vulnerable to coastal change or climate change. |
| | 5.6.12 | For any projects involving dredging or deposit of any substance or object into the sea, the applicant should consult the MMO and Historic England, or the NRW in Wales. Where a project has the potential to have a major impact in this respect, this is covered in the technology specific NPSs. For example, EN-4 looks further at the environmental impacts of dredging in connection with Liquified Natural Gas (LNG) tanker deliveries to LNG import facilities. | The MMO and Historic England were both consulted on the proposed offshore works. The assessment considers disposal at sea.<br>The potential receptors to morphological change are the Suffolk coast, Essex coast and designated sites including Margate and Long Sands SAC, KKE MCZ and Annex I sandbanks. The likelihood of affecting their integrity is assessed with respect to changes in seabed level caused by foundation and cable installation and interruption to bedload sediment transport by cable protection (see ES Chapter 8 – Marine Geology, Oceanography and Physical Processes **[APP-022]**.<br>ES Chapter 8 ES Chapter 8 Marine Geology, Oceanography and Physical Processes **[APP-022]** Impact 6 assess the changes in seabed level due to offshore array and platform interconnector cable installation. The overall effect significance for the array cables and platform interconnector cable (all Options) on the Suffolk and KKE MCZ is negligible. The overall effect significance of sandwave levelling activities on the Essex coast, Annex I sandbanks and Margate and Long Sands SAC is negligible adverse (no significant effect).<br>Section 8.8.3.1.3 of ES Chapter 8 Marine Geology, Oceanography and Physical Processes **[APP-022]** which assesses the potential for cumulative effects between the installation of offshore cables and marine aggregate dredging activities.<br>It concludes that changes in seabed morphology following aggregate dredging would be limited to very restricted parts of the seabed adjacent to the licenced or proposed dredging areas (HR Wallingford, 2010). Therefore, negligible cumulative effects are expected. Effects in relation to dredging are not significant in EIA terms.<br>Section 9 of the Marine Conservation Zone Assessment Report **[APP-237]** states that based on the information presented in the report which include assessments on the relevant broadscale habitats and habitat features of conservation interest, it can be concluded that the conservation objectives for the Blackwater, Crouch Roach and Colne (Estuaries MCZ) and the Kentish Knock East MCZ will not be hindered by the construction, operation and decommissioning phases of North Falls. Consultation feedback from the preliminary Stage 1 Assessment has been considered and incorporated into the Marine Conservation Zone Assessment Report **[APP-237]** for the DCO application. Based on the outcome of the Stage 1 Assessment, a Stage 2 Assessment is not required. There is no requirement for a Marine and Coastal Access Act 2009 derogation case. |
| | 5.6.13 | The applicant should be particularly careful to identify any effects of physical changes on the integrity and special features of Marine Protected Areas (MPAs). These could include MCZs, habitat sites including Special Areas of Conservation and Special Protection Areas with marine features, Ramsar Sites, Sites of Community Importance, and SSSIs with marine features. Applicants should also identify any effects on the special character of Heritage Coasts. | |

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| | 5.6.14 | Applicants must demonstrate that full account has been taken of the policy on assessment and mitigation in paragraphs 4.3.1 to 4.3.9 of this NPS, taking account of the potential effects of climate change on these risks. | ES Chapter 8 Marine Geology, Oceanography and Physical Processes **[APP-022]** section 8.5.10 sets out the future trends in baseline conditions including climate change. It states that the baseline conditions for marine geology, oceanography and physical processes will continue to be controlled by waves and tidal currents driving changes in sediment transport and then seabed morphology. However, the long-term established performance of these drivers may be affected by environmental changes including climate change driven sea-level rise. The effect of these broadscale environmental changes will occur regardless of the presence or absence of North Falls. This will have the greatest impact at the coast where more waves will impinge on the low-lying beaches and estuaries, potentially increasing their rate of erosion. Climate change will have little effect offshore where landscape-scale changes in water levels (water depths) far outweigh the effect of minor changes due to sea-level rise.<br><br>In their response to inform the scoping opinion and in their response to PEIR, Essex County Council state that coastal protection works at Clacton-on-Sea, to the south of the landfall area, are reliant on ongoing maintenance for which funding may be challenging. Therefore, while the current shoreline management plan is to hold the line, this could change in future to include managed realignment, subject to a revised strategy (the Planning Inspectorate, 2021). If a managed realignment option were to be implemented the siting of the Project would not be an issue because the landfall transition jointing bays would be c. 400m from the shoreline behind golf course/ SSSI and so set back from potential managed realignment with HDD to route cabling underneath the site. |
| Mitigation | 5.6.15 | Applicants should propose appropriate mitigation measures to address adverse physical changes to the coast, in consultation with the MMO, the EA or NRW, LPAs, other statutory consultees, Coastal Partnerships and other coastal groups, as it considers appropriate. Where this is not the case, the Secretary of State should consider what appropriate mitigation requirements might be attached to any grant of development consent. | North Falls has engaged in consultation with the MMO, and other relevant statutory consultees throughout the preparation of the DCO application as set out in the Consultation Report **[AS-015]**. Consultation undertaken with SNCBs and other stakeholders in relation to the MCZA process is provided in Section 4 of the Marine Conservation Zone Assessment Report **[APP-237]**.<br><br>Table 2.1 of the Schedule of Mitigation **[APP-012]** sets out the embedded mitigation measures for all phases of the Project in relation to marine geology, oceanography and physical processes and outlines where the measures are secured in the DCO Application. |
| Secretary of State decision making | 5.6.16 | The Secretary of State should be satisfied that the proposed development will be resilient to coastal erosion and deposition, taking account of climate change, during the project's operational life and any decommissioning period. Proposals that aim to facilitate the relocation of existing energy infrastructure from unsustainable locations which are at risk from coastal change, should be supported where it would result in climate resilient infrastructure. | Information on physical processes within the physical processes study area was collected through detailed desktop review of existing studies and datasets and supported by numerical modelling, and the assessments were undertaken having full regard to the relevant sections of NPS EN-1 and NPS EN-3. The assessment was also supplemented with additional information from other offshore wind farms (e.g. GGOW and GWF), including modelling of tides and sedimentary processes.<br><br>Water depths in the array area range from 5m below LAT up to 58m, while along the offshore cable corridor, water depths range between 1.5m below LAT to 42.4m. Tidal flows are directed to the north-north-east during the ebb tide and to the south-south-west during the flood tide. Modelled current velocities are similar on both states of the tide, ranging from 0.9m/s to 1.3m/s. |

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| | | | Primary wave direction is from the north-north-east to south-south-west axis, with the most common wave heights between 0.5m and 1.5m.<br><br>The geology of North Falls is predominantly Eocene to Holocene, generally consisting of Holocene deposits overlying Pleistocene channel complexes and infill deposits, which overlie the London Clay Formation and the Harwich Formation.<br><br>Potential impacts assessed for the construction and decommissioning phases include:<br><br>• Changes to suspended sediment concentrations;<br><br>• Changes in seabed level; and<br><br>• Interruptions to bedload sediment transport and indentations on the seabed, from installation of offshore infrastructure and preparatory seabed works.<br><br>Potential impacts assessed for the operation and maintenance phase include:<br><br>• Changes to the tidal, wave and sediment transport regimes due to the presence of structures on the seabed;<br><br>• Loss of seabed area;<br><br>• Morphological and sediment transport effects; and<br><br>• Changes in suspended sediment concentrations and indentations on the seabed.<br><br>Mitigation has been incorporated into the project design, including turbine spacing which reduces interactions between the effects of individual turbines; using micro-siting where practicable to minimise the requirements for seabed preparation prior to installation; and burying cables where practicable to reduce the impact on sediment transportation processes.<br><br>Table 8.51 of ES Chapter 8: Marine Geology, Oceanography and Physical Processes **[APP-022]** provides a summary of the potential environmental effects arising from the Project. With the implementation of mitigation measures, North Falls is predicted to have no greater than negligible adverse (not significant in EIA terms) effects on marine geology, oceanography and physical processes during all project phases.<br><br>There is potential for cumulative effects to occur with Five Estuaries Offshore Wind Farm and other projects. However, when considering proposed mitigation measures, it is not anticipated that cumulative effects are likely to be significant in EIA terms. |
| | 5.6.17 | The Secretary of State should not normally consent new development in areas of dynamic shorelines where the proposal could inhibit sediment flow or have an adverse impact on coastal processes at other locations. Impacts on coastal processes must be managed to minimise adverse impacts on other parts of the coast. Where such proposals are brought forward, consent should only be granted where the Secretary of State is satisfied that the benefits (including need) of the development outweigh the adverse impacts. | Table 2.1 of the Schedule of Mitigation **[APP-012]** sets out the embedded mitigation measures for all phases of the Project in relation to marine geology, oceanography and physical processes and outlines where the measures are secured in the DCO Application.<br><br>Table 8.51 of ES Chapter 8: Marine Geology, Oceanography and Physical Processes **[APP-022]** provides a summary of the potential environmental effects arising from the Project. With the implementation of mitigation measures, North Falls is predicted to have no greater than negligible adverse (not significant in EIA |

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| | | | terms) effects on marine geology, oceanography and physical processes during all project phases. |
| | 5.6.18 | The Secretary of State should ensure that applicants have restoration plans for areas of foreshore disturbed by direct works and will undertake pre- and post construction coastal monitoring arrangements with defined triggers for intervention and restoration. | Mitigation in relation to morphological and sediment transport effects is secured through the cable specification and installation plan secured by Schedule 9, Part 2, Condition 22 Schedule 10, Part 2, Condition 22 of the Draft Development Consent Order **[AS-022]**.<br>An offshore monitoring plan for the relevant stage which accords with the principles set out in the Offshore In-Principle Monitoring Plan **[APP-245]**. Table 5.1 of the Offshore In-Principle Monitoring Plan **[APP-245]** sets out the monitoring proposals and these will be submitted to the MMO for written approval prior to commencement of any survey works. |
| | 5.6.19 | The Secretary of State should examine the broader context of coastal protection around the proposed site, and the influence in both directions, i.e. coast on site, and site on coast. | ES Chapter 8 Marine Geology, Oceanography and Physical Processes **[APP-022]** sets out the assessment methodology and how the justification for the approach undertaken, following consultation with the MMO and Natural England.<br>As outlined above in response to Paragraph 5.6.16 with the implementation of mitigation measures, North Falls is predicted to have no greater than negligible adverse (not significant in EIA terms) effects on marine geology, oceanography and physical processes during all project phases. |
| | 5.6.20 | The Secretary of State should consult the MMO on projects which could impact on coastal change in England, or NRW for projects in Wales, since the MMO or NRW may also be involved in considering other projects which may have related coastal impacts. | North Falls have consulted with the MMO and Natural England (and other relevant stakeholders). A detailed response to the feedback received at consultation is provided in Table 8.1 of ES Chapter 8 Marine Geology, Oceanography and Physical Processes **[APP-022]**. |
| | 5.6.21 – 5.6.22 | In addition to this NPS, the Secretary of State must have regard to the appropriate marine policy documents in taking any decision which relates to the exercise of any function capable of affecting any part of the UK marine area.<br>The Secretary of State should also have regard to any relevant Shoreline Management Plans. | The Marine Plan Assessment **[APP-240]** provides a full assessment of the Project against the relevant policies contained within the East Inshore and East Offshore Marine Plan and the South East Inshore Marine Plan, including those related to coastal change.<br>Table 2.1 provides and assessment against the objectives of the East Inshore and East Offshore Marine Plan and relevant policies established under them are listed in Table<br>Table 2.2 South East Inshore Marine Plan Objectives and Policies details provided on how these have been considered by the Applicant, including references to the relevant ES chapter where applicable.<br>North Falls would be in accordance with the relevant policies of both Marine Plans.<br>North Falls will not affect the Shoreline Management Plan and allowance has been made for predicated erosion rates during North Falls design (further detail is provided in ES Chapter 4 – Site Selection and Assessment of Alternatives **[APP-018]**). Embedded mitigation to minimise likely significant effects at the coast of cable installation and operation are described in ES Chapter 8 – Marine Geology, Oceanography and Physical Processes **[APP-022]**.<br>Whilst the current Essex and South Suffolk Shoreline Management Plan (SMP) is to hold the line, this could change in future to include managed realignment, subject to a revised strategy. If a managed realignment option were to be implemented the |

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| | | | siting of the Project would not be an issue because the landfall transition jointing bays would be c. 400m from the shoreline behind golf course/ SSSI and so set back from potential managed realignment with HDD to route cabling underneath the site. |
| | 5.6.23 | Substantial weight should be attached to the risks of flooding and coastal erosion and the Secretary of State should be satisfied that the applicant has taken full account of the policy on assessment and mitigation in paragraphs 4.3.1 to 4.3.9 of this NPS, taking account of the potential effects of climate change on these risks. | Potential flood risk impacts are considered in ES Chapter 23 Water Resources and Flood Risk **[APP-037]** and concludes that with the implementation of mitigation measures, North Falls is predicted to have no greater than negligible or minor adverse (not significant in EIA terms) effects on water resources and flood risk during all its phases. North Falls has been designed so that it is not vulnerable to coastal change or climate change and the Applicant has given appropriate weight to these issues. |
| **5.7 - Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation** | | | |
| Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation | 5.7.3 | Because of the potential effects of these emissions and infestation, and in view of the availability of the defence of statutory authority against nuisance claims described in Section 4.15, it is important that the potential for these impacts is considered by the applicant and Secretary of State. | Effects arising from insect infestation have been scope out of the assessment with respect to nuisance as the Project has very limited potential for such effects.<br><br>The study area for air quality has been defined on the basis of the Scoping Opinion **[APP-260]** and through consultation with Tendring District Council. Offshore and operational air quality impacts have been scoped out of the assessment as they are unlikely to be significant (see Table 20.1).<br><br>Impacts with respect to noise, air quality, and light emissions have been assessed in the ES Chapter Noise and Vibration, ES Chapter X Air Quality, and ES Chapter X Human Health within the Statutory Nuisance Statement **[APP-239]**. |
| | 5.7.4 | For energy NSIPs of the type covered by this NPS, some impact on amenity for local communities is likely to be unavoidable. The aim should be to keep impacts to a minimum, and at a level that is acceptable. | |
| Applicant Assessment | 5.7.5 | The applicant should assess the potential for insect infestation and emissions of odour, dust, steam, smoke, and artificial light to have a detrimental impact on amenity, as part of the ES. | <u>Insect infestation</u><br><br>Effects arising from insect infestation have been scoped out of the assessment with respect to nuisance as the Project has very limited potential for such effects.<br><br><u>Steam</u><br><br>Effects arising from steam have been scoped out of the assessment with respect to nuisance as the Project has very limited potential for such effects.<br><br><u>Smoke</u><br><br>The effect on sensitive receptors of emissions from Non-road Mobile Machinery (NRMM) used at the landfall HDD compound area, the onshore cable route, Bentley Road Improvement works and the onshore substation works area are set out in ES Chapter 20 Onshore Air Quality **[APP-034]**. The effect of NRMM emissions on all of the sensitive receptors identified above are not significant in EIA terms.<br><br><u>Odour</u><br><br>With reference to ES Chapter 19 Ground Conditions and Contamination **[APP-033]**, as a result of project refinements since the scoping report was submitted, there are no longer any historic landfill sites located within the onshore project area. Therefore, there are not anticipated to be any impacts in relation to odour. Impacts from odour have been scoped out of the assessment. |

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| | | | Dust<br><br>A qualitative assessment of construction phase dust and PM10 emissions has been carried out in accordance with the latest IAQM guidance (IAQM, 2024). Full details of the methodology and dust assessment undertaken are provided in ES Appendix 20.1 **[APP-115]**.<br><br>Artificial Light<br><br>The Outline Code of Construction Practice **[APP-248]** sets out details of artificial lighting mitigation and management measures. Adherence to the measures set out within this plan would ensure that the effects of construction lighting are considered to be not significant as set out in ES Chapter 30 Landscape and Visual Impact Assessment **[APP-044]**. |
| | 5.7.6 | In particular, the assessment provided by the applicant should describe:<br>• The type, quantity and timing of emissions<br>• Aspects of the development which may give rise to emissions<br>• Premises or locations that may be affected by the emissions<br>• Effects of the emission on identified premises or locations<br>• Measures to be employed in preventing or mitigating the emissions | Please refer to the Applicant's response to Paragraphs 5.7.3 – 5.7.4 of NPS EN-1 (above). The ES Chapters and other supporting documents referred to above set out compliance with the information required under Paragraph 5.7.6. |
| | 5.7.7 | The applicant is advised to consult the relevant local planning authority and, where appropriate, the EA about the scope and methodology of the assessment. | Consultation on air quality matters has been undertaken in line with the general process described in ES Chapter 6 EIA Methodology **[APP-020]**. The key elements to date have included scoping and ongoing technical engagement with Tendring District Council via the Evidence Plan Process (EPP).<br><br>The feedback received has been considered in preparing the ES. Table 20.1 provides a summary of how the consultation and engagement responses received to date have influenced the approach that has been taken.<br><br>20.4.3.2 Construction Phase NRMM Emissions<br><br>The Scoping Opinion **[APP-260]** requested that "the Applicant should seek to agree the approach to assessment of NRMM with relevant consultation bodies. The ES should explain how emissions from NRMM will be managed". Therefore, a qualitative assessment of project-generated NRMM used during construction of the onshore cable corridor and/or onshore substation has been undertaken, where impacts on receptors may occur. This approach has been agreed with Tendring District Council.<br><br>20.4.6.1 Human health assessment<br><br>Background pollutant concentrations within the air quality study area for NOx, PM10 and PM2.5 were derived using the pollution maps provided by Defra for 1km x 1km grid squares across the UK. These data are derived using an empirical model, calibrated using monitoring data from the UK Automatic Urban and Rural Network and, as such, there are inherent uncertainties associated with modelled data. |

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| | | | However, the use of these maps is an industry-standard approach and has been agreed with stakeholders during consultation (see Table 20.1). Uncertainties in these mapped background values are unlikely to significantly affect the certainty of the EIA and the conclusions of the assessment. |
| Mitigation | 5.7.8 | Mitigation measures may include one or more of the following:<br>• Engineering: prevention of a specific emission at the point of generation; control, containment and abatement of emissions if generated<br>• Lay-out: adequate distance between source and sensitive receptors; reduced transport or handling of material<br>• Administrative: limiting operating times; restricting activities allowed on the site; implementing management plans | Mitigation measures in relation to noise, air quality, and light emissions are detailed in the Outline Code of Construction Practice (OCoCP) submitted with the DCO application and development of, and compliance with, a Code of Construction Practice in accordance with the OCoCP is secured by Schedule 1, Part 3, Requirement 8 of the Draft DevelopmentConsent Order **[AS-022]**.<br>The OCoCP includes measures relation to lay-out and administration under section 1.3 general site operations. |
| | 5.7.9 | Construction should be undertaken in a way that reduces emissions, for example the use of low emission mobile plant during the construction, and demolition phases as appropriate, and consideration should be given to making these mandatory in Development Consent Order requirements. | There are opportunities for reductions in construction phase Greenhouse Gas Emissions which can be captured through the implementation of a standard carbon management process.<br>Details of the recommended management measures for GHG Management Hierarchy are detailed in the OCoCP. A final CoCP, based on the OCoCP is secured by Schedule 1, Part 3, Requirement 8 of the Draft DCO. |
| | 5.7.10 – 5.7.11 | Demolition considerations should be embedded into designs at the outset to enable demolition techniques to be adopted that remove the need for explosive demolition.<br>A construction management plan may help clarify and secure mitigation. | No demolition works are included within the Authorised Development.<br>Mitigation measures for construction activities with respect to emissions are detailed in the OCoCP **[APP-248]**. A final CoCP, based on the OCoCP is secured by Schedule 1, Part 3, Requirement 8 of the Draft Development Consent Order **[AS-022]**. |
| Secretary of State decision making | 5.7.12 | The Secretary of State should satisfy itself that:<br>• An assessment of the potential for artificial light, dust, odour, smoke, steam and insect infestation to have a detrimental impact on amenity has been carried out<br>• That all reasonable steps have been taken, and will be taken, to minimise any such detrimental impacts | Please refer to the applicant's responses above to Paragraphs 5.7.3 – 5.7.11. The Applicant has assessed the Project in accordance with bullet one of Paragraph 5.7.12 and applied the mitigation hierarchy to avoid adverse effects. |
| | 5.7.13 | If development consent is granted for a project, the Secretary of State should consider whether there is a justification for all of the authorised project (including any associated development) to be covered by a defence of statutory authority against nuisance claims. If the Secretary of State cannot conclude that this is justified, the Secretary of State should disapply in whole or in part the defence through a provision in the Development Consent Order. | It is considered that the Project has the potential to give rise to complaints from local communities under sub-paragraphs (g) and (ga) under Section 79(1) in relation to noise (and vibration). The Statutory Nuisance Statement **[APP-239]** also considers air quality (sub paragraph (d)) and lighting (sub-paragraph (fb)).<br>Whilst the ES concludes that no such nuisance will occur, a provision has been included in the Draft Development Consent Order **[**AS-022**]** at Article 7 which relates to defence to proceedings in respect of statutory nuisance.<br>Article 7 (Defence to proceedings in respect of statutory nuisance) of the Draft Development Consent Order **[AS-022]** provides that no one is able to bring statutory nuisance proceedings under the Environmental Protection Act 1990 in |

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| | | | respect of noise, if the noise is created in the course of carrying out construction or maintenance or decommissioning of the Authorised Development and for which notice has been given under section 60 or consent obtained under section 61 of the Control of Pollution Act 1974 or which cannot be reasonably avoided as a consequence of the Authorised Development. |
| | 5.7.14 – 5.7.15 | Where the Secretary of State believes it appropriate, the Secretary of State may consider attaching requirements to the development consent, to secure certain mitigation measures.<br>In particular, the Secretary of State should consider whether to require the applicant to abide by a scheme of management and mitigation concerning insect infestation and emissions of odour, dust, steam, smoke, and artificial light from the development. The Secretary of State should consider the need for such a scheme to reduce any loss to amenity which might arise during the construction, operation and decommissioning of the development. A construction management plan may help codify mitigation at that stage. | With the mitigation proposed in the Outline Code of Construction Practice (OCoCP) **[APP-248]** it is considered that all reasonable steps have been taken to minimise potential impacts of dust, odour, artificial light, and smoke. A final CoCP, based on the OCoCP is secured by Schedule 1, Part 3, Requirement 8 of the Draft Development Consent Order **[AS-022]**.<br>Effects relating to steam or insect infestation have been scoped out of the assessment with respect to nuisance as the Project has very limited potential for such effects. |
| **5.8 – Flood Risk** | | | |
| Applicant Assessment | 5.8.13 – 5.8.14 | A site-specific flood risk assessment should be provided for all energy projects in Flood Zones 2 and 3 in England or Zones B and C in Wales. In Flood Zone 1 in England or Zone A in Wales, an assessment should accompany all proposals involving:<br>• Sites of 1 hectare or more<br>• Land which has been identified by the ea or nrw as having critical drainage problems<br>• Land identified (for example in a local authority strategic flood risk assessment) as being at increased flood risk in future<br>• Land that may be subject to other sources of flooding (for example surface water)<br>• Where the EA or NRW, lead local flood authority, internal drainage board or other body have indicated that there may be drainage problems.<br>This assessment should identify and assess the risks of all forms of flooding to and from the project and demonstrate how these flood risks will be managed, taking climate change into account. | Potential impacts on flood risk are considered in Section 21.6 of ES Chapter 21 Water Resources and Flood Risk **[APP-035]** and ES Appendix 21.3 Flood Risk Assessment **[APP-121]** in accordance with Paragraph 5.18.13 of NPS EN-1. |
| | 5.8.15 | The minimum requirements for Flood Risk Assessments (FRA) are that they should:<br>• Be proportionate to the risk and appropriate to the scale, nature and location of the project; | Potential impacts on flood risk are considered in Section 21.6 of ES Chapter 21 Water Resources and Flood Risk **[APP-035]** and ES Appendix 21.3 Flood Risk Assessment **[APP-121]**.<br>ES Appendix 21.3 Flood Risk Assessment **[APP-121]** is in compliance with Paragraph 5.8.15 of NPS EN-1. |

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| | | • Consider the risk of flooding arising from the project in addition to the risk of flooding to the project;<br>• Take the impacts of climate change into account, across a range of climate scenarios, clearly stating the development lifetime over which the assessment has been made;<br>• Be undertaken by competent people, as early as possible in the process of preparing the proposal;<br>• Consider both the potential adverse and beneficial effects of flood risk management infrastructure, including raised defences, flow channels, flood storage areas and other artificial features, together with the consequences of their failure and exceedance;<br>• Consider the vulnerability of those using the site, including arrangements for safe access and escape;<br>• Consider and quantify the different types of flooding (whether from natural and human sources and including joint and cumulative effects) and include information on flood likelihood, speed-of-onset, depth, velocity, hazard and duration;<br>• Identify and secure opportunities to reduce the causes and impacts of flooding overall, making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management;<br>• Consider the effects of a range of flooding events including extreme events on people, property, the natural and historic environment and river and coastal processes;<br>• Include the assessment of the remaining (known as 'residual') risk after risk reduction measures have been taken into account and demonstrate that these risks can be safely managed, ensuring people will not be exposed to hazardous flooding;<br>• Consider how the ability of water to soak into the ground may change with development, along with how the proposed layout of the project may affect drainage systems. Information should include:<br>- Describe the existing surface water drainage arrangements for the site<br>- Set out (approximately) the existing rates and volumes of surface water run-off generated by the site. Detail the proposals for restricting discharge rates<br>- Set out proposals for managing and discharging surface water from the site using sustainable drainage systems and accounting for the predicted impacts of climate change. If sustainable drainage systems have been rejected, present clear evidence of why their inclusion would be inappropriate | |

| SECTION | NPS EN-1 PARAGRAPH | NPS EN-1 POLICY WORDING | ACCORDANCE WITH NPS POLICY |
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| | | - Demonstrate how the hierarchy of drainage options has been followed.<br>- Explain and justify why the types of SuDS and method of discharge have been selected and why they are considered appropriate.<br>- Explain how sustainable drainage systems have been integrated with other aspects of the development such as open space or green infrastructure, so as to ensure an efficient use of the site<br>- Describe the multifunctional benefits the sustainable drainage system will provide<br>- Set out which opportunities to reduce the causes and impacts of flooding have been identified and included as part of the proposed sustainable drainage system<br>- Explain how run-off from the completed development will be prevented from causing an impact elsewhere<br>- Explain how the sustainable drainage system been designed to facilitate maintenance and, where relevant, adoption. Set out plans for ensuring an acceptable standard of operation and maintenance throughout the lifetime of the development<br>• Detail those measures that will be included to ensure the development will be safe and remain operational during a flooding event throughout the development's lifetime without increasing flood risk elsewhere;<br>• Identify and secure opportunities to reduce the causes and impacts of flooding overall during the period of construction; and<br>• Be supported by appropriate data and information, including historical information on previous events. | |
| | 5.8.16 | Further guidance can be found in the Planning Practice Guidance Flood Risk and Coastal Change section which accompanies the NPPF, TAN15 for Wales or successor documents. | The Applicant has had regard to the relevant guidance including that of the NPPF, as outlined in section 21.4.1.2.3 of ES Chapter 21 Water Resources and Flood Risk **[APP-035]**. |
| | 5.8.18 – 5.8.20 | Applicants for projects which may be affected by, or may add to, flood risk should arrange pre-application discussions before the official pre-application stage of the NSIP process with the EA or NRW, and, where relevant, other bodies such as Lead Local Flood Authorities, Internal Drainage Boards, sewerage undertakers, navigation authorities, highways authorities and reservoir owners and operators.<br>Such discussions should identify the likelihood and possible extent and nature of the flood risk, help scope the FRA, and identify the information that will be required by the Secretary of State to reach a | Table 21.1 of ES Chapter 21 Water Resources and Flood Risk **[APP-035]** sets out the consultation activities in relation to flood risk and water resources including engagement with the Environment Agency, Essex County Council, Anglian Water, Little Bromley Parish Council, and the Planning Inspectorate.<br>The Applicant intends to enter into a Statement of Common Ground with the Environment Agency. |

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| | | decision on the application when it is submitted. The Secretary of State should advise applicants to undertake these steps where they appear necessary but have not yet been addressed.<br><br>If the EA, NRW or another flood risk management authority has reasonable concerns about the proposal on flood risk grounds, the applicant should discuss these concerns with the EA or NRW and take all reasonable steps to agree ways in which the proposal might be amended, or additional information provided, which would satisfy the authority's concerns. | |
| | 5.8.21 – 5.8.22 | The Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites with medium risk areas and then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.<br><br>The technology specific NPSs set out some exceptions to the application of the Sequential Test. However, when seeking development consent on a site allocated in a development plan through the application of the Sequential Test, informed by a strategic flood risk assessment, applicants need not apply the Sequential Test, provided the proposed development is consistent with the use for which the site was allocated and there is no new flood risk information that would have affected the outcome of the test. | Section 5 of ES Appendix 21.3 Flood Risk Assessment **[APP-121]** considers the Sequential Test and Exception Test.<br><br>It is considered that flood risk concerns can be appropriately mitigated. On this basis, the Project is considered to be in accordance with the Sequential Text, in that areas principally at low risk have been identified over those areas at increased risk. With regards to other sources of flooding, it is noted that the Project has been located such that it is at low risk of flooding from reservoirs, sewers, groundwater, canals and other artificial sources. On this basis, it is concluded that the Project has been appropriately sequentially located.<br><br>When applying the Exception Test, Appendix 21.3 Flood Risk Assessment **[APP-121]** demonstrates that the Project will provide wider sustainability benefits to the community associated with the provision of renewable energy, and that it can be designed such that it would be safe for its lifetime without increasing flood risk elsewhere. |
| Mitigation | 5.8.24 – 5.8.25 | To satisfactorily manage flood risk, arrangements are required to manage surface water and the impact of the natural water cycle on people and property.<br><br>In this NPS, the term SuDS refers to the whole range of sustainable approaches to surface water drainage management including, where appropriate:<br><br>• Source control measures including rainwater recycling and drainage<br><br>• Infiltration devices to allow water to soak into the ground, that can include individual soakaways and communal facilities<br><br>• Filter strips and swales, which are vegetated features that hold and drain water downhill mimicking natural drainage patterns<br><br>• Filter drains and porous pavements to allow rainwater and run-off to infiltrate into permeable material below ground and provide storage if needed | Surface water drainage requirements for the onshore substation have taken into account the SuDS hierarchy to meet the requirements of the relevant policy and guidance.<br><br>An Outline Operational Drainage Strategy **[APP-254]** has been developed in accordance with SuDS principles. |

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| | | • Basins, ponds and tanks to hold excess water after rain and allow controlled discharge that avoids flooding<br>• Flood routes to carry and direct excess water through developments to minimise the impact of severe rainfall flooding | |
| | 5.8.26 – 5.8.29 | Site layout and surface water drainage systems should cope with events that exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts.<br>The surface water drainage arrangements for any project should, accounting for the predicted impacts of climate change throughout the development's lifetime, be such that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the proposed project, unless specific off-site arrangements are made and result in the same net effect.<br>It may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the site. There may be circumstances where it is appropriate for infiltration facilities or attenuation storage to be provided outside the project site, if necessary through the use of a planning obligation.<br>The sequential approach should be applied to the layout and design of the project. Vulnerable aspects of the development should be located on parts of the site at lower risk and residual risk of flooding. Applicants should seek opportunities to use open space for multiple purposes such as amenity, wildlife habitat and flood storage uses. Opportunities should be taken to lower flood risk by reducing the built footprint of previously developed sites and using SuDS. | Details of the temporary (construction) and operational drainage strategy is described in detail in the Outline Operational Drainage Strategy, which includes SuDS. The Outline Operational Drainage Strategy **[APP-254]** provides details of the proposed surface water drainage design. It provides confirmation that sufficient storage will be provided to attenuate surface water and discharge at a controlled rate following a rainfall event.<br>Section 21.6.1.1 assesses the direct disturbance of surface water bodies, including trenched and temporary crossings (e.g. culverts and bailey bridges). Mitigation measures for all impacts are set out in Section 21.3.3, including measures to manage sediment, pollutants and surface water runoff.<br>Requirement 22 of the Draft Development Consent Order **[**AS-022**]** in relation to the Operational Drainage Plan stipulates that no part of the works relating to the onshore substation or its compounds (Work Nos. 11 and 12) may commence until an operational drainage plan has been submitted to and approved by the Relevant Planning Authority. This plan must be in accordance with the outline operational drainage plan and must be implemented as approved. |
| | 5.8.30 – 5.8.32 | Where a development may result in an increase in flood risk elsewhere through the loss of flood storage, on-site level-for-level compensatory storage, accounting for the predicted impacts of climate change over the lifetime of the development, should be provided.<br>Where it is not possible to provide compensatory storage on site, it may be acceptable to provide it off-site if it is hydraulically and hydrologically linked. Where development may cause the deflection or constriction of flood flow routes, these will need to be safely managed within the site.<br>Where development may contribute to a cumulative increase in flood risk elsewhere, the provision of multifunctional sustainable drainage systems, natural flood management and green infrastructure can also make a valuable contribution to mitigating this risk whilst providing wider benefits. | ES Appendix 21.3 Flood Risk Assessment **[APP-121]** sets out the mitigation proposed for the onshore substation with regards to impacts on flood risk elsewhere.<br>*Section 9.2 Onshore cable route*<br>The use of trenchless techniques has been embedded in the scheme design for the crossing of Main Rivers and as such the impact on flood risk in these locations would be Low. Trenched and trenchless crossings will be carried out on Ordinary Watercourses crossed by the onshore cable route. For the trenched crossings, any temporary damming and diversion of watercourses along the onshore cable route will be designed such that the original flow volumes and rates are maintained to ensure the flood risk is not increased. Once operational, there will be no flood risk to or from the onshore export cables linked to fluvial, tidal, surface or sewer flooding as they will be located wholly below ground.<br>*Section 9.3 Onshore substation* |

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| | | | The onshore substation is not considered to be at risk of flooding from tidal, sewers, reservoirs, canals or other artificial sources. There is also a low risk of flooding from groundwater sources.<br><br>In addition, the onshore substation is located within Flood Zone 1, which represents a low risk of flooding from fluvial sources. With regards to the surface water flood risk, the Environment Agency Surface Water Flood Map indicates that the onshore convertor station site has areas of surface water flood risk, associated only with the 0.1% AP event, located within the proposed footprint of the onshore substation.<br><br>Whilst the area at increased risk is relatively small in comparison with the wider onshore substation works area, the indictive drainage design also includes measures to mitigate this risk to ensure it does not increase surface water flood risk either to the Project or to off-site receptors.<br><br>On this basis, whilst overall the risk of flooding from surface water is considered to be Low for the onshore substation, there is a need to consider this in greater detail as part of the final design for the onshore substation. However, it is noted that it has been considered in the development of the surface water drainage design, as shown in the Outline Operational Drainage Strategy **[APP-254]**<br><br>Furthermore, surface water drainage requirements for the onshore substation have taken into account the SuDS hierarchy to meet the requirements of the relevant policy and guidance.<br><br>The operational drainage at the onshore substation will be designed taking into account the greenfield runoff rate, proposed runoff rates, volume of storage required and the proposed approach for discharge of water from the onshore substation. |
| | 5.8.33 | The receipt of and response to warnings of floods is an essential element in the management of the residual risk of flooding. Flood Warning and evacuation plans should be in place for those areas at an identified risk of flooding. | As outlined in Section 8.2 of ES Appendix 21.3 Flood Risk Assessment **[APP-121].**<br><br>While construction work is taking place on site, site workers and users will be required to monitor local weather forecasts and ensure there is an evacuation route in place in the event that either fluvial or surface water flooding takes place during the construction stages of the development. This will also need to include any works being undertaken at the landfall, in the area at risk from tidal flooding. This is secured within the OCoCP **[APP-248]**.<br><br>Where there are Environment Agency Flood Alerts and Flood Warnings available for a location, the Principal Contractor will be required to sign up to receive the relevant flood warnings and alerts. Specific Flood Warning and Evacuation Plans should be produced for the construction phase at both the landfall and along the onshore cable route. This is specifically relevant to construction works at watercourse crossing locations where personnel or materials may be located within Flood Zone 2 or Flood Zone 3 and at the landfall where works may, albeit temporarily, be located in Flood Zone 2 or Flood Zone 3.<br><br>Once operational, access to the onshore substation will be limited and transient in nature i.e. there will be no requirement to remain on site overnight and the site can be evacuated, upon receipt of a heavy rainfall warning. This ensures operators of the site would not be placed at risk during such an event. Egress routes from the onshore substation would be readily available to areas that are similarly not |
| | 5.8.34 | The applicant should take advice from the local authority emergency planning team, emergency services and, where appropriate, from the local resilience forum when producing an evacuation plan for a manned energy project as part of the FRA. Any emergency planning documents, flood warning and evacuation procedures that are required should be identified in the FRA. | |

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| | | | identified as being at risk. As such, it is not considered that a Flood Warning and Evacuation Plan or specific access or egress plans are required for this element of the Project. |
| | 5.8.35 | Flood resistant and resilient materials and design should be adopted to minimise damage and speed recovery in the event of a flood. | Section 8.2 of ES Appendix 21.3 Flood Risk Assessment **[APP-121]** confirms that similar to the risks associated with coastal / tidal flooding, mitigation measures will need to be put in place to ensure that materials remain confined to the compound and portable offices, welfare facilities and storage are secured, to prevent and minimise damages from flood waters. This will be secured within the OCoCP **[APP-248].** |
| Secretary of State decision making | 5.8.36 | In determining an application for development consent, the Secretary of State should be satisfied that where relevant:<br>• The application is supported by an appropriate FRA<br>• The Sequential Test has been applied and satisfied as part of site selection<br>• A sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk<br>• The proposal is in line with any relevant national and local flood risk management strategy<br>• Suds (as required in the next paragraph on National Standards) have been used unless there is clear evidence that their use would be inappropriate<br>• In flood risk areas the project is designed and constructed to remain safe and operational during its lifetime, without increasing flood risk elsewhere (subject to the exceptions set out in paragraph 5.8.42)<br>• The project includes safe access and escape routes where required, as part of an agreed emergency plan, and that any residual risk can be safely managed over the lifetime of the development<br>• Land that is likely to be needed for present or future flood risk management infrastructure has been appropriately safeguarded from development to the extent that development would not prevent or hinder its construction, operation or maintenance | North Falls is supported by an appropriate FRA, please refer to ES Appendix 21.3 Flood Risk Assessment **[APP-121]** where Section 5 provides an assessment of the Project in relation to the Sequential and Exception Tests.<br>The Project has regard to the relevant planning policy and guidance including NPS EN-1, the NPPF, Tendring Local Plan 2013 – 2033, Essex County Council Local Flood Risk Management Strategy (2018), Tendring Strategic Flood Risk Assessment (2017), the North Essex Catchment Flood Management Plan, and Shoreline Management Plan 8 (SMP8) Landguard Point to Two Tree Island.<br>North Falls has consulted with the relevant statutory bodies including the Environment Agency and Essex County Council – please refer to Table 21.1 Section 21.2 of ES Chapter 21 Water Resources and Flood Risk **[APP-035]** for a summary of the consultation undertaken with key stakeholders with regards to flood risk.<br>As outlined in Paragraphs 345 – 349 of ES Appendix 21.3 Flood Risk Assessment **[APP-121]** following the application of mitigation proposed in the OCoCP **[APP-248]** it has been demonstrated that the Project will provide wider sustainability benefits to the community associated with the provision of renewable energy, and that it can be designed such that it would be safe for its lifetime without increasing flood risk elsewhere.<br>Section 8.2 of ES Appendix 21.3 Flood Risk Assessment **[APP-121]** details the flood warning and evacuation plans that will be required during construction and secured by the OCoCP **[APP-248]**. Section 9.3 of ES Appendix 21.3 Flood Risk Assessment **[APP-121]** in relation to the onshore substation explains why it is not considered that a Flood Warning and Evacuation Plan or specific access or egress plans are required for this element of the Project. |
| | 5.8.37 – 5.8.40 | For energy projects which have drainage implications, approval for the project's drainage system, including during the construction period, will form part of the development consent issued by the Secretary of State. The Secretary of State will therefore need to be satisfied that the proposed drainage system complies with any National Standards published by Ministers under paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010. | Any works, either temporary or permanent, which will alter the flow of water along a watercourse or require the erection of a culvert, bridge or modification to the channel will require consent from the corresponding relevant authorities such as the Environment Agency or the LLFA.<br>The Applicant will continue to engage in dialogue with the key stakeholders, comprising the Environment Agency and Essex County Council, to ensure flood risk related to their specific watercourses are fully considered and that permitting |

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| | | In addition, the Development Consent Order, or any associated planning obligations, will need to make provision for appropriate operation and maintenance of any SuDS throughout the project's lifetime. Where this is secured through the adoption of any SuDS features, any necessary access rights to property will need to be granted.<br><br>Where relevant, the Secretary of State should be satisfied that the most appropriate body is being given the responsibility for maintaining any SuDS, taking into account the nature and security of the infrastructure on the proposed site. Responsible bodies could include, for example the landowner, the relevant lead local flood authority or water and sewerage company (through the Ofwat approved Sewerage Sector Guidance), or another body, such as an Internal Drainage Board.<br><br>If the EA, NRW or another flood risk management authority continues to have concerns and objects to the grant of development consent on the grounds of flood risk, the Secretary of State can grant consent, but would need to be satisfied before deciding whether or not to do so that all reasonable steps have been taken by the applicant and the authority to try to resolve the concerns. | requirements regarding the need to cross watercourses within their administrative control are addressed. Protective provisions for the benefit of drainage authorities and for the benefit of the Environment Agency have been included within the Draft Development Consent Order **[AS-022]**.<br><br>A range of mitigation measures are proposed and are detailed in the Outline Code of Construction Practice submitted with the DCO application. During the construction phase, these measures include ground investigations and a hydrogeological risk assessment, a Horizontal Directional Drill Method Statement and Contingency Plan, crossing all Main Rivers and most ordinary watercourses using trenchless techniques, use of bailey bridges to traverse Main Rivers, applying best practice measures at trenched crossings and appointing a land drainage consultant to develop pre-and post-construction drainage plans designed to comply with the water quality design criteria outlined in the Construction Industry Research and Information Association Sustainable Drainage Systems manual. Outline soil management measures have been detailed in the Outline Code of Construction Practice. With the implementation of mitigation measures, North Falls is predicted to have no greater than negligible or minor adverse (not significant in EIA terms) effects on water resources and flood risk during all its phases. |
| | 5.8.41 – 5.8.42 | Energy projects should not normally be consented within Flood Zone 3b, or Zone C2 in Wales, or on land expected to fall within these zones within its predicted lifetime. This may also apply where land is subject to other sources of flooding (for example surface water). However, where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage and will not impede water flows.<br><br>Exceptionally, where an increase in flood risk elsewhere cannot be avoided or wholly mitigated, the Secretary of State may grant consent if they are satisfied that the increase in present and future flood risk can be mitigated to an acceptable and safe level and taking account of the benefits of, including the need for, nationally significant energy infrastructure as set out in Part 3 above. In any such case the Secretary of State should make clear how, in reaching their decision, they have weighed up the increased flood risk against the benefits of the project, taking account of the nature and degree of the risk, the future impacts on climate change, and advice provided by the EA or NRW and other relevant bodies. | North Falls onshore infrastructure is not located within a Flood Zone 3b (Functional Floodplain).<br><br>The Project is classified as 'essential infrastructure' under the NPPF and therefore considered acceptable in Flood Zones 1 and 2. The majority of the onshore cable route and the onshore substation are in Flood Zone 1.<br><br>Some limited areas of the onshore cable route pass through Flood Zone 3. As outlined in Paragraphs 345 – 349 of ES Appendix 21.3 Flood Risk Assessment **[APP-121]** following the application of mitigation proposed in the **OCoCP [APP-248]** it has been demonstrated that the Project will provide wider sustainability benefits to the community associated with the provision of renewable energy, and that it can be designed such that it would be safe for its lifetime without increasing flood risk elsewhere. |
| **5.9 - Historic environment** | | | |
| Historic Environment | 5.9.5 | There are heritage assets that are not currently designated, but which have been demonstrated to be of equivalent significance to designated heritage assets of the highest significance. These are: | *Onshore archaeology and cultural heritage*<br><br>ES Chapter 25 Onshore Archaeology and Cultural Heritage **[APP-039]** provides an overview of the existing environment for the onshore project area and wider study |

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| | | • Those that the Secretary of State has recognised as being capable of being designated as a Scheduled Monument or Protected Wreck Site but has decided not to designate<br>• Those that the Secretary of State has recognised as being of equivalent significance to Scheduled Monuments or Protected Wreck Sites but are incapable of being designated by virtue of being outside the scope of the related legislation.<br>• Those that have yet to be formally assessed by the Secretary of State, but which have potential to demonstrate equivalent significance to Scheduled Monuments or Protected Wreck Sites. | areas, followed by an assessment of likely significant effects in relation to heritage assets for the construction, operation, and decommissioning phases of the Project.<br>The two study areas for onshore archaeology and cultural heritage are defined as:<br>• Designated heritage assets study area - within 1km of the onshore project area and 5km of the onshore substation works area; and<br>• Non-designated heritage assets study area - within 500m of the onshore project area.<br>There are 449 designated heritage assets within the designated heritage assets study area, comprising:<br>• Seven Scheduled Monuments<br>• Two Registered Parks and Gardens;<br>• 432 Listed Buildings; and<br>• Eight Conservation Areas.<br>There are 240 non-designated heritage assets within the non-designated heritage assets study area based on the ES onshore project area, of which 52 fall within the onshore project area.<br>Mitigation has been proposed with further route refinement and micro-siting to help ensure that areas of high archaeological potential are avoided where possible. In addition, the onshore substation has been designed to reduce the overall height and massing of associated structures and other elements as far as practicable. North Falls have also submitted a project-specific Outline Written Scheme of Investigation (WSI) which defines the need to undertake additional surveys and evaluation to inform the archaeological mitigation requirements. Further onshore project area refinement following an extensive site selection process has taken place to further reduce the identified effects.<br>With the implementation of these mitigation measures, North Falls is predicted to have no greater than minor adverse residual (not significant in EIA terms) effects upon onshore archaeology and cultural heritage receptors during all its phases.<br>*Offshore and Intertidal archaeology and cultural heritage*<br>ES Chapter 16 Offshore and Intertidal archaeology and cultural heritage assessment of effects has been carried out in accordance with the relevant requirements for assessment set out in NPS EN-1 and NPS EN-3. The assessment was based on the marine geophysical survey undertaken by Fugro in 2021, alongside desk-based resources. Geophysical data was collected in the array area and offshore cable corridor and provided to Wessex Archaeology for processing and interpretation.<br>The offshore archaeology and cultural heritage existing environment within the study area (footprint of the offshore project area) covers seabed prehistory; maritime archaeology; aviation archaeology; historic seascape character; and buried archaeology. |
| | 5.9.6 | Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to Scheduled Monuments or Protected Wreck Sites should be considered subject to the policies for designated heritage assets. The absence of designation for such heritage assets does not indicate lower significance or necessarily imply that it is not of national importance. | |
| | 5.9.7 – 5.9.8 | The Secretary of State should also consider the impacts on other non-designated heritage assets (as identified either through the development plan making process by plan-making bodies, including 'local listing', or through the application, examination and decision making process). This is on the basis of clear evidence that such heritage assets have a significance that merits consideration in that process, even though those assets are of lesser significance than designated heritage assets.<br>Impacts on heritage assets specific to types of infrastructure are included in the technology specific NPSs. | |
| Applicant Assessment | 5.9.9 | The applicant should undertake an assessment of any likely significant heritage impacts of the proposed development as part of the EIA, and describe these along with how the mitigation hierarchy has been applied in the ES (see Section 4.3). This should include consideration of heritage assets above, at, and below the surface of the ground. Consideration will also need to be given to the possible impacts, including cumulative, on the wider historic environment. The assessment should include reference to any historic landscape or seascape character assessment and associated studies as a means of assessing impacts relevant to the proposed project. | |

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| | | | There are no known in situ seabed prehistory sites within the study area. However, a number of finds of prehistoric material have been reported from the study area and the immediate vicinity of the offshore cable. There is potential for numerous channel deposits to contain archaeological material, and paleoenvironmental material. Well-preserved paleogeographic features were identified in the array area and the offshore cable corridor.<br><br>There are no known maritime and aviation archaeological sites within the study area that are subject to statutory protection. There are three modern wrecks within the offshore project area, however, they are not of archaeological interest due to their age.<br><br>The potential for encountering previously undiscovered in situ archaeological sites within the intertidal zone is anticipated to be very low, and there are no known, extant heritage assets present within the intertidal zone. As well as the use of horizontal directional drilling to install the cable beneath the intertidal zone, which reduces the potential for interactions with heritage assets, historic coastal erosion and subsequent coastal management regimes from the 18th century onwards have significantly reduced the potential for buried remains.<br><br>It is anticipated that historic seascape character types have capacity to accommodate changes associated with North Falls.<br><br>With the implementation of mitigation measures, North Falls is predicted to have no greater than minor adverse (not significant in EIA terms) effect on offshore and intertidal archaeology and cultural heritage during all its phases. |
| | 5.9.10 | As part of the ES the applicant should provide a description of the significance of the heritage assets affected by the proposed development, including any contribution made by their setting. The level of detail should be proportionate to the importance of the heritage assets and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the applicant should have consulted the relevant Historic Environment Record (or, where the development is in English or Welsh waters, Historic England or Cadw) and assessed the heritage assets themselves using expertise where necessary according to the proposed development's impact. | The significance and value of the heritage assets considered in ES Chapter 25 Onshore Archaeology and Cultural Heritage **[APP-039]** are detailed in Section 25.5. A setting assessment and screening exercise has been undertaken for the onshore infrastructure (ES Appendix 25.3 **[APP-148** – **APP 149]**) and the offshore infrastructure (ES Appendix 25.4 **[APP-150]**), the results of which have informed Sections 25.5 and 25.6 of ES Chapter 25 Onshore Archaeology and Cultural Heritage **[APP-039]**.<br><br>The significance of the archaeological receptors are considered in ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage **[APP-030]** and the contribution of setting to that significance have been detailed in Sections 16.4.1.2, 16.4.2.2 and 16.4.3.2 of the Chapter. Marine records maintained by Historic England have been consulted, as detailed in Table 16.7 of the Chapter. Issues relating to the setting of onshore heritage assets have been considered as part of ES Chapter 25 Onshore Archaeology and Cultural Heritage **[APP-039]**.<br><br>Issues relating to the setting of offshore and intertidal heritage assets have been considered as part of ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage **[APP-030]**. |
| | 5.9.11 | Where a site on which development is proposed includes, or the available evidence suggests it has the potential to include, heritage assets with an archaeological interest, the applicant should carry out appropriate desk-based assessment and, where such desk-based research is insufficient to properly assess the interest, a field | Section 25.5 of ES Chapter 25 Onshore Archaeology and Cultural Heritage **[APP-039]** has been informed by the Cable Landfall Archaeological Desk Based Assessment (ADBA) (ES Appendix 25.1, **[APP-144]**), THE Cable and Substation ADBA (ES Appendix 25.2 **[APP-145** - **APP146]**), initial setting Assessments (ES Appendix 25.3 **[APP-148** – **APP-149]** and ES Appendix 25.4 **[APP-150]**), Heritage |

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| | | evaluation. Where proposed development will affect the setting of a heritage asset, accurate representative visualisations may be necessary to explain the impact. | Walkover Survey (ES Appendix 25.5, **[APP-159]**, a GDBA (ES Appendix 25.6 **[APP-152]**, Geophysical Survey (ES Appendix 25.8, **[APP-154** – **APP-155]**), Archaeological and geoarchaeological monitoring of GI works (ES Appendix 25.9, **[APP-156]**), Archaeological Evaluation (ES Appendixes 25.10 **[APP-157]** and 25.11 **[APP-158]**) and Palaeolithic Evaluation (ES Appendix 25.12 **[APP-159]**.<br><br>Section 10.4 of ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage **[APP-030]** provides a full assessment of the baseline environment. |
| | 5.9.12 | The applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood from the application and supporting documents. Studies will be required on those heritage assets affected by noise, vibration, light and indirect impacts, the extent and detail of these studies will be proportionate to the significance of the heritage asset affected. | ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage **[APP-030]** provides an account of the potential impacts of North Falls upon heritage assets and their significance including indirect impacts within Section 16.5.<br><br>ES Chapter 25 Onshore Archaeology and Cultural Heritage **[APP-039]** provides an assessment of the potential impact of the Project upon heritage assets and their significance in Sections 25.5 and 25.6. |
| | 5.9.13 | The applicant is encouraged, where opportunities exist, to prepare proposals which can make a positive contribution to the historic environment, and to consider how their scheme takes account of the significance of heritage assets affected. This can include, where possible:<br><br>• Enhancing, through a range of measures such a sensitive design, the significance of heritage assets or setting affected<br><br>• Considering where required the development of archive capacity which could deliver significant public benefits<br><br>• Considering how visual or noise impacts can affect heritage assets, and whether there may be opportunities to enhance access to, or interpretation, understanding and appreciation of, the heritage assets affected by the scheme | The potential for enhancement of the archaeological record for the North Sea is discussed in Section 16.7.3 of ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage **[APP-030]**.<br><br>ES Chapter 25 Onshore Archaeology and Cultural Heritage **[APP-039]** provides an assessment of potential impacts, both positive and negative in Section 25.3.3. |
| | 5.9.14 | Careful consideration in preparing the scheme will be required on whether the impacts on the historic environment will be direct or indirect, temporary, or permanent. | ES Chapter 25 Onshore Archaeology and Cultural Heritage **[APP-039]** provides an assessment of the potential impacts including direct, indirect, temporary or permanent in Section 25.6. |
| | 5.9.15 | Applicants should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. | ES Appendix 25.3 Onshore Infrastructure Setting Assessment **[APP-148-APP-149]** presents the results of the predicted impacts from the onshore infrastructure on the significance of onshore heritage assets resulting from changes in their setting.<br><br>To date six heritage assets have been identified where a change in setting could lead to harm to their significance during operation.<br><br>The assessment has established that the tallest structures within the onshore substation will be partly visible from the non-designated henge site (EHER 2460), and likely from the upper floors of Jenning's Farmhouse (NHLE 1111459) and Ash House (NHLE 1337154). However, this change in view is not considered to alter these asset's settings or impact their heritage significance. |

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| | | | Although the onshore substation will not be visible from the Church of St Mary (NHLE 1337175) itself, its inclusion and presence in the landscape will alter the view of the Church from Little Bromley. This change is likely to affect the appreciation of the parish Church from the village, however, it is not considered to impact the heritage significance of the Church.<br><br>No views of the onshore substation were achievable from the cropmark site south of Ardleigh (NHLE 1002146) or the Neolithic settlement site at Lawford (NHLE 1002157), and therefore their settings and associated heritage significance will not be affected.<br><br>ES Appendix 25.4 Offshore Infrastructure Setting Assessment **[APP-150]** concluded that only two assets, Bawdsey Manor Registered Park and Gardens (Grade II NHLE 1001465) and Bawdsey Manor Pulhamite Cliffs (Grade II Listed Building NHLE 1406805) would be subject to any impacts. In accordance with the significance of effect matrix (Table 25.9) without mitigation, should impacts occur from changes to setting from the offshore infrastructure, these have the potential to be of minor adverse significance (not significant) as a worst case scenario during operation. |
| Mitigation | 5.9.16 | A documentary record of our past is not as valuable as retaining the heritage asset, and therefore the ability to record evidence of the asset should not be a factor in deciding whether such loss should be permitted, and whether or not consent should be given. | This is noted, the Applicant has followed the mitigation hierarchy and a site selection process (as outlined in ES Chapter 4 Site Selection and Alternatives **[APP-018]**) that has given due weight to heritage assets to reduce the likely significant effects of the Project on designated and non-designated heritage assets. |
| | 5.9.17 | Where the loss of the whole or part of a heritage asset's significance is justified, the Secretary of State will require the applicant to record and advance understanding of the significance of the heritage asset before it is lost (wholly or in part). The extent of the requirement should be proportionate to the asset's importance and significance and the impact. The applicant should be required to publish this evidence and to deposit copies of the reports with the relevant Historic Environmental Record. They should also be required to deposit the archive generated in a local museum or other public repository willing to receive it. | The Onshore Outline Written Scheme of Investigation **[APP-247]** sets out the scope and methods of further archaeological investigation, allowing the appointed archaeological advisor / contractor to set out site-specific WSIs.<br><br>This is secured by Requirement 11 of the Draft Development Consent Order **[**AS-022**]** which states that the undertaker must submit to the Relevant Planning Authority a written scheme of archaeological investigation ('WSI'), in accordance with the onshore WSI, for approval, for each stage of the connection works, before that stage commences. Thereafter the scheme must be undertaken in accordance with the approved details.<br><br>The Outline Offshore Written Scheme of Investigation (WSI) has been produced to set out the proposed approach to the archaeological mitigation measures and investigations to be undertaken in association with the offshore and intertidal project areas.<br><br>This is secured by Condition 21 of Schedule 9, Condition 22 of Schedule 9, Condition 22 if Schedule 10 of the Draft Development Consent Order **[**AS-022**]** in relation to the deemed marine licences. The written schemes of investigation are to be submitted and approved by the MMO in writing in consultation with the statutory historic body prior to the relevant licensed activities commencing. |
| | 5.9.18 | Where appropriate, the Secretary of State will impose requirements on the Development Consent Order to ensure that the work is undertaken in a timely manner, in accordance with a written scheme of investigation that complies with the policy in this NPS and which has been agreed in writing with the relevant local authority, and to ensure that the completion of the exercise is properly secured. | |
| | 5.9.19 | Where the loss of significance of any heritage asset has been justified by the applicant on the merits of the new development and the significance of the asset in question, the Secretary of State should consider:<br><br>• Imposing a requirement in the Development Consent Order | |

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| | | • Requiring the applicant to enter into an obligation | |
| | 5.9.20 | That will prevent the loss occurring until the relevant part of the development has commenced, or it is reasonably certain that the relevant part of the development is to proceed. | |
| | 5.9.21 | Where there is a high probability (based on an adequate assessment) that a development site may include, as yet undiscovered heritage assets with archaeological interest, the Secretary of State will consider requirements to ensure appropriate procedures are in place for the identification and treatment of such assets discovered during construction. | Section 25.6.1.2.3 of ES Chapter 25 Onshore Archaeology and Cultural Heritage **[APP-039]** states in relation to undiscovered assets that the Project has committed to undertake additional programmes of survey and evaluation where of relevance to sub-surface archaeological remains, which may include any outstanding geophysical survey and a scheme wide programme of evaluation trenching. This strategy is outlined as part of a project specific Onshore Outline Written Scheme of Investigation **[APP-247].**<br><br>The survey and evaluation work may indicate the presence of previously unknown buried archaeology (and further verify previously known / anticipated buried remains as indicated by the previous non-intrusive survey methods), enabling the resource to be appropriately addressed by means of mitigating any impacts in a manner that is proportionate to the significance of the remains present.<br><br>Section 16.6.1.2.3 of ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage **[APP-030]** states that in the event of an unexpected discovery, of an isolated find or where discoveries of multiple chance finds from a specific location might be indicative of a wider debris field representing previously unknown in situ archaeological material, this will be reported through a formal PAD, based upon the established Protocol for Archaeological Discoveries: Offshore Renewables Projects (The Crown Estate, 2014) (ORPAD). This will establish whether the recovered objects are of archaeological interest and allow for the application of appropriate mitigation measures where necessary. In the event of the discovery of in situ archaeological material, this will include the provision of a temporary exclusion zone to prevent further impacts from taking place until advice had been received. For all new discoveries, any further mitigation which may be required will be considered on a case by case basis, proportionate to the significance of the discovery. |
| Secretary of State decision making | 5.9.22 | In determining applications, the Secretary of State should seek to identify and assess the particular significance of any heritage asset that may be affected by the proposed development, including by development affecting the setting of a heritage asset (including assets whose setting may be affected by the proposed development), taking account of:<br><br>• Relevant information provided with the application and, where applicable, relevant information submitted during the examination of the application<br><br>• Any designation records, including those on the national heritage list for England, or included on Cof Cymru for Wales.<br><br>• Historic landscape character records | A summary of the likely significant effects arising from the Project with regard to heritage assets, as assessed and report in ES Chapter 25 Onshore Archaeology and Cultural Heritage **[APP-039]** and ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage **[APP-030]** is provided below.<br><br>***Onshore***<br><br>*Construction*<br><br>*Designated heritage assets*<br><br>*Impact 1: direct physical impact on (permanent change to) designated heritage assets*<br><br>Impacts resulting in likely significant effects as part of the construction work are those associated with intrusive groundworks, including: |

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| | | • The relevant historic environment record(s), and similar sources of information<br>• Representations made by interested parties during the examination process<br>• Expert advice, where appropriate, and when the need to understand the significance of the heritage asset demands it | • The removal of topsoil across the onshore project area;<br>• The excavation of transition joint bays at the landfall;<br>• The use of HDD at the landfall;<br>• Open cut trenching as part of the onshore cable installation works;<br>• The excavation of jointing bays, HDD launch / reception pits and link boxes along the onshore cable route;<br>• Groundworks associated with the onshore cable route easement and associated access trackways;<br>• Groundworks associated with the onshore substation;<br>• Vibration from HDD drilling and other intrusive groundworks; and<br>• Accidental damage from plant movement and other construction traffic.<br>Any direct (physical) impact to designated heritage assets (and their associated heritage significance) should be weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset the greater the justification would be needed for any loss (EN-1, paragraph 5.9.30). Any direct (physical) impact would likely be permanent and irreversible. If disturbed or removed without an appropriate record having been made, their context and relationship to other heritage assets is partially or completely lost and their heritage significance is as such likely to be reduced.<br>The onshore project area avoids all known (e.g., Conservation Areas, Scheduled Monuments, Listed Buildings, etc.) designated heritage assets and as such, no direct physical impacts (an no likely significant effects) are anticipated to occur to designated heritage assets (Section 25.5.2) as there would be no change to receptors.<br>*Non-designated heritage assets*<br>*Impact 2: direct physical impact on (permanent change to) non designated heritage assets (including buried archaeological remains, historic earthworks and structures)*<br>Impacts resulting in likely significant effects as part of the construction work are those associated with intrusive groundworks the same as listed above.<br>The assessment considers construction impacts at the landfall, onshore cable route, onshore substation works area.<br>Construction works within the landfall have the potential to result in effects of up to major adverse significance to potential below ground archaeological and geoarchaeological and palaeoenvironmental remains, and extant above ground heritage assets (in certain instances, prior to site specific mitigation), based upon the realistic worst case, which is significant in EIA terms. The specific receptors, magnitude of impact and significance of effect for landfall are presented in Table 25.14 and Table 25.15 of ES Chapter 25 Onshore Archaeology and Cultural Heritage **[APP-039].**<br>Construction works within the onshore project area have the potential to result in effects of major adverse significance on identified earthworks assigned a medium |
| | 5.9.23 | The Secretary of State must also comply with the requirements on listed buildings, conservation areas and scheduled monuments, set out in Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010. | |
| | 5.9.24 | In considering the impact of a proposed development on any heritage assets, the Secretary of State should consider the particular nature of the significance of the heritage assets and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between their conservation and any aspect of the proposal. | |
| | 5.9.25 – 5.9.26 | The Secretary of State should consider the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution that their conservation can make to sustainable communities, including to their quality of life, their economic vitality, and to the public's enjoyment of these assets.<br>The Secretary of State should also consider the desirability of the new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials, use and landscaping (for example, screen planting). | |
| | 5.9.27 – 5.9.30 | When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State should give great weight to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.<br>The Secretary of State should give considerable importance and weight to the desirability of preserving all heritage assets. Any harm or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.<br>Substantial harm to or loss of significance of a grade II Listed Building or a grade II Registered Park or Garden should be exceptional. | |

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| | | Substantial harm to or loss of significance of assets of the highest significance, including Scheduled Monuments; Protected Wreck Sites; Registered Battlefields; grade I and II* Listed Buildings; grade I and II* Registered Parks and Gardens; and World Heritage Sites, should be wholly exceptional. | heritage importance and effects of a moderate adverse significance to those assets assigned a low heritage importance, based on the realistic worst case scenario, which is significant in EIA terms.<br><br>The presence of the onshore substation would have a low adverse impact on the overall historical character of the landscape, resulting in an effect of negligible effect.<br><br>*Impacts 3 and 4: indirect physical impact on (permanent change to) designated and non-designated heritage assets*<br><br>should impacts to non-designated heritage assets occur from changes to hydrological processes, the significance of effect is likely to be minor adverse, which is not significant in EIA terms.<br><br>*Impacts 5 and 6: temporary change to the setting of heritage assets (both designated and non-designated) which could affect their heritage significance*<br><br>Impact 5 and 6 on the setting of assets during construction is considered in response to Paragraph 5.9.15 of NPS EN-1 (above).<br><br>*Operation*<br><br>During operation, it is expected that there would be no further requirement for land to be disturbed or excavated, except in the event that onshore cables require repair or maintenance or the onshore substation access works needing to be reinstated.<br><br>*Impacts 7 and 8: permanent change to the setting of heritage assets (both designated and non-designated) which could affect their heritage significance*<br><br>Permanent impacts on the setting of assets during construction is considered in response to Paragraph 5.9.15 of NPS EN-1 (above). There would be no change to the setting of heritage assets as a result of the onshore substation and as such the effect would be nil.<br><br>*Decomissioning*<br><br>The worst case scenario as outlined for the construction phase in relation to temporary changes to the setting of heritage assets is unlikely to be exceeded as a result of decommissioning activities.<br><br>**Offshore**<br><br>*Construction*<br><br>*Impact 1: Direct (physical) impact to known heritage assets*<br><br>With the application of AEZs direct impacts to known heritage assets will be avoided, and there will be no change during construction.<br><br>AEZs may be reduced, enlarged or removed in agreement with Historic England if further relevant information becomes available. However, unless modified by agreement, it is important that AEZs are retained throughout the lifetime of North Falls and monitoring of AEZs may be required by the regulator and Historic England to ensure adherence both during construction and in the future operation of the OWF. The approach to the implementation, revision and monitoring of AEZs has been set out in the Outline WSI |

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| | | | *Impact 2: Direct (physical) impact to potential heritage assets*<br><br>As set out in Table 16.13, Table 16.18 and Table 16.19, in situ prehistoric, maritime and aviation sites are assessed as being of potentially high heritage significance (importance), as are potential submerged landscape features and potential palaeoenvironmental evidence (where associated with palaeolandscape features or archaeological material). In accordance with the significance matrix in Table 16.10, direct (physical) impacts to these heritage asset types would therefore lead to effects of major adverse significance, as a worst-case scenario.<br><br>Isolated or derived finds in secondary contexts are assessed as being of medium heritage significance (importance). Should they be encountered during construction activities, direct (physical) impacts to isolated finds are considered to give rise to effects of minor adverse significance.<br><br>*Impact 3: Indirect impact to heritage assets from changes to physical processes*<br><br>Given these low / negligible changes in bed level, and that changes will be short term and limited in extent (i.e. in vicinity of installed infrastructure), it is concluded that there is no pathway for change to the fabric of any heritage asset as an indirect result of this effect.<br><br>*Operation*<br><br>*Impact 1: Direct (physical) impact to known heritage assets*<br><br>As all known heritage assets will be avoided through the retention of AEZs throughout the lifetime of North Falls, there is no pathway for impact during routine or unscheduled maintenance activities.<br><br>*Impact 2: Direct (physical) impact to potential heritage assets*<br><br>As set out in Table 16.13, Table 16.18 and Table 16.19, in situ prehistoric, maritime and aviation sites are assessed as being of potentially high heritage significance (importance), as are potential submerged landscape features and potential palaeoenvironmental evidence (where associated with palaeolandscape features or archaeological material). In accordance with the significance matrix in Table 16.10, direct (physical) impacts to these heritage asset types would therefore lead to effects of f major adverse significance, as a worst-case scenario.<br><br>Isolated or derived finds in secondary contexts are assessed as being of medium heritage significance (importance). Should they be encountered during operation activities, direct (physical) impacts to isolated finds are considered to give rise to effects of minor adverse significance.<br><br>*Impact 3: Indirect impact to heritage assets from changes to physical processes*<br><br>Similarly, for Impacts 5 and 6 (morphological and sediment transport effects due to cable protection measures) in ES Chapter 8 Marine Geology, Oceanography and Physical Processes **[APP-022]** it is concluded that effects would not extend far beyond the direct footprints. Any impacts to heritage assets within these footprints will already have been addressed through consideration of the direct (physical) impacts associated within construction (Impact 1 in Section 16.5.1.1).<br><br>Similarly, for Impacts 5 and 6 (morphological and sediment transport effects due to cable protection measures) in ES Chapter 8 Marine Geology, Oceanography and |

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| | | | Physical Processes **[APP-022]** it is concluded that effects would not extend far beyond the direct footprints. Any impacts to heritage assets within these footprints will already have been addressed through consideration of the direct (physical) impacts associated within construction (Impact 1 in Section 16.5.1.1).<br><br>*Impact 4: Changes to the setting of heritage assets*<br><br>Impact 4 on the setting of assets offshore assets during operation is considered in response to Paragraph 5.9.15 of NPS EN-1 and concludes effects would be low adverse significance to the two assets identified.<br><br>*Decommissioning*<br><br>*Impact 1: Direct (physical) impact to known heritage assets*<br><br>As all known heritage assets will be avoided through the retention of AEZs throughout the lifetime of North Falls, there is no pathway for impact during decommissioning.<br><br>*Impact 2: Direct (physical) impact to potential heritage assets*<br><br>As set out in Table 16.13, Table 16.18 and Table 16.19, in situ prehistoric, maritime and aviation sites are assessed as being of potentially high heritage significance (importance), as are potential submerged landscape features and potential palaeoenvironmental evidence (where associated with palaeolandscape features or archaeological material). In accordance with the significance matrix in Table 16.10, direct (physical) impacts to these heritage asset types would therefore lead to effects of major adverse significance, as a worst-case scenario.<br><br>Isolated or derived finds in secondary contexts are assessed as being of medium heritage significance (importance). Should they be encountered during decommissioning activities, direct (physical) impacts to isolated finds are considered to give rise to effects of minor adverse significance.<br><br>*Impact 3: Indirect impact to heritage assets from changes to physical processes*<br><br>The magnitude of impacts would be comparable to or less than those identified for the construction phase. Accordingly, given the construction phase assessments concluded “no change” or “negligible adverse effects” for marine geology, oceanography and physical processes receptors, it is anticipated that the same would be valid for the decommissioning phase regardless of the final decommissioning methodologies. Therefore, there will be no pathway for indirect impacts to heritage assets.<br><br>*Impact 4: Changes to the setting of heritage assets*<br><br>Decommissioning may result in a further change to the setting of heritage assets with the removal of the WTGs, OSPs and associated infrastructure. The presence of vessels, personnel and infrastructure associated with decommissioning activities will also temporarily affect the setting. However, as for construction the significance of this effect would be no impact.<br><br>***Mitigation***<br><br>Mitigation has been proposed with further route refinement and micro-siting to help ensure that areas of high archaeological potential are avoided where possible. In |

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| | | | addition the onshore substation has been designed to reduce the overall height and massing of associated structures and other elements as far as practicable. North Falls have also submitted a project-specific Outline Written Scheme of Investigation (WSI) which defines the need to undertake additional surveys and evaluation to inform the archaeological mitigation requirements. Further onshore project area refinement following an extensive site selection process has taken place to further reduce the identified effects.<br>The Schedule of Mitigation **[APP-012]** Table 2.9 and Table 2.18 provides detail of the mitigation and where it is secured in relation to offshore archaeology and cultural heritage, and onshore archaeology and cultural heritage respectively. |
| | 5.9.31 | Where the proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset the Secretary of State should refuse consent unless it can be demonstrated that the substantial harm to, or loss of, significance is necessary to achieve substantial public benefits that outweigh that harm or loss, or all the following apply:<br>• The nature of the heritage asset prevents all reasonable uses of the site<br>• No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation<br>• Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible<br>• The harm or loss is outweighed by the benefit of bringing the site back into use | North Falls would not result in substantial harm or total loss of significance to any designated heritage assets and is therefore compliant with Paragraph 5.9.31 of NPS EN-1. |
| | 5.9.32 | Where the proposed development will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate securing its optimum viable use. | As outlined in the Need Case and Project Benefits Statement **[APP-232]** and in response to Section 3 of NPS EN-1 substantial weight should be given to the benefits of the Project.<br>The limited overall impacts (as identified in Paragraph 5.9.24 – 5.9.30 of NPS EN-1 above) on heritage assets would be at the very low end of less than substantial harm, taking into consideration the number of receptors, and the effects on both designated and non-designated heritage assets, the benefits would outweigh any residual effects and the Project would be in accordance with Paragraph 5.9.32 and 5.9.3 of NPS EN-1. |
| | 5.9.33 | In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. | |
| | 5.9.34 | Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 5.9.30 or less than substantial harm under paragraph 5.9.32, as appropriate, considering the relative significance of the element affected and its | There would be no loss of a building within a Conservation Area or within a World Heritage Site as a result of the Project. |

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| | | contribution to the significance of the Conservation Area or World Heritage Site as a whole. | |
| | 5.9.35 | Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the Secretary of State should not take its deteriorated state into account in any decision. | Table 25.5 of ES Chapter 25 Onshore Archaeology and Cultural Heritage **[APP-039]** sets out the guidance used to establish the baseline for the historic environment, and due regard has been given to the condition of designated and non-designated heritage assets in accordance with the relevant guidance. |
| | 5.9.36 | When considering applications for development affecting the setting of a designated heritage asset, the Secretary of State should give appropriate weight to the desirability of preserving the setting such assets and treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset. When considering applications that do not do this, the Secretary of State should give great weight to any negative effects, when weighing them against the wider benefits of the application. The greater the negative impact on the significance of the designated heritage asset, the greater the benefits that will be needed to justify approval. | ES Appendix 25.3 Onshore Infrastructure Setting Assessment **[APP-148 – APP-149]** presents the results of the predicted impacts from the onshore infrastructure on the significance of onshore heritage assets resulting from changes in their setting. No significant effects on the setting of designated heritage assets are conclude for the onshore infrastructure as outlined above in response to Paragraph 5.9.15 of NPS EN-1.<br><br>ES Appendix 25.4 Offshore Infrastructure Setting Assessment **[APP-150]** concluded that only two assets, Bawdsey Manor Registered Park and Gardens (Grade II NHLE 1001465) and Bawdsey Manor Pulhamite Cliffs (Grade II Listed Building NHLE 1406805) would be subject to any impacts. In accordance with the significance of effect matrix (Table 25.9) without mitigation, should impacts occur from changes to setting from the offshore infrastructure, these have the potential to be of minor adverse significance (not significant) as a worst-case scenario.<br><br>It is considered that the Project's benefits (as outlined in the Need Case and Project Benefits Statement) carries substantial weight in favour of the Project, and any impacts on the setting of offshore assets would be clearly outweighed by the need for low carbon renewable energy infrastructure. |
| **5.10 - Landscape and Visual** | | | |
| Applicant Assessment | 5.10.16 – 5.10.17 | The applicant should carry out a landscape and visual impact assessment and report it in the ES, including cumulative effects (see Section 4.3). Several guides have been produced to assist in addressing landscape issues.<br><br>The landscape and visual assessment should include reference to any landscape character assessment and associated studies as a means of assessing landscape impacts relevant to the proposed project. The applicant's assessment should also take account of any relevant policies based on these assessments in local development documents in England and local development plans in Wales. | ES Chapter 29 Seascape, Landscape and Visual Impact Assessment **[APP-043]** provides the landscape and visual impact assessment and has been carried out using the recommended guides. Baseline landscape character and seascape assessments are referenced in Section 29.5.<br><br>Relevant local development documents, which have been considered in the assessment are listed in Paragraph 33 of ES Chapter 29.<br><br>Baseline landscape character and seascape assessments are also referenced in Section 30.5 of ES Chapter 30 Landscape and Visual Impact Assessment **[APP-044]**.<br><br>Relevant local development documents, are referred to in the assessment as listed in Paragraph 23 of ES Chapter 30 Landscape and Visual Impact Assessment **[APP-044]**). |
| | 5.10.18 – 5.10.19 | For seascapes, applicants should consult the Seascape Character Assessment and the Marine Plan Seascape Character Assessments, and any successors to them.<br><br>The applicant should consider landscape and visual matters in the early stages of siting and design, where site choices and design | Baseline landscape character and seascape assessments are referenced in Section 29.5 of ES Chapter 29 Seascape, Landscape and Visual Impact Assessment **[APP-043]**. |

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| | | principles are being established. This will allow the applicant to demonstrate in the ES how negative effects have been minimised and opportunities for creating positive benefits or enhancement have been recognised and incorporated into the design, delivery and operation of the scheme. | ES Chapter 4 Site Selection and Alternatives sets out the process followed and how landscape and visual matters were considered in the early stages of design and siting.<br><br>The first stage of the site selection exercise was, as described in The Crown Estate's Cable Route Protocol (2019)2, to identify a broad 'area of search' in which the Project's onshore substation could be located. This area of search was defined by taking into account initial high level technical feasibility and environmental parameters in order to identify an area in which the onshore substation could potentially be located. This included excluding all National Landscape designations. The area of search is shown in ES Figure 4.12 **[APP-050]**.<br><br>Following identification of an area of search, a constraints mapping exercise was undertaken to identify an initial 'long list' of potential options for the location of the onshore substation. The full is of constraints is considered listed in Paragraph 81 but included National Landscapes; National Parks; and Country Parks / Registered Parks and Gardens.<br><br>The long-listed options were subject to a detailed comparative 'RAG' assessment process to assess the constraints and opportunities of each option. This process involved a detailed technical review of each option by engineering, environmental, planning and land professionals in order to identify the relative constraints for each option.<br><br>The RAG assessment exercise identified a series of uncertainties regarding the degree of risk / opportunity with the short-listed options. NFOW then sought to reduce these uncertainties by commissioning a series of studies. The studies undertaken are outlined in Table 4.3 and included a Landscape site walkover to assess:<br>• Baseline landscape character and landscape susceptibility to change;<br>• Landscape designations;<br>• Principal visual receptors; and<br>• Physical suitability of site for substation and mitigation<br><br>Following the conclusion of the studies listed in Table 4.3, the RAG assessment work was reviewed and updated and then the options subject to further comparative assessment in order to identify a preferred option.<br><br>The onshore infrastructure was further refined following PEIR as described in section 4.8.5 of ES Chapter 4 Stie Selection and Alternatives.<br><br>In terms of offshore effects the former northern array area has been removed to reduce impacts on shipping and seascape, particularly the Suffolk and Essex Coast and Heaths National Landscape.<br><br>Due weight has been given to Seascape, Landscape and Visual matters in the early stages of siting and design, for both the onshore and offshore elements of the Project, in accordance with Paragraph 5.10.18 – 5.10.19 of NPS EN-1. |
| | 5.10.20 | The assessment should include the effects on landscape components and character during construction and operation. For | Refer to Section 29.6.2 of ES Chapter 29 Seascape, Landscape and Visual Impact Assessment **[APP-043]** for construction landscape effects and Section 29.6.3 for |

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| | | projects which may affect a National Park, The Broads or an AONBs the assessment should include effects on the natural beauty and special qualities of these areas'. | operational landscape effects. Refer to Section 29.6.3.2.2 for effects on the special qualities of the SECHNL (an AONB).<br><br>Additionally refer to Section 30.6 of ES Chapter 30 Landscape and Visual Impact Assessment **[APP-044]** for construction and operational effects on the landscape. |
| | 5.10.21 | The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include light pollution effects, including on dark skies, local amenity, and nature conservation. | Refer to Section 29.6.2 of ES Chapter 29 Seascape, Landscape and Visual Impact Assessment **[APP-043]** for construction visual effects and Sections 29.6.3 for operational visual effects, including lighting.<br><br>Additionally refer to Section 30.6 of ES Chapter 30 Landscape and Visual Impact Assessment **[APP-044]** for construction and operational effects on visual amenity. |
| | 5.10.22 | The assessment should also address the landscape and visual effects of noise and light pollution, and other emissions (see Section 5.2 and Section 5.7), from construction and operational activities on residential amenity and on sensitive locations, receptors and views, how these will be minimised. | *Offshore*<br><br>*Likely significant effects during construction*<br><br>The magnitude of impact to seascape character and visual impacts arising from the presence of partially constructed turbines and platforms will change during the construction phase as the Offshore Above-sea Development nears completion. However, effects from lighting on the seascape and visual impacts would be more pronounced during operation (given construction lighting will be short-term reversible, and transient), and therefore not significant.<br><br>*Likely significant effects during operation*<br><br>Operational effects of lighting are discussed at Section 29.6.3.3 of ES Chapter 29 Seascape, Landscape and Visual Impact Assessment **[APP-043]**. Table 29.11 sets out SLVIA assessment viewpoints including those scoped in for lighting. Effects associated with aviation and safety lighting during operation have been considered from the following viewpoints, as agreed through consultation. These locations provide a representative spread of night time assessment viewpoints along the coastal edge. Dusk visuals have been prepared for these viewpoints in line with the approach set out in ES Appendix 29.1 **[APP-170]**:<br><br>• Viewpoint 6 – Aldeburgh (which also represents views from the SECHNL);<br>• Viewpoint 11 – Felixstowe Seafront Gardens;<br>• Viewpoint 15 – Clacton on Sea: and<br>• Viewpoint 16 – North Foreland.<br><br>For all viewpoints red aviation lighting on some turbines in the array area will be visible, seen at distances of between 41.3, 45.7km, 48km, 40km from the respective viewpoints 6, 11, 15, and 16. No significant effects are predicted to arise as a result of aviation or navigation lighting on the WTGs.<br><br>*Onshore*<br><br>*Likely significant effects during construction*<br><br>Section 1.3.9 of the OCoCP sets out details of artificial lighting mitigation and management measures. Mitigation measures to be taken to manage emissions from artificial light during construction will be in accordance with Bats and Artificial Lighting at Night guidance (Bat Conservation Trust and Institute of Lighting |

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| | | | Engineers, 2023), and will include the use of directional beams, non-reflective surfaces and barriers and screens, to avoid light nuisance whilst maintaining safety and security obligations. Site lighting will be positioned and directed to minimise nuisance to footpath users and residents, to minimise distractions to passing drivers on adjoining public highways and to minimise skyglow, so far as reasonably practicable. Adherence to the measures set out within the OCoCP **[APP-251]** plan would ensure that the effects of construction lighting are considered to be not significant.<br><br>*Likely significant effects during operation*<br><br>Normal operating conditions would not require lighting at the onshore substation, although low level movement detecting security lighting may be utilised for health and safety purposes. Temporary lighting during working hours would be provided during maintenance activities only.<br><br>Noise levels upon nearby noise sensitive receptors (including properties and public rights of way) have been committed to through a Requirement in the Draft Development Consent Order **[AS-022]**, to ensure that operational noise emissions are kept to a non-significant level. By keep noise emission to a non significant level, effects upon the local landscape due to noise emissions are also predicted to be non-significant. |
| | 5.10.23 | Applicants are expected to justify BAT for the use of a cooling system that involves visible steam plumes or has a high visible structure, such as a natural draught cooling tower explaining why the application of modern hybrid cooling technology or other technologies is not reasonably practicable. | The Project would not create visible steam plumes or result in a high visible structure for the purposes of cooling, and therefore Paragraph 5.10.23 of NPS EN-1 is not relevant to the Project. |
| | 5.10.24 | Applicants should consider how landscapes can be enhanced using landscape management plans, as this will help to enhance environmental assets where they contribute to landscape and townscape quality. | Refer to the Design Vision **[APP-234]** and the Landscape Mitigation Plan within ES Chapter 30 Figures **[APP-083** – **APP-088]**. |
| Mitigation | 5.10.26 – 5.10.27 | Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of a proposed energy infrastructure project may result in a significant operational constraint and reduction in function – for example, electricity generation output. There may, however, be exceptional circumstances, where mitigation could have a very significant benefit and warrant a small reduction in function. In these circumstances, the Secretary of State may decide that the benefits of the mitigation to reduce the landscape and/or visual effects outweigh the marginal loss of function.<br><br>Adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within its development site and | The Design Vision **[APP-234]** sets out the Design Principles for the onshore substation and Section 5 of the Design and Access Statement **[**APP-235**]** sets out the matters considered with respect to onshore design.<br><br>As outlined in Section 4.2.7 of the Design Vision **[**APP-234**]** there are opportunities which were identified in the proposed location of the substation that provides flexibility and opportunities to increase planting and vegetation. In addition, opportunities to reinforce the pattern of field boundaries with new hedgerows and planting in keeping within the landscape character area.<br><br>The onshore substation will avoid the use of reflective materials, and the exact colour palette will be determined through the detailed design. Hard landscape features will also be sensitive to the local character and could include self-binding gravel, reinforced gravel surfaces, or reinforced grass where appropriate. |

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| | | wider setting. The careful consideration of colours and materials will support the delivery of a well-designed scheme, as will sympathetic landscaping and management of its immediate surroundings. | |
| | 5.10.28 | Depending on the topography of the surrounding terrain and areas of population it may be appropriate to undertake landscaping off site. For example, filling in gaps in existing tree and hedge lines may mitigate the impact when viewed from a more distant vista. | All landscape mitigation is proposed within the Order Limits. The mitigation measures are detailed in the OLEMS **[APP-249]** submitted with the DCO application **[AS-022]**. Development of a EMP is secured by Requirement 12 of the Draft Development Consent Order **[AS-022]**. |
| Secretary of State decision making | 5.10.29 – 5.10.30 | The Secretary of State should take into consideration the level of detailed design which the applicant has provided and is secured in the Development Consent Order, and the extent to which design details are subject to future approvals.<br>The Secretary of State should be satisfied that local authorities will have sufficient design content secured to ensure future consenting will meet landscape, visual and good design objectives. | A Design Vision **[APP-234]** has been developed which sets out principles that will guide the detailed design process post-consent. This was presented at PEIR, and has been further developed in response to input from the Design Council. The Design Vision **[APP-234]** will ensure that good design is embedded within the approach to the Project post consent.<br>Requirement 5 of the Draft Development Consent Order **[AS-022]** requires that details of the onshore substation must be submitted and approved by the relevant planning authority and be substantially in accordance with the Design Vision **[APP-234]**. |
| | 5.10.32 | When considering applications for development within National Parks, the Broads and AONBs the conservation and enhancement of the natural beauty should be given substantial weight by the Secretary of State in deciding on applications for development consent in these areas. The Secretary of State may grant development consent in these areas in exceptional circumstances. Such development should be demonstrated to be in the public interest and consideration of such applications should include an assessment of:<br>• The need for the development, including in terms of national considerations, and the impact of consenting or not consenting it upon the local economy;<br>• The cost of, and scope for, developing all or part of the development elsewhere outside the designated area or meeting the need for it in some other way, taking account of the policy on alternatives set out in section 4.3; and<br>• Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. | The Project's onshore and offshore infrastructure is not within a National Park, the Broads, or an AONB. |
| | 5.10.33 | For development proposals located within designated landscapes the Secretary of State should be satisfied that measures which seek to further purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development. The Secretary of State should ensure that any projects consented in these designated areas should be carried out to high environmental | |

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| | | standards, including through the application of appropriate requirements where necessary. | |
| | 5.10.34 | 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. The aim should be to avoid harming the purposes of designation or to minimise adverse effects on designated landscapes, and such projects should be designed sensitively given the various siting, operational, and other relevant constraints. The fact that a proposed project will be visible from within a designated area should not in itself be a reason for the Secretary of State to refuse consent. | Section 245 of the Levelling-up and Regeneration Act 2023 (LURA) came into effect on 26 December 2023. It changed the wording to section 85 of the Countryside and Rights of Way Act 2000 (CRoW Act) and amends the duty placed on relevant authorities when undertaking any function in relation to, or so as to affect, land in Areas of Outstanding Natural Beauty which are now known as 'National Landscapes'.<br><br>Relevant authorities must now 'seek to further' the purpose of conserving and enhancing the natural beauty of National Landscapes. This replaces the previous duty on relevant authorities to 'have regard to' their statutory purposes.<br><br>Section 85 (A1) of the CRoW Act (2000) (as amended by the LURA 2023) 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."*<br><br>It is noted that to date no draft regulations have been published to provide further details as to how a relevant authority is to comply with the duty. However, the Applicant notes that guidance was recently published by Defra on the 16 December 2024 titled 'Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes', for which regard has been had in this written response.<br><br>It is noted that the Defra Guidance explicitly states that the duty applies to decision making in respect of nationally significant infrastructure projects. It is also noted that the Defra Guidance states that:<br><br>*"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." (emphasis added).*<br><br>The duty does not over-ride other statutory duties and this is noted in the Defra Guidance:<br><br>*"The duty does not prevent relevant authorities from undertaking their statutory functions and discharging their legal duties and other responsibilities. The duty is intended to complement these requirements by ensuring that the purposes for which Protected Landscapes are designated for are recognised in reaching decisions and undertaking activities that impact these areas."*<br><br>The Defra Guidance confirms that the duty applies to functions undertaken outside of the designation boundary including the setting of a National Landscape. This is consistent with paragraph 5.10.8 of NPS EN1 which states that:<br><br>"*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* |

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| | | | *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*."<br><br>It is therefore the Applicant's position 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 SECHNL 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 SECHNL.<br><br>This includes consideration of:<br><br>• the scale, extent and significance of any harm to the SECHNL;<br>• the policies in NPS EN1 and EN3 regarding minimising and mitigating landscape effects and Critical National Priority CNP) infrastructure; and<br>• whether the Project has been designed sensitively taking into account siting, engineering, operational and other relevant constraints.<br><br>It is the Applicant's position that the duty does not oblige a relevant authority to give less weight to other important relevant considerations nor to reduce the scale of a proposed development to minimise the potential impacts on the SECHNL.<br><br>The Project offshore and onshore infrastructure is not within the boundary of the SECHNL but the offshore array will be visible from within it, albeit some distance away (circa 40km). As outlined in paragraph 37 of ES Chapter 4 Site Selection and Alternatives **[APP-018]** the former northern array for North Falls was removed to reduce impacts on the SECHNL. The maximum number of turbines has also reduced since the PEIR stage to 57 of the smallest turbines (down from 72); or 34 of the largest turbines in the design envelope (down from 40). The site selection process has given due weight to the SECHNL, as a National Landscape, and has sought to further its purposes by reducing the potential effects arising from the array area.<br><br>Given the Project's Order Limits do not fall within the SECHNL and the distance from the array area to the coastline within the boundary of the National Landscape, of circa 40km, the inclusion of any other measures specifically to further the purposes of the SECHNL would not be considered reasonable, proportionate or appropriate, in the context of concluding no significant effects on the special qualities of the SECHNL from the Project. |
| | 5.10.35 | The scale of energy projects means that they will often be visible across a very wide area. The Secretary of State should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project. | It is important to reiterate that NPS EN-1 acknowledges that it is inevitable that energy infrastructure of this scale will have landscape impact. Paragraph 3.3.63 of NPS EN-1 confirms that the urgent need for CNP Infrastructure to achieve energy objectives and national security, economic, commercial, and net zero benefits, will generally outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. |
| | 5.10.36 | In reaching a judgement, the Secretary of State should consider whether any adverse impact is temporary, such as during | |

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| | | construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the Secretary of State considers reasonable. | ES Chapter 29 Seascape, Landscape, and Visual assess the potential impacts for the construction and decommissioning phases include:<br>• Effects on seascape character arising from the presence and movement of vessels and equipment;<br>• Effects on seascape character arising from the presence of partially constructed turbines and platforms;<br>• Effects on landscape character arising from the presence and movement of vessels and equipment, and partly constructed turbines in the offshore area;<br>• Effects on landscape character arising from vessel activity at landfall;<br>• Effects on landscape character arising from the presence of partially constructed turbines and platforms in offshore views; and<br>• Visual impacts arising from the presence and movement of vessels and equipment, and partly constructed turbines.<br>For the operation and maintenance phase, potential impacts assessed include:<br>• Effects on marine character areas (East Anglian Shipping Waters and Suffolk Coastal Waters);<br>• Effects on onshore landscape character areas and types (coastal dunes and shingle ridges; coastal levels; and saltmarsh and inter-tidal flats);<br>• Effects on landscape designations (Suffolk Coast and Heaths Area of Outstanding Natural Beauty);<br>• Effects on viewpoints, both during night and daytime, in visibility conditions between very poor and excellent; and Effects on routes (Suffolk Coastal Path).<br>Mitigation measures include the reduction of the size of the array area, reduction of the maximum tip height of the wind turbines and reduction of the number of turbines from 72 to 57 of the smallest turbines or 40 to 34 of the largest turbines to reduce the impact to seascape, landscape and visual effects.<br>Significant effects are predicted to arise within the character of the offshore seascape but will be localised to an area within 10km of the array area, and effects will not be significant elsewhere in the MCA, or the wider seascape. As well as a number of onshore viewpoints effected, including the coast between The Naze and Orford Ness, as well as sequential effects on users of the Suffolk Coast between Butley River and Landguard Point. Beyond these areas, effects experienced by all visual receptors are predicted to fall below the level of significance.<br>There is potential for cumulative effects to occur with a number of other offshore wind farms during all project phases. Total cumulative effects are predicted to be significant (major) for effects on marine character areas, and there is potential for<br>significant effects (moderate) for certain seafront locations between The Naze and Orford Ness. |
| | 5.10.37 | The Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by appropriate mitigation. | |
| | 5.10.38 | The Secretary of State should consider whether requirements to the consent are needed requiring the incorporation of particular design details that are in keeping with the statutory and technical requirements for landscape and visual impacts. | |

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| | | | ES Chapter 30 Potential impacts assessed for the construction, operation and maintenance, and decommissioning phases include:<br>• Effects on landscape fabric;<br>• Effects on landscape character; and<br>• Effects on views.<br>Mitigation measures to reduce the potential impacts on landscape and visual effects include an extensive site selection process to avoid siting components in areas with adverse effects (see ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** choice of appropriate construction methods (e.g. trenchless crossings), habitat reinstatement (as detailed in the Outline Landscape and Ecological Management Strategy, submitted with the DCO application) and mitigation by design. Additional landscape mitigation and biodiversity enhancement at the onshore substation, which includes new grassland, hedgerow and woodland planting, are described in the Project's Design Vision (Document Reference: 2.3) and Outline Landscape and Ecological Management Strategy.<br>North Falls is predicted to have a moderate adverse (significant in EIA terms) effect on the landscape fabric and visual amenity of the study area surrounding the onshore substation during its construction and operational phases. The area within which significant effects would occur is approximately bounded by Ardleigh Road to the south, Grange Road to the south-west, Wormseywood Farm to the north, and the junction of Barn Lane and Ardleigh Road to the east. Significant visual effects are predicted at viewpoint 2, 3 and 5, which represent higher sensitivity residential or recreational receptors and are located within 1km of the onshore substation. No significant effects (in EIA terms) were identified for designated landscapes, including National Landscape designations.<br>The ES includes further detail of the proposed landscape mitigation and detailed assessment of effects 15 years after establishment of landscape planting. These are supported by visualisations which show maturing landscape mitigation at year Whilst landscape planting will help to reduce certain landscape and visual impacts, it is likely that some localised landscape and visual effects at viewpoint 3 (an adjacent residential property) will remain significant. Three developments were scoped into the cumulative effects assessment for further assessment due to their scale and potential for overlapping effects with that of North Falls, namely: Norwich to Tilbury, Five Estuaries and a planning application for a small scale energy development at Land adjacent to Lawford Grid Substation. The total cumulative effects on the landscape character of all projects combined was deemed significant for a localised area to the west of Bromley during construction and operation of the onshore substations and cable route. Additionally, it was not possible to rule out significant cumulative effects on Public Rights of Way near Lilley's Farm, Little Bromley Road, Norman's Farm, and the bridleway at Barn Lane as a result of the construction and operational effects of the onshore substation works area across the projects. Joint landscape mitigation proposals with Five Estuaries are in development to help soften and screen views of the onshore substation works area and integrate them into the landscape. |

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| | | | Whilst some significant impacts (as outlined above) have been identified these are localised, and will reduce over time as the landscape planting proposed for the Project matures. No areas designated for their landscape quality are unduly affected by the Project. The Project will assist in the achievement of national energy objectives and deliver socio-economic and environmental benefits in accordance with NPS EN-1 requirements. The Applicant therefore contends that the significant benefits of the Project can adequately outweigh the limited scope of the seascape, landscape, and visual impacts. The presumption in favour of consent as an energy NSIP and CNP Infrastructure is therefore considered to be unaffected. |
| **5.11 Land Use Including Open Space, Green Infrastructure and Green Belt** | | | |
| Land Use Including Open Space, Green Infrastructure and Green Belt | 5.11.4 | Development of land will affect soil resources, including physical loss of and damage to soil resources, through land contamination and structural damage. Indirect impacts may also arise from changes in the local water regime, organic matter content, soil biodiversity and soil process. | The baseline environment in relation to agricultural land is discussed in Table 19.10 of ES Chapter 19 Ground Conditions and Contamination **[APP-033]**. Potential impacts, and mitigation measures, in relation to contamination that may occur during construction and operation are discussed in Sections 19.6.1 and 19.6.2. Impacts associated with the potential loss of agricultural land and disruption to farming practices are discussed in ES Chapter 22 Land Use and Agriculture **[APP-036]**. |
| | 5.11.5 | Where pre-existing land contamination is being considered within a development, the objective is to ensure that the site is suitable for its intended use. Risks would require consideration in accordance with the contaminated land statutory guidance as a minimum. | The existing ground conditions and potential sources of contamination are discussed in Section 19.5.1 of ES Chapter 19 Ground Conditions and Contamination **[APP-033]**, with further details provided in Appendix 19.1 **[APP-112]**.<br><br>An assessment of the potential impacts associated with the construction and operation of North Falls is provided in Sections 19.6.1 and 19.6.2. Potential mitigation measures, for example targeted ground investigations in areas of concern, are also discussed in these sections. |
| Applicant Assessment | 5.11.8 | The ES (see Section 4.3) should identify existing and proposed land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan. The assessment should be proportionate to the scale of the preferred scheme and its likely impacts on such receptors. For developments on previously developed land, the applicant should ensure that they have considered the risk posed by land contamination and how it is proposed to address this. | The onshore project area primarily comprises of agricultural land, some of which is enrolled on Agri-environment schemes. The onshore project area overlaps nationally important designations and landscapes including:<br><br>• Holland Haven Country Park;<br>• Holland Haven Local Nature Reserve; and<br>• Holland Haven Marshes Site of SSSI.<br><br>The onshore project area borders Simon's Wood Local Wildlife Site (LoWS) (Thorpe-Le Soken district) and Great Holland Pits Local Wildlife Trust site.<br><br>Existing land uses are detailed further in Section 22.5 of ES Chapter 22 Land Use and Agriculture. **[APP-036]**.<br><br>Likely significant effects on land use during construction and operation assessed within this chapter include:<br><br>• Impacts on agri-environment schemes; and |

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| | | | • Disruption to existing utilities.<br>A detailed assessment of these potential construction and operation effects is provided in Section 22.6 of ES Chapter 22 Land Use and Agriculture. **[APP-036]**. |
| | 5.11.9 – 5.11.11 | Applicants will need to consult the local community on their proposals to build on existing open space, sports or recreational buildings and land. Taking account of the consultations, applicants should consider providing new or additional open space including green and blue infrastructure, sport or recreation facilities, to substitute for any losses as a result of their proposal. When considering proposals for green infrastructure, Applicant's should refer to the Green Infrastructure Framework.<br>Applicants should use any up-to-date local authority assessment or, if there is none, provide an independent assessment to show whether the existing open space, sports and recreational buildings and land is surplus to requirements.<br>During any pre-application discussions with the applicant the LPA should identify any concerns it has about the impacts of the application on land use, having regard to the development plan and relevant applications and including, where relevant, whether it agrees with any independent assessment that the land is surplus to requirements. | There is no land take from publicly accessible open access land, sports or recreational buildings required during the Project's construction, operation or anticipated to be required during decommissioning (see Section 22.5.2.5 of ES Chapter 22 Land Use and Agriculture **[APP-036]** and as such effects on these receptors is not considered further within the ES.<br>Recreational assets are included in the baseline environment, as described in Section 32.5 of ES Chapter 32 Tourism and Recreation **[APP-046]**. |
| | 5.11.12 – 5.11.13 | Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5).<br>Applicants should also identify any effects and seek to minimise impacts on soil health and protect and improve soil quality taking into account any mitigation measures proposed. | The baseline environment in relation to agricultural land is discussed in Table 19.10 of ES Chapter 19 Ground Conditions and Contamination **[APP-033]**. Potential impacts, and mitigation measures, in relation to contamination, that may occur during construction and operation are discussed in Sections 19.6.1 and 19.6.2. Impacts associated with potential loss of agricultural land and disruption to farming practices are discussed in ES Chapter 22 Land Use and Agriculture **[APP-036]**.<br>The majority of agricultural land within Essex county is BMV land, and as such the majority of the onshore project area comprises Grades 1, 2 and 3a BMV land.<br>To minimise degradation of soils within the onshore project area, particularly BMV land, a SMP will be secured within the CoCP. The SMP will set out the procedures for the appropriate handling of soils during the construction works.<br>Where practicable, agricultural land will be reinstated to pre-construction condition. Where this is not possible, the Project will seek to reach private agreements with relevant landowners/ occupiers.<br>Where land is still not reinstated to its former condition, the Project will have a statutory obligation to pay compensation to landowners under the Compensation Code.<br>An assessment of significance for Agricultural Land Classification (ALC) grades, including BMV agricultural land is provided in Section 22.6 of ES Chapter 22 Land Use and Agriculture. **[APP-036]**. |

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| | 5.11.14 – 5.11.15 | Applicants are encouraged to develop and implement a Soil Management Plan which could help minimise potential land contamination. The sustainable reuse of soils needs to be carefully considered in line with good practice guidance where large quantities of soils are surplus to requirements or are affected by contamination.<br><br>Developments should contribute to and enhance the natural and local environment by preventing new and existing developments from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. | Details of the SMP which will form part of the embedded mitigation measures for the Project is provided in Table 19.3 of ES Chapter 19 Ground Conditions and Contamination **[APP-033]** and ES Chapter 22 Land Used and Agriculture **[APP-036]**.<br><br>The existing ground conditions and potential sources of contamination are discussed in Section 19.5.1 of ES Chapter 19 Ground Conditions and Contamination **[APP-033]**. The baseline environment and assessment discussed within this chapter have been informed by the Geo-Environmental Desk Study and Preliminary Risk Assessment which reviewed potential sources of contamination associated with the current and historical land uses within the study area (see Appendix 19.1 **[APP-112]**).<br><br>An assessment of the potential impacts associated with the construction and operation of North Falls is provided in Sections 19.6.1 and 19.6.2 of ES Chapter 19 Ground Conditions and Contamination **[APP-033]**. Potential mitigation measures, for example targeted ground investigations in areas of concern, are also discussed in these sections.<br><br>Following completion of targeted ground investigations, if required, a generic quantitative risk assessment will be undertaken to assess the potential risks to human health and controlled water receptors from the Project. The assessment will also include recommendations for further works, including remediation, should they be deemed necessary. |
| | 5.11.16 – 5.11.18 | Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.<br><br>Applicants should ensure that a site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability and contamination.<br><br>For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination, and where contamination is present, applicants should consider opportunities for remediation where possible. It is important to do this as early as possible as part of engagement with the relevant bodies before the official pre-application stage. | The existing ground conditions and potential sources of contamination are discussed in Section 19.5.1 of ES Chapter 19 Ground Conditions and Contamination **[APP-033]**. The baseline environment and assessment discussed within this chapter have been informed by the Geo-Environmental Desk Study and Preliminary Risk Assessment which reviewed potential sources of contamination associated with the current and historical land uses within the study area (see Appendix 19.1 **[APP-112]**).<br><br>An assessment of the potential impacts associated with the construction and operation of North Falls is provided in Sections 19.6.1 and 19.6.2 of ES Chapter 19 Ground Conditions and Contamination **[APP-033]**. Potential mitigation measures, for example targeted ground investigations in areas of concern, are also discussed in these sections.<br><br>Following completion of targeted ground investigations, if required, a generic quantitative risk assessment will be undertaken to assess the potential risks to human health and controlled water receptors from the Project. The assessment will also include recommendations for further works, including remediation, should they be deemed necessary. |
| | 5.11.19 | Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place. | Mineral Safeguarding Areas are discussed in Table 19.10 of ES Chapter 19 Ground Conditions and Contamination **[APP-033]**. Potential impacts to these areas during the construction and operational phases of North Falls are discussed within Section 19.6.1.4 and 19.6.2.3 respectively. Measures to mitigate the potential impacts during construction and operation are also discussed within these sections. |

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| | 5.11.21 | However, infilling or redevelopment of major developed sites in the Green Belt, if identified as such by the local planning authority, may be suitable for energy infrastructure. It may help to secure jobs and prosperity without further prejudicing the Green Belt or offer the opportunity for environmental improvement. Applicants should refer to relevant criteria on such developments in Green Belts. | The North Falls onshore project area is not located within Green Belt land. |
| | 5.11.22 | Moreover an applicant may be able to demonstrate that particular energy infrastructure, such as an underground pipeline, may be considered an “engineering operation” and regarded as not inappropriate in Green Belt. This is provided it preserves the openness of the Green Belt and does not conflict with the purposes of Green Belt designation. It may also be possible for an applicant to show that the physical characteristics of a proposed overhead line in a particular location would not have so harmful an impact as to conflict with the purposes of Green Belt designation, or with other protections of rural landscape. | |
| Mitigation | 5.11.28 | Where a proposed development has an impact upon a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that appropriate mitigation measures have been put in place to safeguard mineral resources. | Mineral Safeguarding Areas are discussed in Table 19.10 of ES Chapter 19 Ground Conditions and Contamination **[APP-033]**. Potential impacts to these areas during the construction and operational phases of North Falls are discussed within Section 19.6.1.4 and 19.6.2.3 respectively. Measures to mitigate the potential impacts during construction and operation are also discussed within these sections. |
| | 5.11.30 | Public Rights of way, National Trails, and other rights of access to land are important recreational facilities for example for walkers, cyclists and horse riders. The Secretary of State should expect applicants to take appropriate mitigation measures to address adverse effects on coastal access, National Trails, other rights of way and open access land and, where appropriate, to consider what opportunities there may be to improve or create new access. In considering revisions to an existing right of way, consideration should be given to the use, character, attractiveness, and convenience of the right of way. | Embedded mitigation measures are listed in Section 32.3.3 of ES Chapter 32 Tourism and Recreation **[APP-046]**. |
| Secretary of State decision making | 5.11.32 – 5.11.33 | The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements or the Secretary of State determines that the benefits of the project (including need), outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities.<br>The loss of playing fields should only be allowed where applicants can demonstrate that they will be replaced with facilities of equivalent or better quantity or quality in a suitable location. | The Project does not include development on existing open space, sports or recreational buildings and land. |

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| | 5.11.34 | The Secretary of State should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. Where schemes are to be sited on best and most versatile agricultural land the Secretary of State should take into account the economic and other benefits of that land. Where development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. | A detailed site selection process has been undertaken for each element of the Projects onshore infrastructure (landfall, onshore export cables, onshore substation works area), which has included consideration of interactions with BMV. For context, the majority of Essex is agricultural land, of which a large proportion is BMV land, therefore interaction between the onshore project area and BMV land is unavoidable. Where works are to take place within BMV, or where BMV is to be lost as part of the Project, this is only considered is situations where no reasonable alternative could be identified when balancing other project engineering and design feasibility, planning and environmental constraints. Description of the Project's site selection process is set out in ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** and assessment of the effects upon BMV is set out in Section 22.6. |
| | 5.11.35 | In considering the impact on maintaining coastal recreation sites and features, the Secretary of State should expect applicants to have taken advantage of opportunities to maintain and enhance access to the coast. In doing so the Secretary of State should consider the implications for development of the creation of a continuous signed and managed route around the coast, as provided for in the Marine and Coastal Access Act 2009. | Embedded mitigation measures are listed in Section 32.3.3 of ES Chapter 32 Tourism and Recreation **[APP-046]**. |
| | 5.11.36 – 5.11.37 | When located in the Green Belt, energy infrastructure projects may comprise 'inappropriate development'. Inappropriate development is by definition harmful to the Green Belt. The NPPF makes clear that most new building is inappropriate in Green Belt and should be refused permission unless in very special circumstances.<br><br>Very special circumstances are not defined in national planning policy as it is for the individual decision maker to assess each case on its merits and give relevant circumstances their due weight. However, when considering any planning application affecting Green Belt land, the Secretary of State should ensure that substantial weight is given to any harm to the Green Belt when considering any application for such development, while taking account, in relation to renewable and linear infrastructure, of the extent to which its physical characteristics are such that it has limited or no impact on the fundamental purposes of Green Belt designation. Very special circumstances may include the wider environmental benefits associated with increased production of energy from renewables and other low carbon sources. | The Project's Order Limits is not located within Green Belt land. |
| | 5.11.38 – 5.11.40 | In England, Local Green Spaces may be designated locally in Local Plans and Neighbourhood Plans. These enjoy the same protection as Green Belt in England and the Secretary of State should adopt a similar approach.<br><br>In Wales, 'green wedges' may be designated locally.258 These enjoy the same protection as Green Belt in Wales and the Secretary of State should adopt a similar approach. | ES Chapter 32 Tourism and Recreation **[APP-046]** assesses the impacts on existing tourism and recreational assets, that includes open access lands.<br><br>The Project's Order Limits do not include any Local Green Spaces or open access lands. |

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| | | Green wedges do not convey the same level of permanence of a Green Belt and should be reviewed by the local authority as part of the development plan review process. | |
| **5.12 – Noise and Vibration** | | | |
| Noise and Vibration | 5.12.1 – 5.12.2 | Excessive noise can have wide-ranging impacts on the quality of human life and health such as annoyance, sleep disturbance, cardiovascular disease and mental ill-health. It can also have an impact on the environment and the use and enjoyment of areas of value such as quiet places and areas with high landscape quality.<br><br>The Government's policy on noise is set out in the Noise Policy Statement for England. It promotes good health and good quality of life through effective noise management. Similar considerations apply to vibration, which can also cause damage to buildings. In this section, in line with current legislation, references to "noise" below apply equally to the assessment of impacts of vibration. | ES Chapter 26 Noise and Vibration **[APP-040]** considers the likely significant effects of the Project on both noise and vibration and provides an overview of the existing environment for the proposed onshore project area, followed by an assessment of likely significant effects for the construction, operation, and decommissioning phases.<br><br>The Noise Policy Statement and other relevant guidance has been taken into account in developing the assessment methodology described in Section 26.4.3. of ES Chapter 26 Noise and Vibration **[APP-040]**.<br><br>Section 26.3.3 provides a summary of embedded mitigation and includes a description of the site selection process and how it has considered residential properties and other noise and vibration sensitive receptors. Table 26.44 provides a summary of potential likely significant effects on noise and vibration and the mitigation measures proposed. |
| | 5.12.4 | Noise resulting from a proposed development can also have adverse impacts on wildlife and biodiversity. Noise effects of the proposed development on ecological receptors should be assessed by the Secretary of State in accordance with the Biodiversity and Geological Conservation section of this NPS at Section 5.4. This should consider underwater noise and vibration especially for marine developments. Underwater noise can be a significant issue in the marine environment, particularly in regard to energy production. | Noise effects on terrestrial protected species is considered within ES Chapter 23 Onshore Ecology **[APP-037]** and ES Chapter 24 Onshore Ornithology **[APP-038]**.<br><br>Underwater noise effects on protected species in the marine environment are considered in ES Chapter 11 Fish and Shellfish Ecology **[APP-025]** and ES Chapter 12 Marine Mammals **[APP-026]**. |
| | 5.12.5 | Factors that will determine the likely noise impact of a proposed development include:<br><br>• The inherent operational noise from the proposed development, and its characteristics<br><br>• The proximity of the proposed development to noise sensitive premises (including residential properties, schools and hospitals) and noise sensitive areas (including certain parks and open spaces)<br><br>• The proximity of the proposed development to quiet places and other areas that are particularly valued for their soundscape or landscape quality<br><br>• The proximity of the proposed development to sites where noise may have an adverse impact on protected species or other wildlife, including migratory species<br><br>• The potential presence of unexploded ordnance on the seabed | The factors listed within Paragraph 5.12.5 of NPS EN-1 have been considered in the relevant ES Chapters.<br><br>Bullet 1, 2, and 3 - ES Chapter 26 Noise and Vibration **[APP-040]**<br><br>Bullet 4 - ES Chapter 23 Onshore Ecology **[APP-037]** and ES Chapter 24 Onshore Ornithology **[APP-038]**. In the marine environment ES Chapter 11 Fish and Shellfish Ecology **[APP-025]** and ES Chapter 12 Marine Mammals **[APP-026]**.<br><br>Bullet 5 – ES Chapter 18 Infrastructure and Other Users |

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| Applicant Assessment | 5.12.6 – 5.12.7 | Where noise impacts are likely to arise from the proposed development, the applicant should include the following in the noise assessment:<br>• A description of the noise generating aspects of the development proposal leading to noise impacts, including the identification of any distinctive tonal characteristics, if the noise is impulsive, whether the noise contains particular high or low frequency content or any temporal characteristics of the noise<br>• Identification of noise sensitive receptors and noise sensitive areas that may be affected<br>• The characteristics of the existing noise environment<br>• A prediction of how the noise environment will change with the proposed development<br>- In the shorter term, such as during the construction period<br>- In the longer term, during the operating life of the infrastructure<br>- At particular times of the day, evening and night (and weekends) as appropriate, and at different times of year<br>• An assessment of the effect of predicted changes in the noise environment on any noise-sensitive receptors, including an assessment of any likely impact on health and quality of life / well-being where appropriate, particularly among those disadvantaged by other factors who are often disproportionately affected by noise-sensitive areas<br>• If likely to cause disturbance, an assessment of the effect of underwater or subterranean noise<br>• All reasonable steps taken to mitigate and minimise potential adverse effects on health and quality of life<br>The nature and extent of the noise assessment should be proportionate to the likely noise impact. | Section 26.4.3 of ES Chapter 26 Noise and Vibration **[APP-040]**, provides the assessment methodology for assessing potential noise and vibration impacts, Section 26.5 provides details on the existing noise environment including the identification of NVSRs and Section 26.6 outlines any changes in noise levels, as a result of North Falls, are assessed and any likely significant effects and potential mitigation measures are identified.<br>Underwater noise effects on species in the marine environment are considered in ES Chapter 10 Benthic and Intertidal Ecology **[APP-024]**, ES Chapter 11 Fish and Shellfish Ecology **[APP-025]** and ES Chapter 12 Marine Mammals **[APP-026]**, informed by ES Appendix 12.3 Underwater Noise Modelling Report **[APP-098]**.<br>The Applicant has included a description of the noise generating aspect of the Project, a description of the noise and vibration sensitive receptors, and includes a prediction of how the noise environment is likely to change during the different phases of the Project.<br>Potential impacts assessed for the construction and decommissioning phases as assessed in ES Chapter 26 Noise and Vibration **[APP-040]** include:<br>• Noise of landfall and nearshore works;<br>• Noise of onshore cable route works;<br>• Noise of onshore substation works;<br>• Noise from road improvements to Bentley Road and the A120<br>• Noise from off-site construction traffic; and<br>• Construction vibration.<br>For the operation and maintenance phase, only onshore substation noise was assessed to generate potential impacts.<br>Mitigation has been proposed to reduce residual impacts through mitigating by site selection, which has given consideration to the nearby residential properties and other sensitive receptors, with distances to them maximised and the location of the substation being refined to avoid any conflict. Mitigation measures during the construction phase will be detailed in the CoCP including restrictions on using construction plant within 8m of structures at risk from vibration, temporary screening, speed restrictions, selection of quieter working methods or equipment where practicable, phasing of works to avoid sensitive times, ensuring normal working hours for the project between 0700 and 1900 hours Monday to Friday and between 1300 and 1900 hours on a Saturday. During detailed design post consent, consideration will also be given to micrositing (strategic selection of locations) noisy activities as far from residual properties as practicable within the design envelope.<br>Mitigation measures for the operational phase include enclosure of certain equipment related to the onshore substation and use of vibration isolation mounts. Cumulative operational noise limits with the Five Estuaries and Norwich to Tilbury projects, to ensure the combined noise of all three projects' onshore substations does not exceed certain levels, have also been proposed and committed to within the draft DCO. |

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| | | | With the implementation of mitigation measures, North Falls is predicted to have no greater than minor adverse (not significant in EIA terms) effects on noise and vibration receptors during all its phases.<br><br>Cumulative effects with other projects in the study area were assessed and found to be not significant without the need for additional mitigation, except for construction road traffic noise which are potentially significant. Hence, additional monitoring and mitigation measures have been proposed, including traffic management measures. Residual effects with these additional measures in place are considered no greater than minor adverse i.e., not significant in EIA terms.<br><br>For the underwater marine environment ES Chapter 10 Benthic and Intertidal Ecology assess all underwater noise and vibration impacts to be negligible. ES Chapter 11 Fish and Shellfish reports noise and vibration impacts to be from negligible to of minor significance with mitigation, which is not significant in EIA terms. Noise mitigation for Downs herring is secured in the Outline Project Environmental Management Plan **[APP-241]**.<br><br>ES Chapter 12 Marine Mammals **[APP-026]** states that for North Falls alone, while there is the potential for a significant effect due to underwater noise effects of piling (for harbour porpoise and minke whale), from vessels (for harbour porpoise), these effects can be managed with mitigation, and therefore the residual effects for all species would be negligible to minor adverse. Mitigation is secured through the draft Marine Mammal Mitigation Protocol **[APP-242]**.<br><br>Underwater noise effects on harbour porpoise from the Southern North Sea (SNS) Special Area of Conservation (SAC) are assessed in the Report to Inform Appropriate Assessment Part 3 **[APP-176]** which concludes there will be no adverse effect on the integrity of the site (alone or in-combination) with mitigation. Mitigation is secured through the Outline Site Integrity Plan for the SNS SAC **[APP-243]**. |
| | 5.12.8 | Applicants should consider the noise impact of ancillary activities associated with the development, such as increased road and rail traffic movements, or other forms of transportation. | Refer to Section 26.6.1.2 of ES Chapter 26 Noise and Vibration **[APP-040]**, where any changes in noise levels as a result of North Falls from ancillary works, for example vehicle movements, are assessed and any likely significant effects and potential mitigation measures are identified. |
| | 5.12.9 | Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards and other guidance. Further information on assessment of particular noise sources may be contained in the technology specific NPSs. In particular, for renewables (EN-3) and electricity networks (EN-5) there is assessment guidance for specific features of those technologies. For the prediction, assessment and management of construction noise, reference should be made to any relevant British Standards and other guidance which also give examples of mitigation strategies. | Any changes in noise levels as a result of North Falls are assessed in Section 26.6 of ES Chapter 26 Noise and Vibration **[APP-040]**, and any likely significant effects and potential mitigation measures are identified. The current relevant British Standards (BS) have been used within the assessment, detailed in Section 26.4. |
| | 5.12.10 | Some noise impacts will be controlled through environmental permits and parallel tracking is encouraged where noise impacts determined by an environmental permit interface with planning | Noise impacts on human receptors from the Project are not anticipated to be controlled through environmental permits; hence, specific consultation with the Environment Agency on this topic is not required. |

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| | | issues (i.e. physical design and location of development). The applicant should consult the EA and/or the SNCB, and other relevant bodies, such the MMO or NRW, as necessary, and in particular regarding assessment of noise on protected species or other wildlife. The results of any noise surveys and predictions may inform the ecological assessment. The seasonality of potentially affected species in nearby sites may also need to be considered. | Noise effects on terrestrial protected species is considered within ES Chapter 23 Onshore Ecology **[APP-037]** and ES Chapter 24 Onshore Ornithology **[APP-038]**. |
| | 5.12.11 | In the marine environment, applicants should consider noise impacts on protected species, as well as other noise sensitive receptors, both at the individual project level and in-combination with other marine activities. | Underwater noise effects on protected species in the marine environment are considered in ES Chapter 11 Fish and Shellfish Ecology **[APP-025]** and ES Chapter 12 Marine Mammals **[APP-026]**. |
| | 5.12.12 | Applicants should submit a detailed impact assessment and mitigation plan as part of any development plan, including the use of noise mitigation and noise abatement technologies during construction and operation. | The embedded mitigation measures described in Section 26.3.3 of ES Chapter 26 Noise and Vibration **[APP-040]**, and proposed mitigation measures described in Section 26.6 demonstrate that good design has been adopted. |
| Mitigation | 5.12.13 | The Secretary of State should consider whether mitigation measures are needed both for operational and construction noise over and above any which may form part of the project application. In doing so the Secretary of State may wish to impose mitigation measures. Any such mitigation measures should take account of the NPPF or any successor to it and the Planning Practice Guidance on Noise. | The embedded mitigation measures described in Section 26.3.3 of ES Chapter 26 Noise and Vibration **[APP-040]**, and proposed mitigation measures described in Section 26.6 demonstrate that good design has been adopted. |
| | 5.12.14 | Mitigation measures may include one or more of the following:<br>• Engineering: reducing the noise generated at source and/or containing the noise generated<br>• Lay-out: where possible, optimising the distance between the source and noise sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose-built barriers, or other buildings<br>• Administrative: using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise limits/noise levels, differentiating as appropriate between different times of day, such as evenings and late at night, and taking into account seasonality of wildlife in nearby designated sites<br>• Insulation: mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building. | The embedded mitigation measures described in Section 26.3.3 of ES Chapter 26 Noise and Vibration **[APP-040]**, and proposed mitigation measures described in Section 26.6 demonstrate that good design has been adopted. |
| | 5.12.15 | The project should demonstrate good design through selection of the quietest or most acceptable cost-effective plant available; containment of noise within buildings wherever possible, taking into account any other adverse impacts that such containment might | |

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| | | cause (e.g. on landscape and visual impacts; optimisation of plant layout to minimise noise emissions; and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission). | |
| | 5.12.16 | A development must be undertaken in accordance with statutory requirements for noise. Due regard must be given to the relevant sections of the Noise Policy Statement for England, the NPPF, and the government's associated planning guidance on noise. In Wales the relevant policy will be PPW and the TANs, as well as the Welsh Government's Noise and Soundscape Action Plan. | The quoted relevant policy and planning guidance has been taken into account in developing the assessment methodology described in Section 26.4.3 of ES Chapter 26 Noise and Vibration **[APP-040]**. |
| Secretary of State decision making | 5.12.17 | The Secretary of State should not grant development consent unless they are satisfied that the proposals will meet the following aims, through the effective management and control of noise:<br>• Avoid significant adverse impacts on health and quality of life from noise<br>• Mitigate and minimise other adverse impacts on health and quality of life from noise<br>• Where possible, contribute to improvements to health and quality of life through the effective management and control of noise | These aims are met by adoption of the embedded and proposed mitigation as discussed above, as shown in Section 26.6 ES Chapter 26 Noise and Vibration **[APP-040]**, which concludes that significant residual effects are not anticipated. |
| | 5.12.18 | When preparing the Development Consent Order, the Secretary of State should consider including measurable requirements or specifying the mitigation measures to be put in place to ensure that noise levels do not exceed any limits specified in the development consent. These requirements or mitigation measures may apply to the construction, operation, and decommissioning of the energy infrastructure development. | The Draft Development Consent Order **[AS-022]** Requirement 17: Control of noise during operational phase sets out various standards in respect of noise, which includes maximum noise rating levels for Work No. 11 (the onshore substation) and associated measurement requirements for those levels. It also requires the preparation and submission of a noise investigation protocol to the Relevant Planning Authority prior to the commencement and operation of the onshore substation.<br>Schedules 8, 9 and 10 (Deemed Marine Licences) set out the marine licences contained in the Draft Development Consent Order **[AS-022]** and there is a condition (repeated in Schedules 8,9,10) which requires a construction monitoring plan or plans in accordance with the outline offshore in-principle monitoring plan for approval by the MMO. The monitoring plan or plans must include details of construction monitoring, including piling noise monitoring for the first four piled foundations of each piled foundation type and vessel traffic monitoring. |
| **5.13 – Socio – Economic Impacts** | | | |
| Applicant Assessment | 5.13.2 – 5.13.3 | Where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES (see Section 4.3).<br>The applicant is strongly encouraged to engage with relevant local authorities during early stages of project development so that the | The socio-economic impacts of North Falls that have been scoped into the assessment have been assessed for relevant study areas set out in Table 13.3 of ES Chapter 31 Socio-economics **[AS-010]** and ES Figures 31.1 and 31.2 **[APP-089]**. This includes local (Essex and Suffolk) and national (UK) study areas as well as more localised study areas where this is relevant.<br>Details of consultation with relevant local authorities are detailed in Table 31.1 of ES Chapter 31 Socio-economics **[AS-010]**. |

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| | | applicant can gain a better understanding of local or regional issues and opportunities. | |
| | 5.13.4 | The applicant's assessment should consider all relevant socio-economic impacts, which may include:<br>• The creation of jobs and training opportunities. Applicants may wish to provide information on the sustainability of the jobs created, including where they will help to develop the skills needed for the UK's transition to net zero<br>• The contribution to the development of low-carbon industries at the local and regional level as well as nationally<br>• The provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities<br>• Any indirect beneficial impacts for the region hosting the infrastructure, in particular in relation to use of local support services and supply chains<br>• Effects (positive and negative) on tourism and other users of the area impacted<br>• The impact of a changing influx of workers during the different construction, operation and decommissioning phases of the energy infrastructure. This could change the local population dynamics and could alter the demand for services and facilities in the settlements nearest to the construction work (including community facilities and physical infrastructure such as energy, water, transport and waste). There could also be effects on social cohesion depending on how populations and service provision change as a result of the development<br>• Cumulative effects - if development consent were to be granted for a number of projects within a region and these were developed in a similar timeframe, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the needs of other industries and major projects within the region | The socio-economic effects of North Falls' activity, during each phase of the Project are assessed in Section 31.6 of ES Chapter 31 Socio-economics **[AS-010]**.<br>The assessment considers the creation of low carbon employment opportunities as part of the assessment on employment details in Section 31.6.<br>The effects of the additional demand for local services are explored in Section 31.6.<br>The impacts on local infrastructure as a result of the influx of works are considered in Section 31.6.<br>Cumulative effects of North Falls are assessed in Section 31.8 of ES Chapter 31 Socio-economics **[AS-010]**.<br>Tourism and recreational assets are included in the baseline environment, as described in Section 32.5 of ES Chapter 32 Tourism and Recreation **[APP-046]** and impacts to these assets are assessed in Section 32.6, including any impacts associated with hotel facilities and standard rental accommodation due to an influx of workers.<br>The socio-economic implications from tourism and recreational effects are addressed in ES Chapter 31 Socio-economics **[AS-010]**. |
| | 5.13.5 | Applicants should describe the existing socio-economic conditions in the areas surrounding the proposed development and should also refer to how the development's socio-economic impacts correlate with local planning policies. | The existing socio-economic conditions are described in Section 31.5. The local policy context has been described in Section 31.4.1 of ES Chapter 31 Socio-economics **[AS-010]**. |
| | 5.13.6 | Socio-economic impacts may be linked to other impacts, for example visual impacts considered in Section 5.10 but may also have an impact on tourism and local businesses. Applicants are encouraged, where possible, to demonstrate that local suppliers have been considered in any supply chain. | The inter relationships between socio economics and other aspects of the assessment (including commercial fisheries, shipping and navigation, land use, landscape and visuals, transport and traffic, noise, recreation and land use) are considered in Section 31.10 of ES Chapter 31 Socio-economics **[AS-010]**. |

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| | | | Other ES chapters that should be cross referenced for tourism and recreational impacts are identified in Section 32.1 of ES Chapter 32 Tourism and Recreation **[APP-046]**.<br><br>Visual impacts to tourism and recreational assets are assessed in Section 32.6 of ES Chapter 32 Tourism and Recreation **[APP-046]**. |
| | 5.13.7 | Applicants should consider developing accommodation strategies where appropriate, especially during construction and decommissioning phases, that would include the need to provide temporary accommodation for construction workers if required. | North Falls effect on accommodation is assessed in Section 31.6 of ES Chapter 31 Socio-economics **[AS-010]**. |
| Mitigation | 5.13.8 | The Secretary of State should consider whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of the development. For example, high quality design can improve the visual and environmental experience for visitors and the local community alike. | Embedded mitigation is described in Section 31.3.3 of ES Chapter 31 Socio-economics **[AS-010]**. |
| Secretary of State decision making | 5.13.9 – 5.13.12 | The Secretary of State should have regard to the potential socio-economic impacts of new energy infrastructure identified by the applicant and from any other sources that the Secretary of State considers to be both relevant and important to its decision.<br><br>The Secretary of State may conclude that limited weight is to be given to assertions of socio-economic impacts that are not supported by evidence (particularly in view of the need for energy infrastructure as set out in this NPS).<br><br>The Secretary of State should consider any relevant positive provisions the applicant has made or is proposing to make to mitigate impacts (for example through planning obligations) and any legacy benefits that may arise as well as any options for phasing development in relation to the socio-economic impacts.<br><br>The Secretary of State may wish to include a requirement that specifies the approval by the local authority of an employment and skills plan detailing arrangements to promote local employment and skills development opportunities, including apprenticeships, education, engagement with local schools and colleges and training programmes to be enacted. | The socio-economic impacts of North Falls activity during each phase of the Project are assessed in Section 31.6 of ES Chapter 31 Socio-economics **[AS-010]**.<br><br>Positive socio-economic provisions are outlined in the Outline Skills and Employment Plan **[APP-252]**.<br><br>An Outline Skills and Employment Plan **[APP-252]** has been developed as part of the DCO process. This contains a number of outline commitments promoting local employment and skills development opportunities. |
| **5.14 Traffic and Transport** | | | |
| Applicant Assessment | 5.14.5 – 5.14.6 | If a project is likely to have significant transport implications, the applicant's ES (see Section 4.3) should include a transport appraisal. The DfT's Transport Analysis Guidance (TAG) and Welsh Governments WelTAG provides guidance on modelling and assessing the impacts of transport schemes.<br><br>National Highways and Highways Authorities are statutory consultees on NSIP applications including energy infrastructure where it is expected to affect the strategic road network and / or | ES Chapter 27 Traffic and Transport **[APP-041]** and the accompanying Transport Assessment (TA) (ES Appendix 27.1) **[APP-165]** have been produced in accordance with current transport guidance (referenced later within Section 27.4.1 of ES Chapter 27).<br><br>As detailed in Section 27.3 of ES Chapter 27 Traffic and Transport **[APP-041]** the scope of the assessment presented in the chapter and supporting TA (ES Appendix |

| SECTION | NPS EN-1 PARAGRAPH | NPS EN-1 POLICY WORDING | ACCORDANCE WITH NPS POLICY |
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| | | have an impact on the local road network. Applicants should consult with National Highways and Highways Authorities as appropriate on the assessment and mitigation to inform the application to be submitted. | 27.1) **[APP-165]** have been discussed and agreed with the relevant highway authorities. |
| | 5.14.7 – 5.14.8 | The applicant should prepare a travel plan including demand management and monitoring measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by active, public and shared transport to:<br>• Reduce the need for parking associated with the proposal<br>• Contribute to decarbonisation of the transport network<br>• Improve user travel options by offering genuine modal choice<br>The assessment should also consider any possible disruption to services and infrastructure (such as road, rail and airports). | Section 27.6 of ES Chapter 27 Traffic and Transport **[APP-041]** contains an assessment of the potential effects on the transport network associated with North Falls and further outlines the mitigation measures for construction.<br>An Outline Construction Traffic Management Plan (OCTMP) **[APP-251]** is provided in support of the DCO application. The OCTMP contains an assessment of the potential effects on the transport network associated with North Falls. No significant effects upon other transport services or infrastructure are anticipated.<br>Section 27.6 also outlines no significant effects upon other transport services or infrastructure are anticipated. |
| | 5.14.9 – 5.14.10 | If additional transport infrastructure is needed or proposed, it should always include good quality walking, wheeling and cycle routes, and associated facilities (changing/storage etc.) needed to enhance active transport provision.<br>Applicants should discuss with network providers the possibility of co-funding by government for any third-party benefits. Guidance has been issued which explains the circumstances where this may be possible, although the government cannot guarantee in advance that funding will be available for any given uncommitted scheme at any specified time. | ES Chapter 27 Traffic and Transport **[APP-041]** concludes that the impacts on the transport infrastructure would be acceptable and would not require additional mitigation in the form of permanent active transport provisions. |
| Secretary of State decision making | 5.14.18 – 5.14.19 | A new energy NSIP may give rise to substantial impacts on the surrounding transport infrastructure and the Secretary of State should therefore ensure that the applicant has sought to mitigate these impacts, including during the construction phase of the development and by enhancing active, public and shared transport provision and accessibility.<br>Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the Secretary of State should consider requirements to mitigate adverse impacts on transport networks arising from the development, as set out below. | Full details of the strategy for traffic and transport management during the construction phase have been outlined in the Outline CTMP **[APP-251]**, which has been submitted alongside the DCO application.<br>The Outline CTMP contains details of measures to control, monitor and enforce HGV movements and provides details of the mechanisms for managing design of accesses and offsite highway works.<br>With the implementation of mitigation measures, North Falls is predicted to have no greater than minor adverse effects (not significant in EIA terms) on traffic and transport during all its phases.<br>An assessment of the potential for cumulative effects with other schemes has been undertaken, notable schemes considered included, Five Estuaries Offshore Wind Farm and the National Grid Norwich to Tilbury project. With the application of additional mitigation measures (as appropriate) the residual cumulative effects upon all receptors was assessed to be not significant in EIA terms. Additional mitigation includes a commitment to limit heavy goods vehicle numbers, enhanced maintenance measures and enhanced driver inductions. |

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| | | | Impacts associated with the diversion and temporary closure of PRoW are considered in Section 32.6 of ES Chapter 32 Tourism and Recreation. The Outline PRoW Management Plan **[APP-252]** and ES Appendix 5.1 Crossing Schedule provides further details on crossings, diversions and temporary closures. |
| | 5.14.20 | Development consent should not be withheld provided that the applicant is willing to enter into planning obligations for funding new infrastructure or requirements can be imposed to mitigate transport impacts. In this situation the Secretary of State should apply appropriately limited weight to residual effects on the surrounding transport infrastructure. | ES Chapter 27 Traffic and Transport **[APP-041]** concludes that the impacts on the transport infrastructure would be acceptable and would not require additional mitigation for the funding of new infrastructure. |
| | 5.14.21 | The Secretary of State should only consider refusing development on highways grounds if there would be an unacceptable impact on highway safety, residual cumulative impacts on the road network would be severe, or it does not show how consideration has been given to the provision of adequate active public or shared transport access and provision. | ES Chapter 27 Traffic and Transport **[APP-041]** contains the assessment of all scoped in traffic and transport impacts, namely: Severance; Amenity; Highway Safety; Driver Delay; and Abnormal Loads. Impacts on users of public rights of way and vulnerable road users have been assessed. The impacts on transport infrastructure would be not lead to any unacceptable impacts on highway safety, severe cumulative impacts on the road network, or unacceptable impacts on public transport provision. |
| **5.15 – Resource and Waste Management** | | | |
| Resource and Waste Management | 5.15.2 | Sustainable waste management is implemented through the waste hierarchy, which sets out the priorities that must be applied when managing waste. These are (in order):<br>• Prevention<br>• Preparing for reuse<br>• Recycling<br>• Other recovery, including energy recovery<br>• Disposal | ES Appendix 19.3 Waste Assessment (onshore) **[APP-114]** assesses the types and indicative quantities of wastes and materials that are likely to be produced as part of the onshore development of the Project during the construction, operation, and decommissioning phases.<br>The report considers the proposed options for recycling, recovery or disposal of waste, and the capability and capacity of the existing local or regional waste management facilities to manage the quantities of waste estimated to be generated.<br>A Site Waste Management Plan will be developed post-consent to ensure the proper handling and protocols are in place to deal with any generated wastes.<br>A waste management plan for offshore waste will be developed as required by the relevant conditions in the deemed marine licence secured within the Draft Development Consent Order **[AS-022]**. |
| | 5.15.3 | Disposal of waste should only be considered where other waste management options are not available or where it is the best overall environmental outcome. | |
| | 5.15.4 | All large infrastructure projects are likely to generate some hazardous and non hazardous waste. The EA's Environmental Permit regime incorporates operational waste management requirements for certain activities. When an applicant applies to the EA for an Environmental Permit, the EA will require the application to demonstrate that processes are in place to meet all relevant Environmental Permit requirements. | The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) would likely require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended.<br>Hazardous substances above the set threshold quantities are not part of the Project design, and therefore hazardous substances consent is not anticipated. |
| Applicant Assessment | 5.15.6 – 5.15.8 | Applicants must demonstrate that development proposals are in line with Defra's policy position on the role of energy from waste in treating residual waste. | Route refinement that has been undertaken following the submission of Scoping Report. The refinement has resulted in the onshore project area no longer interacting with Waste Consultation Areas. |

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| | | The proposed plant must not compete with greater waste prevention, re-use, or recycling, or result in over-capacity of EfW or similar processes for the treatment of residual waste at a national or local level.<br><br>The applicant should set out the arrangements that are proposed for managing any waste produced and prepare a report that sets out the sustainable management of waste and use of resources throughout any relevant demolition, excavation and construction activities. | The Project will not compete with waste preventing, re-use, recycling, or Energy from Waste facilities.<br><br>A Site Waste Management Plan (SWMP) will be prepared before construction starts to record any decisions given to materials resource efficiency when designing and planning the works. The SWMP will provide information on each waste type that is expected to be produced from the onshore elements of the Project with the appropriate European Waste Catalogue (EWC) code and description for each waste type. It will provide an estimate of the quantity of each type of waste and the proposed waste management option for each waste produced (i.e. re-use, recycling, recovery, or disposal; on or off-site)<br><br>A SMP which will form part of the CoCP, outlining the mitigation measures and good practice techniques which contractors would be obliged to comply with will be produced. |
| | 5.15.9 | The arrangements described and a report setting out the sustainable management of waste and use of resources should include information on how re-use and recycling will be maximised in addition to the proposed waste recovery and disposal system for all waste generated by the development. They should also include an assessment of the impact of the waste arising from development on the capacity of waste management facilities to deal with other waste arising in the area for at least five years of operation. | As outlined in Appendix 19.3 Waste Assessment (onshore) **[APP-114]** and included in the Outline Code of Construction Practice (OCoCP) **[APP-248]** there are certain principles of waste management that can be applied to most wastes that would be produced during the construction phase. These are:<br><br>• Strict adherence to waste regulatory requirements for the storage and handling on-site.<br><br>• No waste from the Project shall be deposited outside the Project's Development Consent Order (DCO) boundary, unless it is at a facility that holds a valid environmental permit or suitable authorised exemption.<br><br>• Ensure that those who remove waste from site have the appropriate authorisation (i.e. are registered waste carriers).<br><br>• Allocate space on site for the storage of waste materials and ensure that storage areas and containers are clearly labelled (appropriate signage) so site workers know which wastes should be put there.<br><br>• Hazardous waste must be stored separately from non-hazardous wastes to avoid contamination.<br><br>• Provide separate containers for dry recyclables, such as paper and cardboard, plastic, glass, wood, and metal at welfare facilities within temporary works areas. This would facilitate recycling.<br><br>• Monitor the actual quantities of wastes produced during construction and update the SWMP to allow comparison with waste arisings estimated prior to construction. Record the proposed waste management option for each waste produced.<br><br>• All wastes that are removed off site would be described on a waste transfer note or hazardous waste consignment note (as appropriate) that tracks the movement of the waste to the specified disposal or recovery facility.<br><br>• The appointed site contractors will designate staff that are responsible for waste management and ensure that all contractor staff are aware of the appropriate reuse, recovery, or disposal routes for each waste. |
| | 5.15.10 | The applicant is encouraged to refer to the Waste Prevention Programme for England: Maximising Resources Minimising Waste and 'Towards Zero Waste: Our Waste Strategy for Wales' and should seek to minimise the volume of waste produced and the volume of waste sent for disposal unless it can be demonstrated that this is the best overall environmental outcome. | |

| SECTION | NPS EN-1 PARAGRAPH | NPS EN-1 POLICY WORDING | ACCORDANCE WITH NPS POLICY |
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| | | | These measures would promote sustainable waste management practices by maximising waste prevention, re-use, recycling, and recovery opportunities for material destined for offsite waste management. These measures will be incorporated into the Project Code of Construction Practice (CoCP), secured by DCO Requirements. |
| | 5.15.11 | If the applicant's assessment includes dredged material, the assessment should also include other uses of such material before disposal to sea, for example through re-use in the construction process. | As outlined in ES **[APP-023]** an application to designate the North Falls offshore project area (the array area and the offshore cable corridor) as a disposal site for material arising due to construction activities, i.e., seabed preparation/ sandwave levelling (dredging) or drilling for foundations is being sought.<br>The worst case scenario, that sediment would be dredged during foundation installation and returned to the water column at the sea surface during disposal from the dredger vessel is considered within Impact 1 Section 9.6.1.1) of ES Chapter 9 Marine Water and Sediment Quality **[APP-023]**. |
| | 5.15.12 – 5.15.13 | The UK is committed to moving towards a more 'circular economy'. Where possible, applicants are encouraged to source materials from recycled or reused sources and use low carbon materials, sustainable sources and local suppliers. Construction best practices should be used to ensure that material is reused or recycled onsite where possible.<br>Applicants are also encouraged to use construction best practices in relation to storing materials in an adequate and protected place on site to prevent waste, for example, from damage or vandalism. The use of Building Information Management tools (or similar) to record the materials used in construction can help to reduce waste in future decommissioning of facilities, by identifying materials that can be recycled or reused. | SMP which will form part of the CoCP, outlining the mitigation measures and good practice techniques which contractors would be obliged to comply with will be produced. Mitigation measures included within the SMP include:<br>• Consider the weather conditions and whether it is appropriate to work for each soil type;<br>• Store soil appropriately;<br>• Ensure effective drainage systems are used during construction;<br>• Reinstate drainage systems following construction; and<br>• Reinstate and plant vegetation following completion of the construction works.<br>The SMP sets out procedures for the appropriate handling of soils during the works, including:<br>• Using a competent contractor for soil handling, storage and reinstatement under Defra (2009) Construction code of practice for the Sustainable Use of Soils on Construction Sites;<br>• Storing topsoil adjacent to where it is stripped, where practicable;<br>• Seeding of topsoil bund with clover mix to fix nutrients and keep the soil live, therefore limiting soil loss and requirement for significant inputs when reinstated;<br>• Parameter Mitigation measures embedded into North Falls design<br>• Storage of the excavated subsoil separately from the topsoil, with sufficient separation to ensure segregation;<br>• Handling of soils according to their characteristics;<br>• Limiting mechanised soil handling in areas where soils are highly vulnerable to compaction during wet weather;<br>• Restricting movements of heavy plant and vehicles to specified routes; and |

| SECTION | NPS EN-1 PARAGRAPH | NPS EN-1 POLICY WORDING | ACCORDANCE WITH NPS POLICY |
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| | | | • Minimise excavation footprint as much as reasonably practicable.<br><br>Measures set out in the MAFF (2000) Good Practice Guide for Handling Soils and Defra's (2009) Construction Code of Practice for the Sustainable Use of Soils on Construction Sites would be adopted. Additionally, guidance from the Institution of Environmental Sciences (IES) (2020) Sustainable, Healthy and Resilient: Practice-Based Approaches to Land and Soil Management would also be used.<br><br>Stockpiling of excavated materials during earthworks will be temporary in nature and will only be permitted in designated areas. These designated stockpiling areas will be located a minimum of 10m from any open watercourses where practicable.<br><br>No decision has been made regarding the final decommissioning policies for North Falls as it is recognised that industry best practice, rules and legislation change over time. The detail and scope of decommissioning works would be determined by the relevant legislation and guidance at the time of decommissioning and would be agreed with the regulator with a Decommissioning Programme provided. However, it is considered likely that the proposed onshore substation would be removed and would be reused or recycled and that the onshore cables would be removed and recycled, with the landfall transition joint bays and cable ducts (where used) left in situ. For the purposes of a worst-case scenario, it is considered that the impacts associated with the decommissioning phase would be no greater than those identified for the construction phase. |
| Secretary of State decision making | 5.15.14 | The Secretary of State should consider the extent to which the applicant has proposed an effective system for managing hazardous and non-hazardous waste arising from the construction, operation and decommissioning of the proposed development. | The effects of waste arising from construction, operation, and decommissioning oof the Project has been appropriately considered as outlined in ES Chapter 19 Ground Conditions and Contamination **[APP-033]**. Procedures for managing waste through the CoCP, the SWMP, the SMP, are appropriate and secured as part of the Draft Development Consent Order **[AS-022]** Requirements 8 and 13.<br><br>Offshore waste management is controlled through the relevant pre-construction plans and documentation conditions secured as part of the deemed marine licences (Schedule 8 Condition 21, Schedule 9 Condition 22, Schedule 10 Condition 21) in the Draft Development Consent Order **[AS-022].** |
| | 5.15.16 – 5.15.17 | Where necessary, the Secretary of State should use requirements or obligations to ensure that appropriate measures for waste management are applied.<br><br>The Secretary of State may wish to include a condition on revision of waste management plans at reasonable intervals when giving consent. | |
| | 5.15.18 | Where the project will be subject to the Environmental Permitting regime, waste management arrangements during operations will be covered by the permit and the considerations set out in Section 4.12 will apply. | The Project is not anticipated to engage the Environmental Permitting regime during normal operations with respect to waste. |
| | 5.15.19 | The Secretary of State should have regard to any potential impacts on the achievement of resource efficiency and waste reduction targets set under the Environment Act 2021 or wider goals set out in the government's Environmental Improvement Plan 2023. | The Environmental Targets (Residual Waste) (England) Regulations 2023, as regulations made with powers conferred by the Environment Act 2021, define the 'residual waste long-term target'. The definition of residual waste is any waste which is sent to landfill; put through incineration; used in energy recovery; or sent outside the UK for energy recovery.<br><br>It is considered that as a renewable energy project North Falls would not be generating or managing residual waste long-term and would therefore not preclude national waste targets from being met over the lifetime of the Project. |

| SECTION | NPS EN-1 PARAGRAPH | NPS EN-1 POLICY WORDING | ACCORDANCE WITH NPS POLICY |
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| **5.16 – Water Quality and Resources** | | | |
| Water Quality and Resources | 5.16.1 – 5.16.2 | Infrastructure development can have adverse effects on the water environment, including groundwater, inland surface water, transitional waters, coastal and marine waters.<br><br>During the construction, operation, and decommissioning phases, development can lead to increased demand for water, involve discharges to water, and cause adverse ecological effects resulting from physical modifications to the water environment. There may also be an increased risk of spills and leaks of pollutants to the water environment. These effects could lead to adverse impacts on health or on protected species and habitats (see Section 4.3) and could result in surface waters, groundwaters or protected areas failing to meet environmental objectives established under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 and the Marine Strategy Regulations 2010. | The likely significant effects of the Project on water quality are assessed in Section 9.6 and in the Water Environment Regulations (WER) Compliance Assessment found in ES Appendix 21.2 Water Environment Regulations Compliance Assessment **[APP-120]**.<br><br>The likely significant effects of the Project on water quality are assessed in Section 9.6 of ES Chapter 9 Marine Water and Sediment Quality **[APP-023]** and in the WER Compliance Assessment, ES Appendix 21.2 Water Environment Regulations Compliance Assessment, **[APP-120]**. The risk of spills and leaks of fluid would be managed through pollution control measures within the PEMP. Additionally, all chemicals used would be checked against the OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment (PLONOR) (OSPAR, 2021). The effects on protected species and habitats as a result of changes to marine water and sediment quality and physical process are assessed in the following:<br><br>• ES Chapter 10 Benthic and Intertidal Ecology **[APP-024]**;<br>• ES Chapter 11 Fish and Shellfish Ecology **[APP-025]**;<br>• ES Chapter 12 Marine Mammals **[APP-026]**;<br>• Marine Conservation Zone Assessment **[APP-237]**; and<br>• Report to Inform Appropriate Assessment **[APP-173]**. |
| Applicant Assessment | 5.16.3 | Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment, and how this might change due to the impact of climate change on rainfall patterns and consequently water availability across the water environment, as part of the ES or equivalent (see Section 4.3 and 4.10). | The existing environment for marine water and sediment quality is described in Section 9.5 of ES Chapter 9 Marine Water and Sediment Quality **[APP-023]**. Consideration of how this may change in the future e.g., due to climate change is discussed in Section 9.5.3 of ES Chapter 9 Marine Water and Sediment Quality **[APP-023]**.<br><br>Potential impacts on water quality, the physical characteristics of surface watercourses and the quality and quantity of groundwater are considered in Section 21.6 of ES Chapter 21 Water Resources and Flood Risk **[APP-035]**.<br><br>Potential impacts on WER compliance are considered separately in ES Appendix 21.2 **[APP-120]**. |
| | 5.16.4 | The applicant should make early contact with the relevant regulators, including the local authority, the Environment Agency and Marine Management Organisation, where appropriate, for relevant licensing and environmental permitting requirements. | Early consultation with regard to marine water and sediment quality has been undertaken and indication of how consultees' comments have been addressed is presented in Section 9.2 of ES Chapter 9 Marine Water and Sediment Quality **[APP-023]**.<br><br>Potential impacts on water quality, the physical characteristics of surface watercourses and the quality and quantity of groundwater are considered in Section 21.6 of ES Chapter 21 Water Resources and Flood Risk **[APP-035]**.<br><br>Potential impacts on WER compliance are considered separately in ES Appendix 21.2 **[APP-120]**. |

| SECTION | NPS EN-1 PARAGRAPH | NPS EN-1 POLICY WORDING | ACCORDANCE WITH NPS POLICY |
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| | 5.16.5 | Where possible, applicants are encouraged to manage surface water during construction by treating surface water runoff from exposed topsoil prior to discharging and to limit the discharge of suspended solids e.g. from car parks or other areas of hard standing, during operation. | Potential impacts on water quality, the physical characteristics of surface watercourses and the quality and quantity of groundwater are considered in Section 21.6 of ES Chapter 21 Water Resources and Flood Risk **[APP-035]**.<br><br>Potential impacts on WER compliance are considered separately in ES Appendix 21.2 **[APP-120]**. |
| | 5.16.6 | Applicants are encouraged to consider protective measures to control the risk of pollution to groundwater beyond those outlined in River Basin Management Plans and Groundwater Protection Zones – this could include, for example, the use of protective barriers. | Potential impacts on water quality, the physical characteristics of surface watercourses and the quality and quantity of groundwater are considered in Section 21.6 of ES Chapter 21 Water Resources and Flood Risk **[APP-035]**.<br><br>Potential impacts on WER compliance are considered separately in ES Appendix 21.2 **[APP-120]**. |
| | 5.16.7 | The ES should in particular describe:<br>• The existing quality of waters affected by the proposed project and the impacts of the proposed project on water quality, noting any relevant existing discharges, proposed new discharges and proposed changes to discharges<br>• Existing water resources affected by the proposed project and the impacts of the proposed project on water resources, noting any relevant existing abstraction rates, proposed new abstraction rates and proposed changes to abstraction rates (including any impact on or use of mains supplies and reference to abstraction licensing strategies) and also demonstrate how proposals minimise the use of water resources and water consumption in the first instance<br>• Existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the proposed project and any impact of physical modifications to these characteristics<br>• Any impacts of the proposed project on water bodies or protected areas (including shellfish protected areas) under the water environment (water framework directive) (England and Wales) regulations 2017 and Source Protection Zones (SPZs) around potable groundwater abstractions<br>• How climate change could impact any of the above in the future<br>• Any cumulative effects | The likely significant effects of the Project on water quality, including impacts on relevant water bodies or protected areas are assessed in Section 9.6 of ES Chapter 9 Marine Water and Sediment Quality **[APP-023]** and in the WER Compliance Assessment in ES Appendix 21.2 Water Environment Regulations Compliance Assessment **[APP-120]**.<br><br>Consideration of how the existing environment may change in the future e.g., due to climate change is discussed in Section 9.5.3 of ES Chapter 9 Marine Water and Sediment Quality **[APP-023]**.<br><br>Cumulative effects are assessed in Section 9.8 of ES Chapter 9 Marine Water and Sediment Quality **[APP-023]**. Assessment of effects on onshore water resources is provided in ES Chapter 21 Water Resources and Flood Risk **[APP-035]**.<br><br>Potential impacts on water quality, the physical characteristics of surface watercourses and the quality and quantity of groundwater are considered in Section 21.6 of ES Chapter 21 Water Resources and Flood Risk **[APP-035]**.<br><br>Potential impacts on WER compliance are considered separately in ES Appendix 21.2 **[APP-120]**. |
| Secretary of State decision making | 5.16.11 | Activities that discharge to the water environment are subject to pollution control. The considerations set out in Section 4.12 on the interface between planning and pollution control therefore apply. These considerations will also apply in an analogous way to the abstraction licensing regime regulating activities that take water from the water environment, and to the control regimes relating to works to, and structures in, on, or under controlled waters. | Please refer to the Applicant's response to Section 4.12 of NPS EN-1. As stated in the Consents and Licences Statement **[AS-030]** a water abstraction licence may be required from the Environment Agency if required by the contractor for the abstraction of water during the construction works. |

| SECTION | NPS EN-1 PARAGRAPH | NPS EN-1 POLICY WORDING | ACCORDANCE WITH NPS POLICY |
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| | 5.16.12 | The Secretary of State will need to give impacts on the water environment more weight where a project would have an adverse effect on the achievement of the environmental objectives established under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. | The WER assessment of likely significant effects of North Falls is included in ES Appendix 21.2 Water Environment Regulations Compliance Assessment **[APP-120]**. This concludes there will be no significant adverse effects on the achievement of the environmental objectives of the WER. |
| | 5.6.13 | The Secretary of State must also consider duties under other legislation including duties under the Environment Act 2021 in relation to environmental targets and have regard to the policies set out in the Government's Environmental Improvement Plan 2023. | The Project's compliance with relevant legislation is described in the Planning Statement submitted with the DCO application. With regards to marine water and sediment quality, a summary of the other relevant legislation is outlined in Section 9.4.1.2 of ES Chapter 9 Marine Water and Sediment Quality **[APP-023]**. |
| | 5.16.14 – 5.16.15 | The Secretary of State should be satisfied that a proposal has regard to current River Basin Management Plans and meets the requirements of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (including regulation 19). The specific objectives for particular river basins are set out in River Basin Management Plans. The Secretary of State must refuse development consent where a project is likely to cause deterioration of a water body or its failure to achieve good status or good potential, unless the requirements set out in Regulation 19 are met. A project may be approved in the absence of a qualifying Overriding Public Interest test only if there is sufficient certainty that it will not cause deterioration or compromise the achievement of good status or good potential.<br>The Secretary of State should also consider the interactions of the proposed project with other plans such as Water Resources Management Plans and Shoreline Management Plans. | The WER assessment of likely significant effects of North Falls is included in ES Appendix 21.2, Water Environment Regulations Compliance Assessment **[APP-120]**. This concludes there will be no significant adverse effects on the achievement of the environmental objectives of the WER. River Basement Management Plans are considered in Section 9.5.2 and ES Chapter 21 Water Resources and Flood Risk **[APP-035]**. |
| | 5.16.16 | The Secretary of State should consider proposals to mitigate adverse effects on the water environment and any enhancement measures put forward by the applicant and whether appropriate requirements should be attached to any development consent and/or planning obligations are necessary. | The effects on water quality during the construction, operation and decommissioning phases of North Falls are considered either 'minor adverse' or 'negligible' and therefore, no additional mitigation measure is proposed, beyond the embedded mitigation presented in Section 9.3.3 of ES Chapter 9 Marine Water and Sediment Quality **[APP-023]**. |

## 6. TABLE 2 – NPS EN-3 COMPLIANCE TABLE

| SECTION | NPS EN-3 PARAGRAPH | NPS EN-3 POLICY WORDING | ACCORDANCE WITH NPS POLICY |
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| **Part 2 – General Assessment and Technology Specific Information** | | | |
| **2.1 - Introduction** | | | |
| Introduction | 2.1.8 | The assessment principles outlined in Section 4 of EN-1 continue to apply to CNP infrastructure. Applicants must show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy. Early application of the mitigation hierarchy is strongly encouraged, as is engagement with key stakeholders including SNCBs, both before and at the formal pre-application stage. | The Project is an acceptable use of land and sea and has been developed in accordance with the NPS EN-1, NPS EN-3, and NPS EN-5 which seeks to support the delivery of CNP Infrastructure. The supporting ES Chapters and RIAA set out the likely significant effects of the Project and explain how the mitigation hierarchy has been followed.<br>North Falls has engaged extensively with the relevant SNCBs including Natural England and the Marine Management Organisation. |
| **2.2 – Relationship with English and Welsh Renewables Policies** | | | |
| Relationship with English and Welsh Renewables Policies | 2.2.1 – 2.2.4 | Policy set out in existing planning guidance in England and, for any proposed project located in Wales, in relevant planning policy and advice issued by the Welsh Government, will provide important information to applicants of nationally significant renewable energy projects.<br>Applicants should take these policies and guidance (including any relevant targets) into account and explain how their proposals fit with guidance or, alternatively, why they depart from them.<br>The Secretary of State should also have regard to these policies and guidance (including any relevant targets) in their decision making.<br>Whether an application conforms to the guidance or targets will not necessarily be a reason for approving or rejecting the application. | Section 2.2 of the Needs Case and Project Benefits Statement **[**APP-232**]** sets outs the national policy drivers that underpin the overall need and the strategic case for new renewable energy in the form of offshore wind. |
| 2.3 – Factors influencing site selection and design | 2.3.1 – 2.3.4 | Factors influencing site selection by applicants for renewable energy generating stations are set out below.<br>The specific criteria considered by applicants and the weight they give to them will vary from project to project.<br>Where there are requirements on applicants or the Secretary of State to consider specific factors, these are made clear in the text.<br>The choices which applicants make in selecting sites reflect their assessment of the risk that the Secretary of State, following the general points set out in Section 4.1 of EN-1, will not grant consent in any given case. | ES Chapter 4 Site Selection and Alternatives **[APP-018]** presents a description of the site selection process and assessment of alternatives undertaken by the Applicant to define the North Falls offshore and onshore project areas.<br>ES Appendix 4.1 Site Selection Golden Rules **[APP-091]** details the assumptions and principles (‘golden rules’) which set the framework for the site selection exercise. |
| | 2.3.5 | It is for applicants to decide what applications to bring forward. In general, the government does not seek to direct applicants to particular sites for renewable energy infrastructure. In specific | North Falls has engaged extensively with the Marine Management Organisation, Natural England, the Planning Inspectorate, and The Crown Estate, and other relevant marine stakeholders in determining the Project’s offshore array area. |

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| | | circumstances it may be appropriate to provide some direction or guidance, for example to areas of search or areas to avoid through Marine Plans, Strategic Environmental Assessments (SEAs) or The Crown Estate Leasing Rounds, in respect of marine renewable technology. All of the examples given consider marine specific aspects of many of the assessment principles set out in Part 4 of EN-1. | Section 3.8 of the Consultation Report **[AS-015]** sets out the engagement undertaken with all marine stakeholders including those related to fishing, shipping, and navigation. |
| **2.4 – Climate Change Adaptation and Resilience** | | | |
| Climate change adaptation and resilience | 2.4.1 – 2.4.4 | Part 2 of EN-1 covers the government's energy and climate change strategy, including policies for mitigating climate change.<br><br>Section 4.10 of EN-1 sets out generic considerations that applicants and the Secretary of State should take into account to help ensure that renewable energy infrastructure is safe and resilient to climate change, and that necessary action can be taken to ensure the operation of the infrastructure over its estimated lifetime.<br><br>Section 4.10 of EN-1 advises that the resilience of the project to climate change should be assessed in the Environmental Statement (ES) accompanying an application. For example, the impact of increased risk of drought as a result of higher temperatures should be covered in the water quality and resources section of the ES.<br><br>Section 5.6 Coastal Change and Section 5.8 Flood Risk of EN-1 set out generic considerations that applicants and the Secretary of State should take into account in order to manage coastal change and flood risks. | A Climate Change Risk Assessment has been undertaken which is presented in Section 33.6.2 of ES Chapter 33 Climate Change **[APP-047]** and discusses the resilience of the Project (including land side infrastructure) to climate change induced weather phenomena as well as storms. |
| Offshore wind | 2.4.8 | Whilst offshore wind farms will not be affected by flooding, applicants should demonstrate that any necessary land-side infrastructure (such as cabling and onshore substations) will be appropriately resilient to climate-change induced weather phenomena. Similarly, applicants should particularly set out how the proposal would be resilient to storms. | Changes to surface and groundwater flows and flood risk are assessed in Section 21.6.1.4 and Section 21.6.2.2 of ES Chapter 21 Water Resources and Flood Risk **[APP-035]**.<br><br>Flood Risk is assessed in the ES Appendix 21.3 Flood Risk Assessment **[APP-121]**. |
| **2.5 – Consideration of good design for energy use** | | | |
| Consideration of good design for energy use | 2.5.1 – 2.5.3 | Section 4.7 of EN-1 sets out the criteria for good design that should be applied to all energy infrastructure.<br><br>Proposals for renewable energy infrastructure should demonstrate good design, particularly in respect of landscape and visual amenity, opportunities for co-existence/co-location with other marine and terrestrial uses, and in the design of the project to mitigate impacts such as noise and effects on ecology and heritage.<br><br>Defra will consult on a series of Offshore Wind Environmental Standards (OWES) before drafting clear OWES Guidance. The OWES Guidance will aim to support the achievement of good design | The Co-ordination Report **[AS-006]** sets out the approach taken to scheme development and the collaboration with Five Estuaries and National Grid, to try and limit the impacts with respect to landscape, visual amenity, traffic and transport, and other environmental mitigation. The proposed onshore substation zone that would include the substations for both North Falls and Five Estuaries would mitigate the likely cumulative effects arising from an alternative scenario of the two substations being located near to one another, but not co-located.<br><br>The Applicant and six other offshore wind extension projects granted development rights in 2019 by the Crown Estate are necessarily constrained, in part, by their geographical positioning and the criteria under which they were granted rights. |

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| | | for offshore wind farms and/or offshore transmission infrastructure which is detailed in section 2.8.90. | Therefore, whilst impacts have been mitigated there are limitations to the offshore mitigation available with respect to seascape and landscape effects.<br><br>OWES have not yet been adopted however NFOW has prepared an Environmental Statement and Habitats Regulation Assessment, and the Project complies with the relevant design policies contained within NPS EN-1 and NPS EN-5, the NPPF, as well as relevant local design guidance.<br><br>Embedded mitigation measures are presented in Section 23.3.3. Mitigation measures associated with potential impacts are presented in Section 23.6 of ES Chapter 23 Onshore Ecology **[APP-037]**.<br><br>Project design has avoided sensitive features where practicable.<br><br>Refer to Section 29.3.3 of ES Chapter 29 Seascape, Landscape and Visual Impact Assessment **[APP-043]** for information on landscape mitigation.<br><br>It is considered that the Project is in accordance with paragraphs 2.5.1 – 2.5.3. |
| **2.6 Flexibility in project details** | | | |
| Flexibility in project details | 2.6.1 – 2.6.3 | Where details are still to be finalised, applicants should explain in the application which elements of the proposal have yet to be finalised, and the reason why this is the case.<br><br>Where flexibility is sought in the consent as a result, applicants should, to the best of their knowledge, assess the likely worst case environmental, social and economic effects of the proposed development to ensure that the impacts of the project as it may be constructed have been properly assessed.<br><br>Full guidance on how applicants and the Secretary of State should manage flexibility is set out in Section 4.3 of EN-1. | As outlined in ES Chapter 6 Environmental Impact Assessment Methodology **[APP-020]** the general principle of the assessment, under the project design envelope approach, is that for each receptor and potential impact, the impact assessment will be based on assessing project design parameters likely to result in the maximum adverse effect (i.e., the worst case scenario). The Rochdale Envelope for a project outlines the realistic worst case scenario for each individual impact, so that it can be safely assumed that all other scenarios within the design envelope will have a less significant effect.<br><br>If a combination of design parameters leads to a scenario that cannot realistically occur, then the worst case scenario will be reconsidered, and a realistic set of worst case parameters will be assessed.<br><br>The offshore design parameters are secured by Requirement 2 and the onshore detailed design parameters are secured by Requirement 6 of the Draft Development Consent Order **[AS-022]**. |
| **2.8 Offshore Wind** | | | |
| Introduction | 2.8.1 – 2.8.2 | As set out in the British Energy Security Strategy (BESS), the Government expects that offshore wind (including floating wind) will play a significant role in meeting demand and decarbonising the energy system. The ambition is to deploy up to 50GW of offshore wind capacity (including up to 5GW floating wind) by 2030, with an expectation that there will be a need for substantially more installed offshore capacity beyond this to achieve net zero carbon emissions by 2050.<br><br>To meet its objectives government considers that all offshore wind developments are likely to need to maximise their capacity within the technological, environmental, and other constraints of the development. | As outlined in the Need Case and Project Benefits Statement **[APP-232]** and the Planning Statement **[AS-004]**, and in response to Section 3 of NPS EN-1 in this document, there is an urgent need for more offshore wind capacity and North Falls is defined as CNP infrastructure. |

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| | 2.8.3 | There are two main UK sea areas where offshore wind farms can be built:<br>• In UK territorial waters, which generally extend up to 12 nautical miles (nm) from the coast; and<br>• Beyond the 12 nm limit where, under international law, the UK is able to construct wind farm installations or other structures to produce renewable energy in the Renewable Energy Zone (REZ) as declared in the Energy Act 2004. | North Falls is an offshore wind farm located in the outer Thames Estuary. The DCO application is for the construction, operation, maintenance, and decommissioning of an offshore wind farm proposed approximately 40km off the East Anglia coastline in the southern North Sea. The Project comprises of a single offshore array area covering 95 square kilometres.<br>The Project spans UK territorial waters and beyond the 12 nautical mile limit, as permitted by the Energy Act 2004. See Location Plan Onshore **[APP-196]** and Location Plan Offshore **[APP-197]**. |
| | 2.8.4 | Any reference within this NPS to offshore wind farm infrastructure includes all the elements which may be part of an offshore wind farm application including:<br>• Wind turbines;<br>• All types of foundations (fixed bottom or floating);<br>• Onshore and offshore substations;<br>• Anemometry masts;<br>• Accommodation platforms; and<br>• Cabling (offshore transmission). | The Project comprises: a single offshore array area covering an area of 95 square kilometres with up to 57 wind turbine generators, the installation of underground cables and associated infrastructure; construction of up to two offshore substation platforms, or, up to one offshore substation platform and up to one offshore converter platform; the construction of up to two cable circuits and associated ducting with the onshore landfall taking place at between Clacton-on-Sea and Frinton-on-Sea; the construction of an electrical substation between Little Bromley and Ardleigh to connect to National Grid's proposed East Anglia Connection Node (EACN) substation; and all associated development and ancillary works. All of the onshore infrastructure works would be within the administrative area of Essex County Council and Tendring District Council. |
| | 2.8.5 | In addition, this section on offshore wind makes many references to cabling and offshore transmission. Applicants bringing forward proposals for that infrastructure should note all such references; cabling refers to all types of electricity network infrastructure including offshore transmission as well as the inter-array cables for a wind farm. | |
| Consenting Process | 2.8.6 | For guidance on DCOs and Marine Licences, applicants and the Secretary of State should consult section 2.3.16 of this NPS. | Articles 35 and 36 of the Draft Development Consent Order **[AS-022]** provide powers for the operation of the generating station and the provision of the deemed marine licences in Schedules 8, 9 and 10 to the Order. |
| | 2.8.7 | Given ambitions to deliver up to 50 GW of offshore wind by 2030, including up to 5 GW of floating wind, there is a need to speed up, and reduce delays in, the consenting process. | The Applicant notes the urgent need for new offshore wind capacity to meet the targets set by the Government by 2030. Please refer to the responses to Section 3 of NPS EN-1 of this document. |
| | 2.8.8 | The British Energy Security Strategy committed to implementing an Offshore Wind Environmental Improvement Package (OWEIP), which aims to streamline environmental assessments, decrease consenting times, and maintain marine environmental protections. The OWEIP includes measures to:<br>• Revise Marine Protected Area assessment guidance (including Habitats Regulations and Marine Conservation Zone (MCZ) | The RIAA provides an assessment of whether the Project alone or in combination could adversely affect the integrity of a European site, in view of its conservation objectives. Mitigation measures are taken into account during the assessment at this stage.<br>Evidence to support a HRA Derogation case for the Project is provided with the DCO application under HRA Derogation: Provision of Evidence **[APP-183]**.<br>North Falls has engaged in consultation with the MMO, and other relevant statutory consultees throughout the preparation of the DCO application as set out in the |

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| | | Assessments) to streamline and simplify the information applicants must supply.<br>• Revise the Habitats Regulations and MCZ assessment process for offshore wind to facilitate the delivery of compensation measures whilst maintaining valued protection for wildlife.<br>• Facilitate the delivery of strategic environmental compensation measures to offset environmental effects and reduce delays to projects, including development of a library of compensation measures, through the Collaboration on Offshore Wind Strategic Compensation (COWSC) programme.<br>• Implement an industry-funded Marine Recovery Fund (MRF), into which developers can choose to contribute to meet their environmental compensation obligations.<br>• Introduce a minimum common requirement for designing wind farms and offshore transmission infrastructure, providing greater certainty and speeding up the consenting process.<br>• Develop a strategic approach to environmental monitoring. | Consultation Report **[AS-015]**. Consultation undertaken with SNCBs and other stakeholders in relation to the MCZA process is provided in Section 4 of the Marine Conservation Zone Assessment Report **[APP-237]**. |
| | 2.8.9 – 2.8.10 | Various aspects of the Offshore Wind Environmental Improvement Package (OWEIP) will be subject to public consultation and guidance will be produced in due course.<br>The OWEIP applies to “the planning, construction, operation or decommissioning of offshore wind electricity infrastructure” and the identification of an area for such an activity. Infrastructure is defined in the Energy Act and includes offshore transmission infrastructure such as bootstraps. | The Offshore Wind Environmental Improvement Package (OWEIP) is being developed by Government to help offshore wind project applicants address unavoidable impacts to Marine Protected Areas (MPA) at a strategic level, facilitated through one or more Marine Recovery Funds (MRF) into which applicants can choose to pay to discharge environmental compensation obligations. The Applicant has considered the recent DESNZ (2025) “Guidance - Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance” and the option of a contribution to the MRF is included in the compensation proposals for North Falls. This contribution to the MRF could be made in substitution for any project-led measure, provided the MRF becomes operational and appropriate compensation can be secured via the MRF, if options for the relevant species is included in the Defra OWEIP Library of Strategic Compensation Measures (LoSCM).This is discussed in the relevant Outline Compensation Implementation and Monitoring Plans [**7.2.2.1, (Rev 1); 7.2.3.1, (Rev 1); 7.2.4.1, (Rev 1); and 7.2.5.1, (Rev 1)]**. |
| Factors influencing site selection and design | 2.8.11 – 2.8.13 | General factors influencing site selection by applicants are set out at Section 2.3 of this NPS.<br>Specific considerations involved in the siting of an offshore wind development are additionally likely to be influenced by factors set out in the following paragraphs.<br>The specific criteria considered by applicants, and the role that they play in site selection, will vary from project to project. | ES Chapter 4 Site Selection and Alternatives **[APP-018]** presents a description of the site selection process and assessment of alternatives undertaken by the Applicant to define the North Falls offshore and onshore project areas.<br>ES Appendix 4.1 Site Selection Golden Rules **[**APP-091**]** details the assumptions and principles (‘golden rules’) which set the framework for the site selection exercise. |

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| Offshore Energy Strategic Environmental Assessment | 2.8.14 – 2.8.15 | In proposing sites for offshore wind and/or offshore transmission infrastructure, NSIP applicants should demonstrate that their choice of site takes into account the government's Offshore Energy SEA 4 and any successors to it.<br><br>The government is undertaking a rolling Offshore Energy SEA programme, including a research programme and data collection to facilitate future strategic and project specific assessments to achieve the 50GW ambitions. | As stated in ES Chapter 4 Site Selection and Alternatives **[APP-018]** SEA 4 was published in 2022 which was after the selection of the former array areas (see Section 4.4.3 of ES Chapter 4), landfall search area (Section 4.6.1 of ES Chapter 4) and associated offshore cable corridor (Section 4.7 of ES Chapter 4) has been selected, however the process that was followed aligns with that outlined in SEA 4 which states throughout the report that impacts can be mitigated through site selection, e.g. impacts on fisheries, other marine users and seascape. The range of constraints considered in the North Falls array area site selection are outlined in Section 4.4.2 of ES Chapter 4 Site Selection and Alternatives **[APP-018]**. |
| Marine Planning | 2.8.16 – 2.8.19 | Marine planning currently enables the increasing demands for use of the marine area to be balanced and managed in an integrated way that protects the marine environment whilst supporting sustainable development.<br><br>Marine plans provide a transparent framework for consistent, evidence-based decision making and should be used by applicants to guide site selection.<br><br>Marine plans will help applicants understand generic potential impacts of their proposal at an early stage e.g., in relation to other activities, or where there are marine protected areas. Further information is provided in Section 4.5 of EN-1.<br><br>The cross-Government Marine Spatial Prioritisation Programme will review how marine plans, the wider planning regime, legislation and guidance may need to evolve to ensure a more holistic approach to the use of the seas, and that this is taken to maximise co-existence/co-location possibilities. | The Marine Plan Assessment **[APP-240]** provides a full assessment of the Project against the relevant policies contained within the East Inshore and East Offshore Marine Plan and the South East Inshore Marine Plan, including those related to coastal change.<br><br>Table 2.1 provides and assessment against the objectives of the East Inshore and East Offshore Marine Plan and relevant policies established under them are listed in Table<br><br>Table 2.2 South East Inshore Marine Plan Objectives and Policies details provided on how these have been considered by the Applicant, including references to the relevant ES chapter where applicable.<br><br>North Falls would be in accordance with the relevant policies and objectives of both Marine Plans. |
| Seabed leasing | 2.8.20 – 2.8.25 | The Crown Estate issues leases for offshore wind farms in tendering rounds. Applicants must obtain a lease prior to placing an offshore wind structure on, or passing transmission export cables over, the seabed and its foreshore (see section 2.3.10 of this NPS for information in seabed leasing and capacity extensions).<br><br>Rounds 1, 2 and 3 are closed and sites leased in those rounds are either operational; in construction; consented but yet to be constructed; awaiting determination; or yet to apply for development consent. Leasing Round 4 is completed, with agreements for lease awarded in January 2023.<br><br>To date, each offshore wind leasing round has been supported by a plan level HRA, which assesses the impact of the leasing round on protected sites. It should also be noted that aspects of plan level HRAs that remain relevant at the project level might be able to be relied upon to inform the project level HRA, reducing the project level effort required and reducing duplication. | As outlined in ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** in February 2017, The Crown Estate launched an opportunity for owners of existing wind farms to apply for project extensions and NFOW was one of a number of developers that applied for an Application for Lease (AfL) to develop an extension to an existing OWF.<br><br>The AfL applications identified areas of interest for each of the proposed extension OWFs. Consultation was undertaken by The Crown Estate which led to the refinement of the North Falls array areas from that shown in ES Figure 4.1 to the former array areas shown in ES Figure 4.2 **[APP-050]**.<br><br>Subsequently, The Crown Estate undertook a plan level Habitats Regulations Assessment (HRA) of all the OWF extension applications received (The Crown Estate, 2019). The plan-level HRA ascertained that the plan could proceed including North Falls (formerly 'Greater Gabbard Extension'). NFOW was awarded seabed rights by The Crown Estate in August 2019 to progress the extension and seek planning consent. |

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| | | The assessment serves to provide a better understanding of the potential effects and identify measures which can be put in place to avoid, mitigate, or reduce those significant effects at a plan level.<br><br>Where an assessment concludes that there will still be an adverse impact, a case for derogation can be considered. This must meet strict legal tests, which includes identifying compensatory measures.<br><br>Individual project lease agreements from The Crown Estate often include limits on development (such as a maximum generation capacity), which are used by The Crown Estate as a proxy to establish environmental effects at the plan level. Consistent with the Government's objectives in this NPS, project developers should seek to maximise their capacity within the technological, environmental, and other constraints of the project. At the development consent stage, the Secretary of State will use detailed maximum project parameters to assess environmental impacts, and these will be reflected in the DCO. Such parameters may differ from the limits on development assumed by The Crown Estate in the agreement for lease e.g., as a rule, the Secretary of State will not include a maximum capacity limit within the DCO. Future offshore development may occur in rounds, as piecemeal development or using any other development mechanism as required. | Key criteria set by The Crown Estate's extension process which influenced the site selection process of the North Falls array areas, included the fact that wind farm extensions must share a boundary with the existing (parent) wind farm; and that the proposed wind farm to be extended must be constructed and fully operational at the date of the application.<br><br>Greater Gabbard Offshore Wind Farm was previously extended from its eastern boundary by Galloper Wind Farm (shown in ES Figure 4.1 to 4.3 **[APP-050]**) which has been operational since 2018. The starting point for the North Falls array areas selection was therefore that it had to be an extension to the north, west and / or south of Greater Gabbard Offshore Wind Farm, taking into account a range of existing constraints, discussed further in ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]**. |
| | 2.8.26 – 2.8.27 | Future leasing rounds may continue to be supported by separate plan level HRA or, in appropriate cases, may be the subject of a coordinated approach to the HRA, where there is overlap between the activities of more than one competent authority in relation to offshore development.<br><br>The Crown Estate is designing new leasing opportunities for floating wind projects in the Celtic Sea as part of the ambition of up to 50GW of offshore wind by 2030, including up to 5GW of floating wind. | |
| Wind Resource | 2.8.28 – 2.8.30 | Available wind resource is critical to the economics of a proposed offshore wind farm.<br><br>To inform their economic modelling, applicants may collect wind speed data using an anemometry mast or similar.<br><br>Collection of this data is not obligatory as the suitability of the wind speed across the site and economics of the scheme are a matter for the technical and commercial judgement of the wind farm applicant not the Secretary of State. | North Falls has used relevant available data to inform the Project and as outlined in the Funding Statement **[APP-008]** is confident that the Project will be commercially viable on the reasonable assumption that it will receive the key consents required, and that a final investment decision ("FID") is taken, indicating the final unconditional decision of the shareholders to invest in the construction of the wind farm and associated infrastructure. |
| Water depth and foundation conditions | 2.8.31 – 2.8.33 | Water depth, bathymetry and geological conditions are all important considerations for the selection of sites and will affect the design of the foundations of the turbines, the layout of turbines within the site and the siting of the cables that will export the electricity. | For the Wind Turbine Generators a conventional three bladed, horizontal axis turbine will be used, comprised of the following main components:<br>○ Rotor, comprising:<br>○ Blades; |

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| | | The onus is on the applicant to ensure that the foundation design is technically suitable for the seabed conditions and that the application caters for any uncertainty regarding the geological conditions.<br><br>Whilst the technical suitability of the foundation design is not in itself a matter for the Secretary of State, the Secretary of State will need to be satisfied that the foundations will not have an unacceptable adverse effect on marine biodiversity, the physical environment or marine heritage assets. | ○ Hub - connects the blades to the main shaft and ultimately to the rest of the drive train;<br>○ Nacelle - houses the electrical generator, control electronics and drive system (Plate 5.2); and<br>○ Structural support - tubular steel tower atop a foundation structure<br><br>The decision on the types of foundation and substructure to support the WTGs and offshore substation platform(s) will be made post-consent. Foundation types will be selected following detailed design, based on suitability of the ground conditions, water depths and wind turbine models. There may be only one type used, or a combination of foundation types may be used.<br><br>The foundation types currently being considered for use are (and illustrated in ES Chapter 5):<br>• Monopile (Plate 5.3);<br>• Mono suction bucket (Plate 5.4);<br>• GBS (Plate 5.5);<br>• Jacket with 3 or 4 legs (Plate 5.6) attached to the seabed by:<br>○ Pin-piles;<br>○ Suction buckets; and<br>○ Gravity/ballast legs.<br><br>The design envelope is based on maximum and minimum parameters, where appropriate, to ensure the worst case scenario can be quantified and is assessed in the EIA. The final design of North Falls will lie within the range of parameters assessed in the EIA and detailed in ES Chapter 5 Project Description **[APP-019]**.<br><br>The following ES Chapters have assessed the likely significant effects of the foundations (during the relevant phases) on sensitive receptors in the marine environment.<br>• ES Chapter 8 Marine Geology Oceanography and Physical Processes **[APP-022]**<br>• ES Chapter 9 Marine Water and Sediment Quality **[APP-023]**<br>• ES Chapter 10 Benthic and Intertidal **[APP-024]**<br>• ES Chapter 11 Fish and Shellfish Ecology **[APP-025]**<br>• ES Chapter 12 Marine Mammals **[APP-026]**<br>• ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage **[APP-030]**<br><br>The Project would not result in unacceptable adverse effects on marine biodiversity, the physical environment, or marine heritage assets. |

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| Offshore – onshore network connection | 2.8.34 – 2.8.36 | As identified in paragraphs 3.3.65 – 3.3.83 and Section 4.11 of EN-1, and Section 2.12 of EN-5, a more co-ordinated approach to offshore-onshore transmission is required.<br><br>The previous standard approach to offshore-onshore connection involved a radial connection between single wind farm projects and the shore. A coordinated approach will involve the connection of multiple, spatially close, offshore wind farms and other offshore infrastructure, wherever possible, as relevant to onshore networks.<br><br>This will include connections via multi-purpose interconnectors (MPIs), which combine the connection of offshore wind with the function of market-to-market interconnectors. | The Project is consistent with the coordinated approach and the move away from a standard radial connection. The measures outlined in the Coordination Report **[AS-006]** demonstrate how North Falls, Five Estuaries, and NGET will work together to deliver new infrastructure in a manner that seeks to reduce impacts in particular through the provision of a shared onshore cable route for North Falls and Five Estuaries, and the co-location of the onshore substations for both Projects.<br><br>The following grid connection options are therefore included in the Project design envelope:<br><br>• Option 1: Onshore electrical connection at a National Grid connection point within the Tendring peninsula of Essex (discussed in Section 5.7), with a project alone onshore cable route and onshore substation infrastructure;<br><br>• Option 2: Onshore electrical connection at a National Grid connection point within the Tendring peninsula of Essex, sharing an onshore cable route and onshore cable duct installation (but with separate onshore export cables) and co-locating separate project onshore substation infrastructure with Five Estuaries Offshore Wind Farm ('Five Estuaries'); or<br><br>• Option 3: Offshore electrical connection, supplied by a third party.<br><br>The relevant worst-case scenario of these options is assessed throughout the technical chapters (Chapters 8 to 33, **[**APP-022 – APP-047**]**). Where there are key differences between the options which are relevant to different technical chapters, these are highlighted in Sections 5.5 - 5.7 of ES Chapter 5 **[**APP-019**]**.<br><br>Following a commitment by the Applicant and Five Estuaries Offshore Wind Farm Limited to seek to co-ordinate and collaborate where practicable in order to minimise both projects' environmental and social effects, the onshore electrical connection options set out under Option 1 and 2 have been designed in co-ordination with the Five Estuaries project. The onshore cable routes of the two projects will run immediately adjacent, with the footprint required for both covered by the onshore project area. This is to allow either project to install cable ducting for both projects to realise efficiencies in construction. In addition, the onshore substations have been co-located in the same location to the west of Little Bromley. Due to electrical requirements, separate cables and onshore substations are required for each project, and therefore construction of the Five Estuaries' cabling and onshore substation is not included within the North Falls DCO application.<br><br>When developing a co-ordinated design onshore, North Falls and Five Estuaries have developed three possible build-out scenarios for both projects. These are:<br><br>• Scenario 1 – North Falls proceeds to construction and undertakes the additional onshore cable trenching and ducting works for Five Estuaries as part of a single construction activity (i.e. ducting for four electrical circuits). North Falls would undertake the cable installation and onshore substation construction for its project only (i.e. two electrical circuits). The two projects would share accesses from the public highway for onshore cable installation and substation construction. The projects would utilise and share the same TCCs for the cable installation works. |

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| | | | • Scenario 2 – Both North Falls and Five Estuaries projects proceed to construction on different but overlapping timescales (between 1 and 3 years apart), with onshore cable trenching and ducting works undertaken independently but opportunities for reuse of enabling infrastructure e.g. haul roads / site accesses etc., with the other project then reinstating once complete.<br>• Scenario 3 – Five Estuaries does not proceed to construction; or both Five Estuaries and North Falls projects proceed to construction on significantly different programmes (over 3 years apart). In the latter case the significantly different programmes would mean that haul roads and TCCs are reinstated prior to the second project proceeding. In such case cumulative impacts are for a potential construction period of 6 years+. This scenario presents no reduction in overall impacts for the projects from the sharing of infrastructure.<br>These potential build out scenarios are assessed within the Project's Cumulative Effects Assessment (CEA). As with the assessment of the effects arising from the development of North Falls alone outlined above, each technical chapter has selected one of these build out scenarios as the worst case for the technical topic, depending on the parameters relevant to that topic. To help provide clarity when reading the technical chapter CEA sections, ES Chapter 5 Project Description **[**APP-019**]** Table 5.2 sets out how these scenarios interact with the grid connection options outlined above. |
| | 2.8.37 – 2.8.39 | Co-ordinated transmission proposals have principally been developed through, and as a consequence of, a process of ongoing reform including through strategic network planning, such as the Holistic Network Design for onshore-offshore transmission, as outlined in EN-5. Further details are provided in EN-5, section 2.12-2.15.<br>As part of the transition to more co-ordinated transmission, it is anticipated that some proposals for transmission could be consented separately to those for the wind farm (array) application.<br>For this to occur, an applicant will need to make a request to the Secretary of State. The Secretary of State would then decide whether to give direction under Section 35 of the Planning Act 2008. | The Project, as the Authorised Development in the Draft Development Consent Order **[AS-022]**, includes all necessary infrastructure to connect to the proposed East Anglia Connection Node substation being promoted by National Grid as part of the Norwich to Tilbury Reinforcement Project.<br>The Project comprises: a single offshore array area covering an area of 95 square kilometres with up to 57 wind turbine generators, the installation of underground cables and associated infrastructure; construction of up to two offshore substation platforms, or, up to one offshore substation platform and up to one offshore converter platform; the construction of up to two cable circuits and associated ducting with the onshore landfall taking place at between Clacton-on-Sea and Frinton-on-Sea; the construction of an electrical substation between Little Bromley and Ardleigh to connect to National Grid's proposed East Anglia Connection Node (EACN) substation; and all associated development and ancillary works. |
| | 2.8.40 – 2.8.43 | For some wind farm projects, the electricity network connection proposals in the application could comprise a wind farm export cable to an offshore transmission connection point on part of an offshore transmission network taking power to shore or exported to another market via a multi-purpose interconnector (MPI).<br>MPIs will enable direct power flow from wind farms to two or more countries. They will provide the electricity network with flexibility needed to integrate the increased deployment of intermittent offshore renewable generation into the system by: | The background and context to the potential for an offshore grid connection including via a multi-purpose interconnector is set out in Section 3 of the Co-ordination Report **[AS-006]**. It explains the work North Falls has undertaken during the preparation of the DCO application in collaboration with DESNZ as part of the Offshore Co-ordination Transmission Review (OTNR) and the Offshore Co-ordination Support Scheme (OCSS). |

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| | | • Allowing market-to-market trading when there is additional capacity on the cable; and<br>• Limiting the need to curtail offshore wind generation when domestic demand has been met by providing a direct route for export to neighbouring north sea countries. | |
| Other offshore infrastructure and activities | 2.8.44 | There may be constraints imposed on the siting or design of offshore wind farms because of the presence of other offshore infrastructure, such as oil and gas, Carbon Capture, Usage and Storage (CCUS), co-location of electrolysers for hydrogen production, marine aggregate dredging, telecommunications, or activities such as aviation and recreation. | ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** provides the rationale for the location of the array area and offshore cable corridor, which includes consideration of constraints associated with other offshore infrastructure. |
| | 2.8.45 | Given the scale of offshore wind deployment required to meet 2030 and 2050 ambitions, and the importance of the UK Continental Shelf (UKCS) in supporting progress towards net zero commitments there will be increasing demand on the UKCS which could give rise to conflicts. The occurrence of conflict between offshore development projects in the short term could restrict the capacity of the UKCS to support the variety of technologies required for the delivery of net zero. | The Project is consistent with the Government's ambitions to meet the 2030 targets for renewable offshore wind capacity. Following consultation with all the relevant marine stakeholders, the assessment of likely significant effects in the relevant ES Chapters, and where relevant with the implementation of the proposed mitigation, it is considered the Project would not give rise to any significant adverse conflicts with the variety of technologies required for the delivery of net zero. The relevant ES Chapters are:<br>• ES Chapter 15 Shipping and Navigation<br>• ES Chapter 17 Aviation and Radar<br>• ES Chapter 18 Infrastructure and Other Users |
| | 2.8.46 | Applicants should consult the government's Marine Plans (further detailed in Section 4.5 of EN-1) which are a useful information source of existing and known or potential activities and infrastructure. | The East Inshore and East Offshore Marine Plans (MMO, 2014) have been considered in the preparation of this chapter and a Marine Plan Assessment is provided with the DCO application **[APP-240]**. |
| | 2.8.47 | Prior to the submission of an application involving the development of the seabed, applicants should engage with key stakeholders, such as The Crown Estate and statutory bodies to ensure they are aware of any current or emerging interests on or underneath the seabed which might give rise to a conflict with a specific application. This will ensure adequate opportunity to reduce potential conflicts and increase time to find a resolution. | In order to secure an Agreement for Lease (AfL) with The Crown Estate, a proximity check was undertaken. Consultation with other statutory bodies with interests in the seabed has been undertaken, and at present no conflicts have been identified. |
| | 2.8.48 – 2.8.50 | Applicants are encouraged to work collaboratively with those other developers and sea users on co-existence/co-location opportunities, shared mitigation, compensation and monitoring where appropriate. Where applicable, the creation of statements of common ground between developers is recommended. Work is ongoing between government and industry to support effective collaboration and to find solutions to facilitate to greater co existence/co-location.<br>As an interested party, The Crown Estate may also provide further supporting information and evidence as part of the examination. This guidance is to encourage early engagement between parties with a | NFOW has been an active participant in the Offshore Transmission Network Review (OTNR) and the Offshore Coordination Support Scheme (OCSS) and is committed to supporting government and industry in delivering offshore wind energy.<br>Section 7 of the Coordination Report **[AS-006]** describes how NFOW has led and worked collaboratively with other NSIP projects. This includes co-ordination with Five Estuaries on the cable route corridor and on the siting and location of the North Falls substation (in effect co-located with Five Estuaries). In addition to coordination with NGET on the location of the grid connection to the EACN. The draft DCO **[AS-** |

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| | | potential overlap in their development plans so that a solution can be found that optimises the capacity of the UKCS to enable net zero.<br><br>The applicant will also need to consider impacts on civil and military radar and other aviation and defence interests (Section 5.5 of EN-1). | **022]** includes provisions (Section 9) to ensure these Projects can be delivered individually and collectively.<br><br>Section 8 of the Coordination Report **[AS-006]** describes the co-ordination approach to enhancement, mitigation, and compensation proposed by North Falls. It is noted that discussions are on-going with respect to compensatory measures for offshore ornithology and there is a commitment with other NSIPs to share and collaborate during delivery. |
| Marine Protected Areas | 2.8.51 – 2.8.54 | The UK Government has obligations to protect the marine environment with a network of well managed Marine Protected Areas (MPAs), which also includes Highly Protected Marine Areas (HPMAs). MCZs together with HPMAs, SACs SPAs, and Ramsar sites and marine elements of SSSIs form an ecologically coherent network of MPAs. The government has set a target for MPA condition under the Environment Act 2021.<br><br>Given the scale of offshore wind deployment required to meet 2030 and 2050 ambitions, applicants will need to give close consideration to impacts on MPAs, either alone or in combination, and employ the mitigation hierarchy, and if necessary provide compensation (both individually and in combination with other plans or projects) which may be needed to approve their projects.<br><br>It is likely that mitigation may include proactive measures to reduce the impact of deployment e.g., micrositing of offshore transmission routes to avoid vulnerable habitats, alternatives piling or trenching techniques, noise abatement technology, collision avoidance methods or, if necessary, compensation for habitat loss. See Section 2.8.80 for Offshore Wind Environmental Standards.<br><br>Further guidance can be found in Sections 4.3 and 5.4 of EN-1. | This is noted, and the Applicant has fully assessed the Project's likely significant effects on the marine environment taking into account the relevant statutory provisions, policies, and guidance.<br><br>Section 9 of the Marine Conservation Zone Assessment Report **[APP-237]** states that based on the information presented in the report which include assessments on the relevant broadscale habitats and habitat features of conservation interest, it can be concluded that the conservation objectives for the Blackwater, Crouch Roach and Colne (Estuaries MCZ) and the Kentish Knock East MCZ will not be hindered by the construction, operation and decommissioning phases of North Falls. Consultation feedback from the preliminary Stage 1 Assessment has been considered and incorporated into the Marine Conservation Zone Assessment Report **[APP-237]** for the DCO application. Based on the outcome of the Stage 1 Assessment, a Stage 2 Assessment is not required. There is no requirement for a MCAA derogation case.<br><br>The relevant application documents collectively referred to as the Report to Inform Appropriate Assessment (herein referred to as the 'RIAA') **[APP-173 – APP-182]** are as follows:<br><br>• Report to Inform Appropriate Assessment Part 1 Introduction **[APP-173]**<br>• Report to Inform Appropriate Assessment Appendix 1.1 Habitats Regulations Assessment Screening **[APP-174]**<br>• Report to Inform Appropriate Assessment Part 2 Benthic Ecology (Annex I habitat in Special Areas of Conservation and Special Protection Areas supporting habitat) **[APP-175]**<br>• Report to Inform Appropriate Assessment Part 3 Marine Mammals (Annex II species) **[APP-176]**<br>• Report to Inform Appropriate Assessment Appendix 3.1 Unexploded Ordnance Clearance Information and Assessment **[APP-177]**<br>• Report to Inform Appropriate Assessment Part 4 Offshore Ornithology (Birds Directive Annex 1 and Migratory Species) **[APP-178]**<br>• Report to Inform Appropriate Assessment Appendix 4.1 Modelling the abundance of red-throated divers in the area of overlap between North Falls digital aerial surveys (12km buffer) and the Outer Thames Estuary Special Protection Area **[APP-179]**<br>• Report to Inform Appropriate Assessment Appendix 4.2 Population Viability Analysis **[APP-180]** |
| | 2.8.55 – 2.8.56 | The British Energy Security Strategy included a commitment to introducing mechanisms to support strategic compensatory measures, including for projects already in the consenting process (where possible), to offset environmental impacts and reduce delays to individual projects. Only once all feasible alternatives and mitigation measures have been employed, should applicants explore possible compensatory measures to make good any remaining significant adverse effects to site integrity.<br><br>Applicants are expected to seek advice from SNCBs and Defra for projects in England, in conjunction with relevant regulators, Local Planning Authorities and/or landowners, on potential mitigation and/or compensation requirements at the earliest opportunity and comply with future statutory requirements and/or guidance once available. | |

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| | | | • Report to Inform Appropriate Assessment Part 5 Onshore European and Ramsar Sites **[APP-181]**<br>• Report to Inform Appropriate Assessment Part 6 Summary **[APP-182]**<br>The documents listed above together identify all relevant European sites and provide the necessary information for the competent authority to determine whether the Project is like to have any adverse effects on the integrity of any European site (including any European offshore marine site).<br>The RIAA concludes that the Project, whether alone or in-combination with other plans and projects will not adversely affect the integrity of any European site with the exception of in-combination collision risk on the lesser black backed gull of the Alde Ore Estuary Special Protection Area (SPA). Evidence to support a derogation case is therefore provided.<br>In the RIAA Part 4 Offshore Ornithology **[APP-178]**, the Applicant concluded that, due to the very low predicted mortality from North Falls alone there would be no AEoI of any other species. However, it is noted that in consenting Rampion 2 Offshore Wind Farm, the Secretary of State concluded that AEoI could not be ruled out beyond reasonable scientific doubt for in-combination effects on guillemot at the Flamborough and Filey (FFC) Coast SPA and Farne Islands SPA; and Kittiwake at FFC SPA. Noting that the effects of Rampion 2 are similar to North Falls for these species, the Applicant accepts that the Competent Authority is likely to consider the contribution of North Falls to be material also. Thus, the proposed compensation for these species is no longer provided on a without-prejudice basis, and has been added to Schedule 15 of the draft DCO **[6.1, Rev 7]** at Deadline 6. Section 5.3 of the document has been updated to reflect the Applicant's latest position.<br>Following consultation with Natural England, the derogation case is also provided in relation to red throated diver from the Outer Thames Estuary SPA and in relation to razorbill from the Flamborough and Filey Coast SPA, without prejudice to the Applicant's position presented in the Page 11 of 18 RIAA which concludes there is no risk of an adverse effect on integrity of these species / sites from North Falls alone or in-combination.<br>The relevant documents are listed below. They set out the Applicant's derogation case, including the assessment of alternative solutions, the imperative reasons of overriding public interest, and proposed compensatory measures.<br>• Habitats Regulations Derogation: Provision of Evidence **[APP-183]**<br>• Appendix 1 Compensatory Measures Overview **[APP-184]**<br>• Annex 1A Habitats Regulations Assessment Compensation Consultation **[APP-185]**<br>• Annex 1B Compensation Funding Statement **[APP-186]**<br>• Annex 1C In Principle Letter of Agreement from Dogger Bank South (East and West) **[APP-187]**<br>• Appendix 2 Lesser Black-Backed Gull Compensation Document **[APP-188]** |

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| | | | • Annex 2A Outline Lesser Black-backed Gull Compensation Implementation and Monitoring Plan (CIMP) **[APP-189]**<br>• Appendix 3 Red Throated Diver Compensation Document **[APP-190]**<br>• Annex 3A Outline Red Throated Diver Compensation Implementation and Monitoring Plan (CIMP) **[APP-191]**<br>• Appendix 4 Kittiwake Compensation Document **[APP-192]**<br>• Annex 4A Outline Kittiwake Compensation Implementation and Monitoring Plan (CIMP) **[APP-193]**<br>• Appendix 5 Guillemot and Razorbill Compensation Document **[APP-194]**<br>• Annex 5A Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan (CIMP) **[APP-195]**<br>The documents listed above demonstrate that there are no alternative solutions that meet the objectives of the Project; that there are Imperative Reasons of Overriding Public Interest; and that there are measures which can fully compensate the effects of the Project on the European Site features assessed in the documentation above and which can be legally secured. |
| Green Belts | 2.8.57 – 2.8.58 | Although offshore wind farms themselves will not have a direct impact on green belts, it is possible that some elements of these projects may be proposed on green belt land, such as electricity network infrastructure, and comprise inappropriate development which may impact on the openness of the green belt.<br>For guidance on developing on green belts applicants should consult Section 5.11 of EN-1. | The Project's Order Limits (encompassing onshore and offshore) is not located within Green Belt land. |
| **Technical Considerations** | | | |
| Network Connection | 2.8.59 – 2.8.60 | Applicants should consider important issues relating to network connection at Section 4.11 of EN-1 and in EN-5. In particular, applicants should proceed in a manner consistent with the regulatory regime for offshore transmission networks established by Ofgem. The co-ordination of transmission is supported by reforms and regulatory changes to enable this, including as part of the previous Offshore Transmission Network Review (OTNR).<br>As co-ordinated offshore transmission development may sometimes occur separate to that for wind farm development (under reforms including through strategic network design exercises - see next paragraph), it is expected that an initial agreement will be reached regarding connection with the offshore transmission network developer (or operator) and/or connection into the onshore transmission network. | The Applicant's Co-ordination Report **[AS-006]** from page 13 comprehensively sets out North Falls' long-term engagement in the Offshore Transmission Network Review, (OTNR commencing from 2020) and then subsequently, the Department of Energy Security and Net Zero (DESNZ) project, the Offshore Coordination Support Scheme (OCSS). The OCSS was a UK Government led project facilitated, managed and directly funded by DESNZ.<br>On the 3 September 2024 (two months after North Falls DCO submission), the Secretary of State for DESNZ decided not to grant further funding to explore the potential for offshore cable and offshore grid connection coordination as part of the OTNR "Early Opportunities" workstream and advised key stakeholders accordingly. Whilst the workstream identified that an offshore cable and grid connection point was technically feasible, it identified the potential for significant additional costs and delay.<br>While the Secretary of State has decided not to grant further funding for this workstream, an offshore cable coordinated connection point remains a grid connection option within the North Falls DCO application. It is important to note that the Works package included to facilitate this offshore connection is Work No. 2(b) |

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| | | | only i.e. an offshore converter station platform. Regardless of whether Option 1, 2 or 3 is pursued, the maximum number of offshore platforms for which consent is sought remains the same (i.e. two) – see condition 11 of Part 2 of Schedules 9 and 10 of the Draft Development Consent Order **[AS-022]** which secures this.<br><br>Option 3 provides a connection point for North Falls to connect to an offshore coordinated cable option brought forward by a third party outside of the OTNR workstream, should that cable route and option be promoted and be environmentally, regulatory and commercially viable within appropriate timescales.<br><br>The coordination of grid connection infrastructure (cables, substations or convertor platforms) is strongly supported by the relevant Energy national policy statements, and by the quantum of statutory and non-statutory relevant representations that continue to advocate for an offshore grid connection option for North Falls.<br><br>Whilst the National Grid onshore contracted grid connection point for North Falls comprised in Option 1 and Option 2 of the DCO application remains of utmost necessity due to the environmental, regulatory and commercial uncertainties associated with the overall co-ordinated cable delivery model for Option 3, the Applicant considers it prudent to maintain its offshore connection point (i.e. the inclusion of Work No. 4(b) converter station) in its Option 3 within the design envelope for North Falls. This is to ensure the offshore converter platform (the offshore co-ordination connection point) required to facilitate a third parties offshore cable connection can be properly considered during Examination and in recognition of the ever evolving technical and commercial grid landscape within Great Britain.<br><br>Currently, no third party is promoting a co-ordinated offshore cable option in collaboration with North Falls proposed grid connection point, its Option 3. |
| | 2.8.61 | For many wind farm projects, including those from The Crown Estate Leasing Round 4 onwards, connection agreements will be limited to connection points proposed through strategic network design exercises such as those undertaken by the National Grid Electricity System Operator, including the Holistic Network Design for offshore-onshore transmission. Please see section 2.7 and 2.8 of EN-5 for further details on strategic network designs. | Both North Falls and Five Estuaries have grid connection offers to connect into a new proposed East Anglia Connection Node ('EACN') substation, being brought forward as part of the Norwich to Tilbury Project. The siting of the EACN, where the project connects into the national electricity transmission system, was undertaken by NGET. |
| | 2.8.62 – 2.8.64 | Transmission cabling from offshore energy infrastructure can negatively impact (both during installation and over their lifetime) seabed habitats and protected sites.<br><br>It is expected that greater coordination of offshore-onshore transmission infrastructure is likely to reduce the cumulative environmental impacts and impacts on coastal communities by installing a smaller number of larger connections.<br><br>Where applicants seek consent for offshore transmission infrastructure separately from proposals for offshore wind development, for example Multi-Purpose Interconnectors or subsea 'onshore' transmission also referred to as bootstraps, (see Glossary and 2.12.3 in EN-5), consideration should be given at a strategic | Section 7.3 of the Coordination Report **[AS-006]** demonstrates the coordination between North Falls and Five Estuaries with respect to the landfall location of the offshore cables. By locating the Temporary Construction Compounds for both Projects adjacent to one another this would reduce the cumulative environmental effects with respect to noise, and landscape and visual.<br><br>Please refer to the Applicant's response to Paragraph 2.8.59 – 2.8.60 of NPS EN-3. |

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| | | level to the overall environmental impacts of the offshore development and transmission infrastructure. | |
| | 2.8.65 – 2.8.67 | Early planning can help avoid the location of either windfarm or transmission infrastructure pushing the other into areas where environmental impacts could be increased.<br><br>The location of arrays and transmission infrastructure should be assessed strategically (especially where they are not covered by the same consent or marine licence), and the mitigation hierarchy should be used to address any environmental impact.<br><br>In addition, the applicant is expected to define the precise route for offshore transmission infrastructure, including the wind farm export cable to the offshore transmission network connection point or onshore connection point, the onshore and offshore locations of any associated infrastructure such as substations or the location of bootstraps/ subsea 'onshore' transmission. Please refer to definitions of offshore transmission in EN-5 at 2.12.3 – 2.12.6. | ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** provides the rationale for the location of the array area and offshore cable corridor, which includes consideration of the marine and terrestrial constraints associated with both onshore and offshore infrastructure.<br><br>North Falls has defined the offshore array area, offshore cable route, landfall location, and onshore cable route as outlined in the Work Plans Onshore **[APP-201]** and Works Plans Offshore **[APP-202]**. |
| | 2.8.68 – 2.8.70 | The applicant should assess the effects of the offshore transmission and any associated infrastructure on the marine, coastal and onshore environment.<br><br>Where the applicant does not know the precise location of the offshore transmission cables and any associated infrastructure, a corridor should be identified within which the specific infrastructure is proposed to be located.<br><br>The ES for the proposed project should assess the effects of including this infrastructure within that corridor. | North Falls has assessed the effects of the offshore transmission infrastructure on the marine, coastal, and onshore environment as evidence by the relevant ES Chapters and the RIAA.<br><br>As outlined in ES Chapter 6 Environmental Impact Assessment Methodology **[APP-020]** the general principle of the assessment, under the project design envelope approach, is that for each receptor and potential impact, the impact assessment will be based on assessing project design parameters likely to result in the maximum adverse effect (i.e., the worst case scenario). The Rochdale Envelope for a project outlines the realistic worst case scenario for each individual impact, so that it can be safely assumed that all other scenarios within the design envelope will have a less significant effect.<br><br>If a combination of design parameters leads to a scenario that cannot realistically occur, then the worst case scenario will be reconsidered, and a realistic set of worst case parameters will be assessed. |
| | 2.8.71 | Applicants are expected to demonstrate compliance with mitigation measures identified by The Crown Estate in any plan-level HRA produced as part of its leasing rounds and with any future statutory requirements, guidance or mitigation measures developed to deliver the commitments in the British Energy Security Strategy, including on Offshore Wind Environmental Standards (see 2.8.90 – 2.8.92 below) and other measures under the Offshore Wind Environmental Improvement Package which covers offshore wind electricity infrastructure. | The 2017 plan-level HRA for the Extension projects, including North Falls, referred to mitigation set out by the Cable Route Protocol. The Applicant has followed the Cable Route Protocol during site selection of the offshore cable corridor, as described in ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]**. |
| | 2.8.73 | Applicants should include details on how avoidance has been achieved, good design principles have been followed and provide proposals for mitigation. If the development is in English and Welsh waters, they should also demonstrate that they have considered how | Please refer to the Applicant's responses to Sections 4.3, 4.5, and 4.7 of NPS EN-1. North Falls has demonstrated through the site selection exercise, siting and design, through the application of the mitigation hierarchy, and through the |

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| | | their proposals can contribute towards environmental net gain. Further information is provided in Sections 4.3, and 4.5 to 4.7 of EN-1. | opportunities secured for net gain, that the Project is consistent with Paragraph 2.8.73 of NPS EN-3. |
| Flexibility in the project details | 2.8.74 – 2.8.75 | Owing to the complex nature of offshore wind farm development, many of the details of a proposed scheme may be unknown to the applicant at the time of the application to the Secretary of State. Such aspects may include:<br>• The precise location and configuration of turbines and associated development;<br>• The foundation type and size;<br>• The installation technique or hammer energy;<br>• The exact turbine blade tip height and rotor swept area;<br>• The cable type and precise cable or offshore transmission route;<br>• The exact locations of offshore and/or onshore substations. | ES Chapter 5 Project Description **[APP-019]** describes the necessary construction, operation and maintenance, and the decommissioning of both onshore and offshore components of the Project. At this stage of the Project's development, some optionality is required in order to future proof the Development Consent Order (DCO). The parameters for each component are set out in ES Chapter 5 in the following Tables:<br>Table 5.4 Project design envelope WTG parameters<br>Table 5.5 Monopile design parameters<br>Table 5.6 Mono suction bucket parameters.<br>Table 5.7 GBS parameters<br>Table 5.8 Pin-piled jacket design parameters<br>Table 5.9 Jacket with suction bucket parameters<br>Table 5.10 Gravity base design parameters<br>Table 5.11 OSP(s) topside parameters<br>Table 5.12 OCP topside parameters<br>Table 5.13 OSP and OCP foundation design parameters<br>Table 5.14 Scour protection quantities for WTGs<br>Table 5.15 Scour protection quantities for OSPs/OCP<br>Table 5.16 Array cables parameters<br>Table 5.17 Platform interconnector cable parameters<br>Table 5.18 Offshore export cables parameters<br>Table 5.19 Maximum cables protection parameters |
| Micrositing and Microrouting | 2.8.76 – 2.8.77 | Micrositing/microrouting provides developers with flexibility to accommodate any unforeseen events, such as the discovery of previously unknown marine archaeology that it would be preferable to leave in situ. It can also be used to avoid sensitive habitats and designated environmental features.<br>To inform micrositing/microrouting applicants should undertake high-resolution survey work and make provision for investigative work, such as archaeological examination, to assess the impacts of any proposed cables or foundation placement on potential heritage assets. | As outlined in ES Chapter 10 Benthic and intertidal ecology **[APP-024]** before construction activities take place, surveys will check for the presence of sensitive benthic species or habitats of conservation importance to inform micro siting where practicable.<br>As outlined in ES Chapter 16 Offshore and intertidal archaeology and cultural heritage **[APP-030]** to mitigate the impact on potential heritage assets, micro-siting has been applied to previously recorded sites where no prior geophysical data has been collected. Further investigation has also been suggested for any identified anomalies that cannot be avoided by micro-siting or by implementing mitigation measures. Details of the mitigation delivery approach, and investigation into the final design of North Falls, are provided in an Outline Offshore Written Scheme of Investigation **[APP-246]**. |
| | 2.8.78 – 2.8.79 | Applicants should submit an outline archaeological Written Scheme of Investigation (WSI) as part of the DCO submission, with a | |

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| | | commitment to complete a project specific WSI post consent in consultation with Historic England.<br><br>Where the applicant requests micrositing or microrouting tolerance, and insofar as it is reasonably possible to do so, the applicant should factor this tolerance into the environmental impact assessment of the development's worst-case scenario. | |
| Repowering | 2.8.80 – 2.8.82 | Where an operational wind farm reaches the end of its life, subject to obtaining the necessary lease from The Crown Estate or providing an existing lease is still valid, the owner of the wind farm may wish to "repower" the site.<br><br>While there may be benefits to making use of an existing site, given the likely change in technology over the intervening time period, any repowering of sites is likely to involve wind turbines of a different scale and nature. This could result in significantly different impacts as well as a different electricity generating capacity.<br><br>Applicants must submit a new consent application for any repowering of an existing site, this would be subject to EIA and HRA, and MCZ assessment where applicable. | The Applicant notes the requirements regarding repowering. |
| Future Monitoring | 2.8.83 – 2.8.87 | Where requested by the Secretary of State applicants are required to undertake environmental monitoring (e.g., ornithological surveys, geomorphological surveys, archaeological surveys) prior to and during construction and operation.<br><br>Monitoring must measure and document the effects of the development and the efficacy of any associated mitigation or compensation.<br><br>This will enable an assessment of the accuracy of the original predictions and improve the evidence base for future mitigation and compensation measures, enabling better decision-making in future EIAs and HRAs.<br><br>Monitoring should be presented in formal reports which must be made publicly available. Monitoring data should be provided to The Crown Estate's Marine Data Exchange.<br><br>Where appropriate, applicants are also encouraged to consider monitoring collaboratively with other developers and sea users. Work is ongoing between government and industry to support effective collaboration and the development of monitoring at a strategic level. | The Schedule of Mitigation **[APP-012]** sets out the commitments made by NFOW with regards to the mitigation and monitoring contained within the ES **[APP-XX]**. This includes details of where the mitigation is secured within the Draft Development Consent Order **[AS-022]**.<br><br>The Offshore In-principle Monitoring Plan (IPMP) **[APP-245]** has been produced in order to provide the basis for delivering the monitoring measures as required by the conditions contained within the Deemed Marine Licences (DMLs) in the Draft Development Consent Order **[AS-022]**. |
| Decommissioning | 2.8.88 – 2.8.89 | Section 105 of the Energy Act 2004 enables the Secretary of State to require the submission of a decommissioning programme for a proposed offshore wind farm, provided at least one of the statutory consents required (including one under the 2008 Act) has been given or has been applied for and is likely to be given. | It is understood that the SoS will require a decommissioning programme satisfying the requirements of a section 105(8) of the Energy Act 2004 before any offshore construction works begin to demonstrate a commitment to ensure any long term environmental impacts are removed following decommissioning.<br><br>Requirement 25: Offshore decommissioning of the Draft Development Consent Order **[AS-022]** states that no offshore works can commence until a written |

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| | | Where requested by the Secretary of State, applicants should submit a decommissioning programme, satisfying the requirements of s.105(8) of the Energy Act 2004 before any offshore construction works begin, to demonstrate a commitment to ensure any long-term environmental impacts are removed following decommissioning. | programme has been submitted to the Secretary of State for approval pursuant to section 105(2) of the 2004 Act. |
| Offshore wind environmental standards | 2.8.90 – 2.8.92 | As part of the Offshore Wind Environmental Improvement Package set out in the British Energy Security Strategy, government committed to establishing Offshore Wind Environmental Standards (OWES; previously referred to as Nature Based Design Standards) to accelerate deployment whilst offering greater protection of the marine environment. OWES aim to support developers to take a more consistent approach to avoiding, reducing, and mitigating the impacts of an offshore wind farm and/or offshore transmission infrastructure. The measures could apply to the design, construction, operation and decommissioning of offshore wind farms and offshore transmission (as defined in EN-5 at section 2.12).<br><br>Defra will consult on a series of OWES before drafting clear OWES Guidance, which sets out where and how Defra expects each measure to be applied to a development. Once the OWES Guidance is issued, the Secretary of State will expect applicants to have applied the relevant measures to their applications.<br><br>Applicants should explain how their proposals comply with the guidance or, alternatively, the grounds on which a departure from them is justified. Any reasons for departure from the OWES should be fully detailed within the application documents, with details of any agreements made with statutory consultees. | Government guidance titled 'Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance' was published on 29 January 2025 and states in paragraph 1:<br><br>"*The Offshore Wind Environmental Improvement Package (OWEIP) is being developed by Government to help offshore wind project applicants address unavoidable impacts to Marine Protected Areas (MPA) at a strategic level, facilitated through one or more Marine Recovery Funds (MRF) into which applicants can choose to pay to discharge environmental compensation obligations. The vires to enable this approach were secured through the Energy Act 2023 and the OWEIP is in the process of being implemented through secondary legislation and guidance."*<br><br>Please refer to the Applicant's response to NPS EN-1 Paragraphs 2.8.9 – 2.8.10. |
| Impacts | 2.8.93 – 2.8.94 | The impacts identified in Part 5 of EN-1, and below, are not intended to be exhaustive.<br><br>Applicants should provide information on relevant impacts as directed by this NPS and the Secretary of State. | This has been noted by the Applicant. The ES **[APP-013– APP-048]**, RIAA **[APP-173 – APP-182]**, and other accompanying documents have considered all relevant potential impacts arising from the Project, and impacts arising in combination with other relevant plans and projects. |
| Biodiversity and ecological conservation | 2.8.95 – 2.8.97 | Generic biodiversity and ecology effects and receptors are covered in detail in Section 5.4 of EN-1.<br><br>The coastal change policy in Section 5.6 of EN-1 may also be relevant.<br><br>Impacts on the physical environment may have indirect effects on marine biodiversity. | The Applicant has responses to the Section 5.4 of NPS EN-1 and Section 5.6 of NPS EN-1 in this National Policy Statement Accordance Table **[9.10, (Rev 0)]**. |
| | 2.9.98 | In addition, applicants should have regard to the specific ecological and biodiversity considerations that relate to proposed offshore renewable energy infrastructure developments, namely:<br><br>• Fish (see Section 2.8.250 of this NPS). | The Applicant has had regard to the specific ecological and biodiversity considerations that relate to proposed offshore renewable energy infrastructure development and has submitted the following ES Chapters as part of the DCO Application:<br><br>• Chapter 10: Benthic and Intertidal Ecology **[APP-024]**; |

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| | | • Intertidal and subtidal seabed habitats and species (see Section 2.8.233 of this NPS).<br>• Marine mammals (see Section 2.8.237 of this NPS).<br>• Birds (see Section 2.8.240 of this NPS); and<br>• Wider ecosystem impacts and interactions, and other relevant protected migratory species. | • Chapter 11: Fish and Shellfish Ecology **[APP-025]**;<br>• Chapter 12; Marine Mammals **[APP-026]**; and<br>• Chapter 13: Offshore Ornithology **[APP-027]**. |
| | 2.8.99 – 2.8.100 | Evidence from existing offshore wind farms demonstrates that it has been possible to locate wind farms and transmission cabling in ecologically sensitive areas where careful siting of turbines has been undertaken following appropriate ecological surveys and assessments.<br>However, with increasing deployment of offshore wind to 2030 and beyond, with a likely focus on deployment of fixed offshore wind in the shallow waters of the North Sea, it is likely that the cumulative impact of multiple wind farms and electricity networks infrastructure on the marine environment will increase impacts beyond identified thresholds for increasing numbers of species and habitats, leading to increased requirements for both mitigation and compensation for impacts to be acceptable. | The Applicant has had regard to the specific ecological and biodiversity considerations that relate to proposed offshore renewable energy infrastructure developments and has undertaken appropriate surveys to inform the assessments.<br>Cumulative impacts are considered in all ES Chapters in line with the Cumulative Effects Assessment methodology set out in Section 6.7.3 of ES Chapter 6 Environmental Impact Assessment Methodology **[APP-020]**.<br>The Applicant has submitted the following ES Chapters as part of the DCO Application, all of which consider the potential cumulative impacts on identified receptors:<br>• Chapter 10: Benthic and Intertidal Ecology **[APP-024]**;<br>• Chapter 11: Fish and Shellfish Ecology **[APP-025]**;<br>• Chapter 12; Marine Mammals **[APP-026]**; and<br>• Chapter 13: Offshore Ornithology **[APP-027]**. |
| | 2.8.101 – 2.8.103 | Applicants must undertake a detailed assessment of the offshore ecological, biodiversity and physical impacts of their proposed development, for all phases of the lifespan of that development, in accordance with the appropriate policy for offshore wind farm EIAs, HRAs and MCZ assessments (See Sections 4.3 and 5.4 of EN-1).<br>Applicants need to consider environmental and biodiversity net gain as set out in Section 4.6 of EN-1 and the Environment Act 2021.<br>Applicants should assess the potential of their proposed development to have net positive effects on marine ecology and biodiversity, as well as negative effects. | Please refer to the Applicant's responses to Section 4.3, 4.6, and 5.4 of NPS EN-1 in this document.<br>A detailed assessment of the offshore ecological, biodiversity and physical impacts of their proposed development, for all phases in accordance with the appropriate policy for offshore wind farm EIAs, HRAs and MCZ assessments has been undertaken as evidenced in the following documents:<br>• ES **[APP-013 – APP-048]**<br>• RIAA **[APP-173 – APP-182]**<br>• MCZ Assessment Report **[APP-237]**<br>Biodiversity net gain has been considered in accordance with NPS EN-1 as outlined in the following documents:<br>• Biodiversity Net Gain Strategy **[APP-257]** |
| | 2.8.104 | Applicants should consult at an early stage of pre-application with relevant statutory consultees and energy not-for profit organisations/non governmental organisations as appropriate, on the assessment methodologies, baseline data collection, and potential avoidance, mitigation and compensation options which should be undertaken. | The Consultation Report **[AS-015]**, each relevant ES Chapter **[APP-013 – APP-048]**, and the RIAA discusses the consultation undertaken with the relevant statutory consultees. This includes consideration of assessment methodology, baseline data, and mitigation and compensation measures. |

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| | 2.8.105 – 2.8.107 | In developing proposals applicants must refer to the most recent best practice advice originally provided by Natural England under the Offshore Wind Enabling Action Programme, and/or their relevant SNCB.<br><br>Any relevant data that has been collected as part of post construction ecological monitoring from existing operational offshore wind farms should be referred to where appropriate.<br><br>A range of research programmes are ongoing to investigate impacts of offshore wind farm development, including, but not limited to: BEIS SEA Research Programme, ORJIP, ScotMER, the ORE Catapult and OWEC. Applicants should explain why their decisions on siting, design, and impact mitigation are proportionate and well-targeted, referring to relevant scientific research and literature as appropriate. | ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** outlines how the siting and design of the Project has followed the mitigation hierarchy. All relevant data has been included in the EIA and associated ES Chapters, following the methodologies that are in accordance with the guidance listed in ES Chapter 6 EIA Methodology **[APP-020]** Table 6.1 that has informed the EIA methodology. Advice from Natural England, the Marine Management Organisation, and other stakeholders has been considered in the preparation of the Application.<br><br>Data sources, including monitoring from Greater Gabbard and Galloper offshore wind farms are described in Section 11.4.2 of ES Chapter 11 Fish and Shellfish Ecology **[APP-025]**. |
| | 2.8.108 – 2.8.110 | Applicants are expected to have regard to guidance issued in respect of Marine Licence requirements and consult at an early stage of pre-application with the MMO or NRW.<br><br>Applicants should have regard to duties in relation to Good Environmental Status (GES) of marine waters under the UK Marine Strategy and MPA target (including any interim target) in England, set under the Environment Act 2021.<br><br>The British Energy Security Strategy contains a commitment to reviewing the Habitats Regulation Assessment process for offshore wind farm developments, and powers are included in the Energy Act 2023 to implement this through secondary legislation. Further guidance will be published as a separate document setting out what information assessments must contain. Once final guidance is published, applicants will be expected to comply. | The Deemed Marine Licences included in the Draft DCO **[AS-022]** are based on a standard structure that has been developed by previous applicants for development consent for offshore wind farms.<br><br>The Applicant has had regard to the UK Marine Strategy in relation to achieving GES. This is demonstrated through compliance with the relevant Marine Plans, as described in the Marine Plan Assessment **[APP-240]** and in the ES Appendix 21.2 Water Environment Regulations Compliance Assessment **[APP-120]**.<br><br>The consultation responses relevant to the MCZA which have been received to date are summarised in Table 4.1 of the Marine Conservation Zone Assessment Report **[APP-237]**. Section 3.8 of the Consultation Report **[AS-015]** outlines the engagement undertaken with marine stakeholders including the MMO, throughout the pre-application phase.<br><br>Consideration of the potential impacts to marine water quality is considered within ES Chapter 9 Marine Water and Sediment Quality **[APP-023]**.<br><br>The RIAA **[APP-173 – APP-182]** and the Habitats Regulations Derogation Provision of Evidence and associated appendices **[APP-183 – APP-195]** submitted with the application comply with all current relevant legislation and guidance regarding the Habitats Regulations Assessment. |
| Physical environment | 2.8.111 | The construction, operation and decommissioning of offshore energy infrastructure, including the preparation and installation of the cable route and any electricity networks infrastructure can affect the following elements of the physical offshore environment, which can have knock on impacts on other biodiversity receptors:<br><br>• Water quality – disturbance of the seabed sediments or release of contaminants can result in direct or indirect effects on habitats and biodiversity, as well as on fish stocks thus affecting the fishing industry; | Effects on water quality as a result of disturbance of seabed sediments or release of contaminants is assessed in Section 9.6. ES Chapter 9 Marine Water and Sediment Quality **[APP-023]**.<br><br>Effects on waves, tides, scour, sediment transport, suspended solids, sandwaves and water column processes around the structures is assessed in ES Chapter 8 – Marine Geology, Oceanography and Physical Processes **[APP-022]**.<br><br>Effects on waves and tides induced by the physical presence of infrastructure during the operation phase are considered in Section 8.6.3.1 and Section 8.6.3.2 of ES Chapter 8 – Marine Geology, Oceanography and Physical Processes **[APP-022]**. |

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| | | • Waves and tides – the presence of the turbines can cause indirect effects through change to wave climate and tidal currents on flood and coastal erosion risk management, marine ecology and biodiversity, marine archaeology and potentially coastal recreation activities;<br>• Scour effect – the presence of wind turbines and other infrastructure can result in a change in the water movements within the immediate vicinity of the infrastructure, resulting in scour (localised seabed erosion) around the structures. This can indirectly affect navigation channels for marine vessels, marine archaeology, and impact biodiversity and seabed habitats;<br>• Sediment transport – the resultant movement of sediments, such as sand across the seabed or in the water column, can indirectly affect navigation channels for marine vessels, and could affect sediment supply to sensitive coastal sites and impact biodiversity and seabed habitats;<br>• Suspended solids – the release of sediment during construction, operation and decommissioning can cause indirect effects on marine ecology and biodiversity;<br>• Sandwaves – the modification/clearance of sandwaves can cause direct physical (such as in affecting unknown archaeological remains) and ecological effects both at the seabed and within the water column due to disturbance and suspension of sediment, and potentially indirect effects (e.g., changes to seabed morphology in water depths where waves can influence the seabed, which can in turn affect wave climate and sediment transport); and<br>• Water column – wind turbine structures can also affect water column features such as tidal mixing fronts or stratification due to a change in hydrodynamics and turbulence around structures. | Assessment of the potential for seabed scour and the potential for effects on the form and function of bedload sediment transport processes due to the physical presence of foundations are described in Section 8.6.3.3 of ES Chapter 8 – Marine Geology, Oceanography and Physical Processes **[APP-022]**.<br>Consideration of the risk of increased suspended sediments is described in Section 8.6.2.1 of ES Chapter 8 – Marine Geology, Oceanography and Physical Processes **[APP-022]**. Potential increases in suspended sediment concentrations due to sandwave clearance are assessed in Section 8.6.2.5 of ES Chapter 8 – Marine Geology, Oceanography and Physical Processes **[APP-022]**.<br>Effects on water column stratification are scoped out of this EIA.<br>The effects on marine ecology as a result of changes to marine water and sediment quality and physical process are assessed in the following chapters:<br>• ES Chapter 10 Benthic and Intertidal Ecology **[APP-024]**;<br>• ES Chapter 11 Fish and Shellfish Ecology **[APP-025]**<br>• ES Chapter 12 Marine Mammals **[APP-026]**<br>An Offshore In-Principle Monitoring Plan **[APP-245]** is provided with the application and a summary of potential monitoring requirements associated with the following topics is included in the plan, they are:<br>• Marine Geology, Oceanography and Physical Processes;<br>• Marine Water and Sediment Quality;<br>• Benthic and Intertidal Ecology;<br>• Fish and Shellfish Ecology;<br>• Marine Mammals; and<br>• Offshore Ornithology |
| | 2.8.112 – 2.8.114 | Applicant assessments are expected to include predictions of the physical effects arising from modifications to hydrodynamics (waves and tides), sediments and sediment transport, and sea bed morphology that will result from the construction, operation and decommissioning of the required infrastructure.<br>Assessments should also include effects such as the scouring that may result from the proposed development and how that might impact sensitive species and habitats.<br>Applicants should undertake geotechnical investigations as part of the assessment, enabling the design of appropriate construction techniques to minimise any adverse effects. | Each of the impacts and effects in Section 8.6.3.1 – Section 8.6.3.3 of ES Chapter 8 – Marine Geology, Oceanography and Physical Processes **[APP-022]** cover the potential magnitude and significance of the physical (waves, tides and sediments) effects upon the baseline conditions resulting from the construction, operation and maintenance, and decommissioning of North Falls.<br>Scour resulting from the Project is not assessed because scour protection will be used wherever scour is likely to occur, reducing sediment release to negligible quantities.<br>Mitigation commitments, embedded in the Project design are described in Section 10.3.3. In addition, a Schedule of Mitigation **[APP-012]** is provided with the Application. |
| Intertidal and coastal habitats and species | 2.8.115 – 2.8.118 | The intertidal zone is the area between mean high-water springs and mean low water springs. | The Applicant has committed to HDD under the intertidal zone at Landfall and therefore there will be no direct habitat loss, disturbance or change to intertidal flora |

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| | | Intertidal habitat and ecology are often recognised through statutory nature conservation designations.<br><br>Coastal habitats (in the coastal fringe above the high-water mark) are also often protected, may also be affected and should undergo a similar review as part of the assessment detailed below.<br><br>Export cable and other offshore transmission routes may cross the intertidal/coastal zone resulting in habitat loss, morphological change and temporary disturbance of intertidal flora and fauna. | and fauna. Potential indirect impacts due to nearshore works are discussed in Section 10.6.1.2.2 of Section 10.6 of ES Chapter 10 Benthic and Intertidal Ecology **[APP-024]**. |
| | 2.8.119 | Applicant assessment of the effects of installing offshore transmission infrastructure across the intertidal/coastal zone should demonstrate compliance with mitigation measures in any relevant plan-level HRA including those prepared by The Crown Estate as part of its leasing round, and include information, where relevant, about:<br><br>• Any alternative landfall sites that have been considered by the applicant during the design phase and an explanation for the final choice;<br><br>• Any alternative cable installation methods that have been considered by the applicant during the design phase and an explanation for the final choice;<br><br>• Potential loss of habitat;<br><br>• Disturbance during cable installation, maintenance/repairs and removal (decommissioning);<br><br>• Increased suspended sediment loads in the intertidal zone during installation and maintenance/repairs;<br><br>• Potential risk from invasive and non-native species;<br><br>• Predicted rates at which the intertidal zone might recover from temporary effects, based on existing monitoring data; and<br><br>• Protected sites. | Landfall site selection and assessment of alternatives are provided in ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]**. HDD will be used to install the export cables at the landfall and will exit in the subtidal zone. Therefore, there will be no direct impacts on the intertidal zone.<br><br>A range of cable installation methods are required, and these are detailed in ES Chapter 5 Project Description **[APP-019]**. The worst-case scenario for marine geology, oceanography and physical processes is provided in Section 8.3.2 of ES Chapter 8 Marine Geology Oceanography and Physical Processes **[APP-022]**.<br><br>Assessment of the potential disturbance and increased SSCs in the nearshore (including the intertidal zone) due to cable installation is provided in Section 8.6.3.6.<br><br>Potential habitat loss in the intertidal zone is covered in ES Chapter 10 Benthic and Intertidal Ecology **[APP-024]**.<br><br>Potential risks from invasive nonnative species are assessed in ES Chapter 10 Benthic and Intertidal Ecology **[APP-024]**.<br><br>The recoverability of the coastal receptors (Suffolk coast and Essex coast) is assessed for morphological and sediment transport effects due to cable protection measures at the coast (Section 8.6.3.6).<br><br>The Margate and Long Sands SAC and KKE MCZ have been included as receptors within ES Chapter 8 Marine Geology Oceanography and Physical Processes **[APP-022]** and so likely significant effects on protected sites has been considered. |
| Subtidal habitats and species | 2.8.120 – 2.8.125 | The subtidal zone is the area below low water springs which remains submerged at low tide.<br><br>Subtidal habitat and ecology are often recognised through statutory nature conservation designations.<br><br>Offshore wind construction, maintenance and decommissioning activities can cause loss and temporary disturbance of subtidal habitat and benthic ecology.<br><br>The applicant should demonstrate compliance with mitigation measures identified by The Crown Estate in any plan-level HRA produced as part of its leasing round. | Temporary disturbance is assessed in Sections 10.6.1.1, 10.6.2.1 and 10.6.3.1 of Section 10.6.1.2.2 of Section 10.6 of ES Chapter 10 Benthic and Intertidal Ecology **[APP-024]**. Habitat loss is assessed in Section 10.6.2.2.<br><br>ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** provides evidence of The Crown Estate's cable route protocol used to minimise impacts to the subtidal environment, in particular the avoidance of designated sites.<br><br>The 2017 plan-level HRA for the Extension projects, including North Falls, referred to mitigation set out by the Cable Route Protocol. The Applicant has followed the Cable Route Protocol during site selection of the offshore cable corridor, as described in ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]**. |

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| | | Applicants should follow guidelines for leasing transmission assets infrastructures, and any successor to it produced by The Crown Estate.<br><br>All work associated with cable installation including trenching, laying and surface protections are licenced through a Deemed Marine Licence as part of the DCO, with the exception of Welsh inshore waters, (defined as the region extending seaward 12 nautical miles from Mean High Water Springs (MHWS) to the territorial limit)51 where a Marine Licence cannot be deemed. In all offshore windfarm cases however, applicants should be aware that the operation and maintenance of cables after construction may require new Marine Licences. | |
| | 2.8.126 | Applicant assessment of the effects on the subtidal environment should include:<br><br>• Loss of habitat due to foundation type including associated seabed preparation, predicted scour, scour protection and altered sedimentary processes, e.g. Sandwave/boulder/UXO clearance;<br><br>• Environmental appraisal of inter-array and other offshore transmission and installation/maintenance methods, including predicted loss of habitat due to predicted scour and scour/cable protection and sandwave/boulder/UXO clearance;<br><br>• Habitat disturbance from construction and maintenance/repair vessels' extendable legs and anchors;<br><br>• Increased suspended sediment loads during construction and from maintenance/repairs;<br><br>• Predicted rates at which the subtidal zone might recover from temporary effects;<br><br>• Potential impacts from emf on benthic fauna;<br><br>• Potential impacts upon natural ecosystem functioning;<br><br>• Protected sites; and<br><br>• Potential for invasive/non-native species introduction. | An assessment of likely significant effects of the installation and maintenance of cable infrastructure (including consideration of the potential impact of cable protection measures) is undertaken for the relevant construction and operation impacts in ES Chapter 8 – Marine Geology, Oceanography and Physical Processes **[APP-022]**.<br><br>See Applicant's response to NPS EN-3 Paragraph 2.8.111 in relation to scour.<br><br>ES Chapter 10 Benthic and Intertidal Ecology **[APP-024]** Section 10.3.2 provides the worst case scenario for the various parameters of the Project which have been included in the assessment, including foundations, seabed preparation e.g. sandwave/boulder/UXO clearance, scour protection, vessel legs and anchors, cables and cable protection. Assessment of the impacts of these worst case scenarios is provided in Section 10.6 for all phases of the Project.<br><br>The quantification and likely significant effect of seabed loss due to the footprints of North Falls infrastructure is covered in ES Chapter 8 – Marine Geology, Oceanography and Physical Processes **[APP-022]**. A worst-case scenario of all foundations having scour protection is considered to provide a conservative assessment.<br><br>The worst-case scenario cable-laying techniques are jetting, ploughing or cutting and are considered in all the cable construction assessments.<br><br>The disturbance to the subtidal seabed caused by indentations due to installation vessels is assessed in ES Chapter 8 – Marine Geology, Oceanography and Physical Processes **[APP-022]**.<br><br>The potential increase in suspended sediment concentrations and change in seabed level is assessed in ES Chapter 8 – Marine Geology, Oceanography and Physical Processes **[APP-022]**.<br><br>The recoverability of receptors is assessed for all the relevant impacts particularly those related to changes in seabed level due to export cable installation and morphological and sediment transport effects due to cable protection measures for export cables in ES Chapter 8 – Marine Geology, Oceanography and Physical Processes **[APP-022]**. |

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| | | | Assessment of likely significant effects and identification of mitigation for the marine ecosystems are discussed in the following ES chapters:<br>• Chapter 10 – Benthic and Intertidal Ecology **[APP-024]**;<br>• Chapter 11 – Fish and Shellfish Ecology **[APP-025]**;<br>• Chapter 12 – Marine Mammals **[APP-026]**; and<br>• Chapter 13 – Offshore Ornithology **[APP-027]**;<br>Potential risks from EMF and invasive non-native species are assessed in Chapter 12 – Marine Mammals **[APP-026]**.<br>Effects on protected sites are assessed in the MCZ Assessment **[APP-237]** and Report to Inform Appropriate Assessment **[APP-173].** |
| Marine mammals | 2.8.127 – 2.8.129 | Construction activities, including installing wind turbine foundations by pile driving, geophysical surveys, and clearing the site and cable route of unexploded ordinance (UXOs) may reach noise levels which are high enough to cause disturbance, injury, or even death to marine mammals.<br>All marine mammals are protected under Part 3 of the Habitats Regulations (cetaceans within Schedule 2 and seal species within Schedule 4).<br>If construction and associated noise levels are likely to lead to an offence under Part 3 of the Habitats Regulations (which would include deliberately disturbing, injuring or killing), applicants will need to apply for a wildlife licence53 to allow the activity to take place. | Section 12.3.2 of ES Chapter 12 Marine Mammals **[APP-026]** provides an overview of the worst-case scenario for potential piling works.<br>Section 12.6.1.1 of ES Chapter 12 Marine Mammals **[APP-026]** provides an assessment of pile driving (including noise modelling results).<br>It is anticipated that an application for a European Protected Species (EPS) / license will be submitted post-consent.<br>The Draft Marine Mammal Mitigation Protocol (MMMP) **[APP-242]** establishes the guiding principles for the final MMMP to be submitted for approval post-consent, as required under the Deemed Marine Licences secured within the Draft Development Consent Order **[AS-022]**. |
| | 2.8.130 | The development of offshore wind farms can also impact fish species (see paragraphs 2.8.245 – 2.8.249), which can have indirect impacts on marine mammals if those fish are prey species. | Section 12.5 and Appendix 12.2 of ES Chapter 12 Marine Mammals **[APP-026]** provide a description of the existing environment.<br>Section 12.6 of ES Chapter 12 Marine Mammals **[APP-026]** details the assessment of impacts during construction, including pile driving.<br>Sections 12.6.2.1 and 12.6.2.1.6 of ES Chapter 12 Marine Mammals **[APP-026]** provide the assessment of operational noise.<br>Cumulative effects are assessed in Section 12.7 of ES Chapter 12 Marine Mammals **[APP-026]** and impacts on protected sites are assessed in the RIAA **[APP-173 – APP-182]**. |
| | 2.8.131 | Where necessary, assessment of the effects on marine mammals should include details of:<br>• Likely feeding areas and impacts on prey species and prey habitat;<br>• Known birthing areas/haul out sites for breeding and pupping;<br>• Migration routes;<br>• Protected sites;<br>• Baseline noise levels;<br>• Predicted construction and soft start noise levels in relation to mortality, permanent threshold shift (pts), temporary threshold shift (tts) and disturbance; | |

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| | | • Operational noise;<br>• Duration and spatial extent of the impacting activities including cumulative/in-combination effects with other plans or projects;<br>• Collision risk;<br>• Entanglement risk; and<br>• Barrier risk. | |
| | 2.8.132 | The scope, effort and methods required for marine mammal surveys and impact assessments should be discussed with the relevant SNCB. | The scope, effort and methods for marine mammal surveys and impact assessments, including baseline information and modelling, have been discussed with the relevant SNCBs as outlined in ES Appendix 21.1 Marine Mammal Consultation **[APP-096]**. |
| | 2.8.133 | The applicant should discuss any proposed noisy activities with the relevant statutory body and must reference the joint JNCC and SNCB underwater noise guidance, and any successor of this guidance, in relation to noisy activities (alone and in combination with other plans or projects) within SACs, SPAs, and Ramsar sites, in addition to the JNCC mitigation guidelines for piling, explosive use, and geophysical surveys. NRW has a position statement on assessing noisy activities which should also be referenced where relevant. | Section 12.6.1 of ES Chapter 12 Marine Mammals **[APP-026]** details the assessment of impacts during construction including pile driving and mitigation.<br>North Falls have discussed proposed piling activities through the Evidence Plan Process as outlined in ES Appendix 12.2 Marine Mammal Baseline Information **[APP-097]**. |
| | 2.8.134 – 2.8.135 | Where the assessment identifies that noise from construction and UXO clearance may reach noise levels likely to lead to noise thresholds being exceeded (as detailed in the JNCC guidance) or an offence as described in paragraph 2.8.127- 2.8.129 above, the applicant must look at possible alternatives or appropriate mitigation.<br>The applicant should develop a Site Integrity Plan (SIP) or alternative assessments for projects in English and Welsh waters to allow the cumulative impacts of underwater noise to be reviewed closer to the construction date, when there is more certainty in other plans and projects. | The Marine Mammal UXO Appendix 12.5 of ES Chapter 12 Marine Mammals **[APP-026]** details the impact assessment for UXO clearance. A Site Integrity Plan would be developed as part of the separate Marine Licensing process, if it is deemed to be required. |
| Birds | 2.8.136 | Offshore wind farms have the potential to impact on birds through:<br>• Collisions with rotating blades;<br>• Direct habitat loss;<br>• Disturbance from construction activities such as the movement of construction/decommissioning/maintenance vessels and piling;<br>• Displacement during the operational phase, resulting in loss of foraging/roosting area;<br>• Impacts on bird flight lines (i.e. Barrier effect) and associated increased energy use by birds for commuting flights between roosting and foraging areas; | ES Chapter 13 Offshore Ornithology **[APP-027]** assesses the potential impact of the Project on birds. The chapter provides an overview of the existing environment for the proposed offshore project area, followed by an assessment of the likely significant effects for the construction, operation, and decommissioning phases of the Project.<br>Section 13.6.1 of ES Chapter 13 Offshore Ornithology **[APP-027]** considers likely significant effects during construction on relevant receptors which covers:<br>• Direct disturbance and displacement<br>• Indirect effects through effects on habitats and prey species<br>Section 13.6.2 of ES Chapter 13 Offshore Ornithology **[APP-027]** considers likely significant effects during operation on relevant receptors which covers: |

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| | | • Impacts upon prey species and prey habitat; and<br>• Impacts on protected sites. | • Direct disturbance and displacement<br>• Collision Risk<br>• Indirect effects through effects on habitats and prey species<br>Section 13.8.3 of ES Chapter 13 Offshore Ornithology **[APP-027]** considers likely cumulative effects which covers:<br>• Construction Disturbance / Displacement, Offshore Cable Corridor<br>• Operational displacement<br>• Operational collision risk<br>• Operational barrier effect on migratory bird species<br>• Decommissioning Disturbance / Displacement, Offshore Cable Corridor<br>This Chapter is also supported by the following:<br>• ES Appendix 13.2 Offshore Ornithology Technology Report **[APP-103]** |
| | 2.8.137 – 2.8.144 | Currently, cumulative impact assessments for ornithology are based on the consented Rochdale Envelope parameters of projects,57 rather than the 'as-built' parameters, which may pose a lower risk to birds.<br>The applicant must ensure any draft consents include provisions to define the final 'as built' parameters (which may not then be exceeded). These parameters must be used in future cumulative impact assessments.<br>In parallel the government will look to explore opportunities to reassess ornithological impact assessment of historic consents to reflect their 'as built' parameters.<br>Any ornithological 'headroom' assessed to exist between the effects defined in the 'as built' parameters and Rochdale Envelope parameters can then be released, with SNCB agreement.<br>Applicants are encouraged to make appropriate applications for amendments to development consent to secure reduced parameters and ornithological impacts.<br>Government will also consider the potential applicability of these principles to other consent parameters.<br>Applicants should discuss the scope, effort and methods required for ornithological surveys with the relevant statutory advisor, taking into consideration baseline and monitoring data from operational windfarms.<br>Applicants must undertake collision risk modelling, as well as displacement and population viability assessments for certain species of birds. Applicants are expected to seek advice from SNCBs. | Provisions to define and confirm the 'as built' parameters so that these can be used in CEAs for future developments has been considered in the preparation of the Draft Development Consent Order **[AS-022]**.<br>Natural England were appraised of the ornithological survey programme prior to the commencement of the Evidence Plan Process (EPP).<br>Displacement assessments have been undertaken based on guidance from UK statutory Nature Conservation Bodies (SNCBs) (2017) and specific advice from Natural England during the EPP. For the ES, where appropriate, reference has been made to existing population viability assessments (PVAs) for species scoped in for assessment and project specific PVAs have been undertaken where required for SPA populations (for the RIAA).<br>As outlined in response to NPS EN-3 Paragraph 2.8.136 above, collision risk modelling and displacement assessments has been undertaken. |

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| Fish | 2.8.147 – 2.8.149 | Fish in the context of this NPS also includes elasmobranchs (sharks and rays) and shellfish (e.g., crabs).<br>There is the potential for the construction and decommissioning phases, including activities occurring both above and below the seabed, to impact fish communities, migration routes, spawning activities and nursery areas of particular species.<br>There are potential impacts associated with energy emissions into the environment (e.g. noise or electromagnetic fields (EMF)), as well as potential interaction with seabed sediments. | The impact of construction and decommissioning phases are discussed in Sections 11.6.1 and 11.6.3 of ES Chapter 11 Fish and Shellfish Ecology **[APP-025]**.<br>Potential impacts for the construction and decommissioning phases, including activities occurring both above and below the seabed, to impact fish communities, migration routes, spawning activities and nursery areas of particular species associated are covered in Section 11.6.1 and 11.6.3 of ES Chapter 11 Fish and Shellfish Ecology **[APP-025]**.<br>Potential impacts from energy emissions are considered in Section 11.6.1.4 of ES Chapter 11 Fish and Shellfish Ecology **[APP-025]**. |
| | 2.8.150 | The applicant should identify fish species that are the most likely receptors of impacts with respect to:<br>• Spawning grounds;<br>• Nursery grounds;<br>• Feeding grounds;<br>• Over-wintering areas for crustaceans;<br>• Migration routes; and<br>• Protected sites. | The fish species identified that are the most likely receptors to the impacts are covered in sections 11.5.7, 11.6.1.5, 11.6.1.6, 11.6.2.5, 11.6.2.6, 11.7.3.3, 11.7.3.4 and 11.7.3.5. of ES Chapter 11 Fish and Shellfish Ecology **[APP-025]**. |
| | 2.8.151 | Applicant assessments should identify the potential implications of underwater noise from construction and unexploded ordnance including, where possible, implications of predicted construction and soft start noise levels in relation to mortality, permanent threshold shift (PTS), temporary threshold shift (TTS) and disturbance, and addressing both sound pressure and particle motion) and EMF on sensitive fish species. | The implications of underwater noise and unexploded ordinance are covered in Sections 11.6.1.4 and Section 11.6.2.6 of the ES Chapter 11 Fish and Shellfish Ecology **[APP-025]**. |
| Commercial fisheries and fishing | 2.8.152 – 2.8.153 | There are a number of different fishing activities within UK waters including:<br>• Bottom trawling;<br>• Mid-water trawling;<br>• Long-lining;<br>• Dredging;<br>• Fixed netting;<br>• Drift netting;<br>• Seine netting; and<br>• Potting<br>The UK fishing industry is diverse. The type and significance of impacts will therefore vary depending on the section of the fleet affected. Applicants should consider both direct impacts on fishing | Consideration has been given to both the direct and indirect impacts on fishing activity, including displacement and the ability of fishers to relocate for construction impacts in Section 14.6.1.2; and for operation impacts at 14.6.2.3 of ES Chapter 14 Commercial Fisheries **[APP-028]**. |

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| | | activity and indirect impacts such as displacement (on both the industry and Marine Protected Sites) and the ability of fishers to relocate. | |
| | 2.8.154 | Applicants should undertake early consultation with a cross section of the fishing industry, as well as MMO, SNCBs, relevant Inshore Fisheries and Conservation Authorities (IFCAs), Defra and Welsh Government, to identify impacts, and actively encourage input from active fishers to provide evidence of their use of the area to support the impact assessments. | Section 14.2 of ES Chapter 14 Commercial Fisheries **[APP-028]** describes stakeholder consultation which has been undertaken to inform the chapter. This includes consultation with local (inshore) fleets amongst other stakeholders. |
| | 2.8.155 | Where any part of a proposal involves a grid connection or transmission to shore or in the inshore area, appropriate inshore fisheries groups should also be consulted. | Section 14.2 of ES Chapter 14 Commercial Fisheries **[APP-028]** describes stakeholder consultation which has been undertaken to inform the chapter. This includes consultation with local (inshore) fleets amongst other stakeholders. |
| | 2.8.156 | Offshore wind farms can have a negative impact on some fish stocks and fishing activity, and/or a positive impact on other fish stocks and/or other types of commercial fishing. Whilst the footprint of an offshore wind farm and any associated infrastructure may be a hindrance to certain types of commercial fishing activity such as trawling, other fishing activities, such as potting, may be able to take place within operational wind farms without unduly disrupting or compromising navigational safety. | Consideration is given in ES Chapter 14 Commercial Fisheries **[APP-028]** to the likely significant effects on commercial fisheries resulting from impacts associated with the Project on commercially exploited fish and shellfish species (construction, Section 14.6.1; operation, Section 14.6.2; decommissioning, Section 14.6.3; and cumulative effects, Section 14.7.3). A detailed assessment of the impacts of the Project on fish and shellfish species, including those of commercial importance, is provided in ES Chapter 11 Fish and Shellfish Ecology **[APP-025]**. |
| | 2.8.157 – 2.8.158 | Applicant assessments should include robust baseline data and detailed surveys of the effects on fish stocks of commercial interest, and any potential reduction or increase in such stocks that will result from the presence of the wind farm development and of any safety zones (see paragraph 2.8.152 – 2.8.164 of this NPS). The assessments should also provide evidence regarding any likely benefits or constraints on fishing activity within the project's boundaries.<br><br>Applicants will be expected to undertake dialogue with the fishing industry during the planning and design of individual offshore wind farm and transmission proposals to maximise the potential for co-existence/co-location and reduce potential displacement. | A detailed assessment of the impacts of the Project on fish and shellfish receptors is provided in ES Chapter 11 Fish and Shellfish Ecology **[APP-025]**. The likely constraints on fishing associated with the Project are considered in ES Chapter 14 Commercial Fisheries **[APP-028]** (construction, Section 14.6.1; operation, Section 14.6.2; and decommissioning, Section 14.6.3).<br><br>Section 14.2 of ES Chapter 14 Commercial Fisheries **[APP-028]** describes stakeholder consultation which has been undertaken to inform the chapter. This includes consultation with local (inshore) fleets amongst other stakeholders. |
| | 2.8.159 | Applicants should consider guidance on best practice for fisheries liaison, which has been jointly agreed by the renewables industry and fishing community. | The guidance on best practice for fisheries liaison that has been considered is listed in Section 14.4.1.2 of ES Chapter 14 Commercial Fisheries **[APP-028]**. |
| | 2.8.160 | In some circumstances, transboundary issues may be a consideration as fishing vessels from other coastal states may fish in waters within which offshore wind farms are sited. Applicants should seek advice from Defra in such circumstances. | Consideration has been given to the likely significant effects of the Project on both UK and non UK fleets within ES Chapter 14 Commercial Fisheries **[APP-028]** (construction, Section 14.6.1; operation, Section 14.6.2; decommissioning, Section 14.6.3; and cumulative effects, Section 14.7.3) |

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| | 2.8.161 – 2.8.164 | In some circumstances, applicants may seek declaration of safety zones around wind turbines and other infrastructure, although these might not be applied until after consent to the wind farm has been granted.<br>The declaration of a safety zone excludes or restricts activities within the defined sea areas including commercial fishing.<br>Where there is a possibility that safety zones will be sought, applicant assessments should include potential effects on commercial fishing.<br>Where the precise extents of potential safety zones are unknown, a realistic worst-case scenario should be assessed. Applicants should consult the Maritime and Coastguard Agency (MCA) as part of this process. | Consideration has been given in the assessment presented in Section 14.6.1 of ES Chapter 14 Commercial Fisheries **[APP-028]** to the implications of the implementation of safety zones.<br>Consideration has been given to the implementation of safety zones as defined in the worst-case scenario (Table 14.3) and for the assessment of likely significant effects on commercial fisheries (Section 14.6.1) within ES Chapter 14 Commercial Fisheries **[APP-028]**. Consideration is given in Chapter 14 to the likely significant effects on commercial fisheries resulting from potential impacts associated with the Project on commercially exploited fish and shellfish species. A detailed assessment of the impacts of the Project o fish and shellfish species including those of commercial importance, is provided in ES Chapter 11 Fish and Shellfish Ecology **[APP-028]**. |
| Marine historic environment | 2.8.165 – 2.8.166 | Heritage assets and other remains of past human activity may exist offshore and within the intertidal area (the area between mean high and mean low water).<br>This can include evidence of pre-historic human activity and submerged prehistoric landscapes which existed prior to sea level rises, as well as maritime wreck sites, remains of crashed aircraft and associated cultural material. | ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage **[APP-030]** assesses the potential impacts of the Project on offshore archaeology and cultural heritage receptors. |
| | 2.8.167 | The marine historic environment can be affected by offshore wind farm and offshore transmission development in two principal ways:<br>• From direct effects arising from the physical siting of the development itself such as the installation of wind turbine foundations and electricity cables, or the siting of plant required during the construction phase of development; and<br>• From indirect changes to the physical marine environment (such as scour, coastal erosion or sediment deposition) caused by the proposed infrastructure itself or its construction (see the policy on physical environment at paragraphs 2.8.111 of this NPS). | |
| | 2.8.168 | Applicants should consult with the relevant statutory consultees, such as Historic England or Cadw, on the potential impacts on the marine historic environment at an early stage of development during pre-application, taking into account any applicable guidance (e.g., offshore renewables protocol for archaeological discoveries). | Consultation has been undertaken with relevant statutory consultees as outlined in Section 16.1 of ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage **[APP-030]**. Consultation will be on going throughout the development process. The guidance taken into account for the assessment of Offshore Archaeology and Cultural Heritage is listed in Section 16.3.1.2.3 of ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage **[APP-030]**. |

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| | 2.8.169 - 2.8.173 | Assessment of potential impacts upon the historic environment should be considered as part of the Environmental Impact Assessment process undertaken to inform any application for consent.<br><br>Desk based studies to characterise the features of the historic environment that may be affected by a proposed development and assess any likely significant effects should be undertaken by competent archaeological experts.<br><br>These studies should consider any geotechnical or geophysical surveys that have been undertaken to aid the wind farm and/or offshore transmission design.<br><br>Whilst it should be possible for a development project to avoid designated heritage assets, the knowledge currently available about the historic environment in the inshore and offshore areas is limited, as much of the seafloor around our coasts and at sea has yet to be mapped or explored fully.<br><br>Applicants are required to determine how any known heritage assets might best be avoided. | The assessment has been undertaken as part of the EIA process, as detailed within ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage **[APP-030]**. The assessment of geophysical survey data has underpinned the assessment (Section 16.5 and ES Appendix 16.1 **[APP-109]**). To date, marine geotechnical surveys have not been undertaken for North Falls.<br><br>This chapter has been prepared by competent experts (and members of Chartered Institute of Archaeologists (CIfA)) in marine archaeology from Royal HaskoningDHV (with support from Wessex Archaeology – see ES Appendix 16.1 Archaeological Assessment of Geophysical Data **[APP-109]**) in consultation with Historic England (Section 16.2) and in accordance with legislation, policy and industry standards and guidance documents relevant to the marine archaeological and cultural heritage (historic) environment. |
| | 2.8.174 | The applicant will be expected to conduct all necessary examination and assessment exercises using a variety of survey techniques to plan the development so as to optimise opportunities for avoidance. | Survey methods and data sources used in the assessment are summarised in Section 16.4.2 in ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage **[APP-030]**. |
| | 2.8.175 | Once a site has been chosen, it may be necessary to undertake further archaeological assessment, including field evaluation investigations prior to construction, to understand a known site's significance and full extent, and, to identify as yet unknown heritage assets when considering the options for detailed site development, in accordance with an archaeological written scheme of investigation included with the application. | Mitigations relevant to marine archaeological and cultural heritage receptors are set out in ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage **[APP-030],** detailing how data will be collected and assessed to ensure that as yet undiscovered marine archaeological and cultural heritage receptors are identified throughout the life of North Falls.<br><br>Future works will be clearly outlined in the relevant Method Statements produced ahead of any archaeological works and following agreements with Historic England and relevant stakeholders (see Outline Offshore Written Scheme of Investigation WSI **[APP-246]**). |
| | 2.8.176 | Assessment may also include the identification of any beneficial effects on the marine historic environment, for example through improved access or the contribution to new knowledge that arises from investigation. | Any beneficial effects to the offshore archaeology and cultural heritage resource resulting from North Falls have been identified in Section 16.7 of ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage **[APP-030]**. |
| | 2.8.177 | Where elements of a proposed project (whether offshore or onshore) may interact with historic environment features that are located onshore, applicants should assess the effects in accordance with Section 5.9 in EN-1. | Potential impacts of North Falls upon onshore heritage assets have been considered in ES Chapter 25 Onshore Archaeology and Cultural Heritage **[APP-039]**. |
| Offshore wind impacts: navigation and shipping | 2.8.178 - 179 | Offshore wind farms and offshore transmission will occupy an area of the sea or sea bed. For offshore wind farms in particular it is inevitable that there will be an impact on navigation in and around the | ES Chapter 15 Shipping and Navigation **[APP-029]** presents the results of the assessment of the likely significant effects of NFOW with respect to shipping and navigation during all phases. |

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| | | area of the site. This is relevant to both commercial and recreational users of the sea who may be affected by disruption or economic loss because of the proposed offshore wind farm and/or offshore transmission.<br><br>To ensure safety of shipping, applicants should reduce risks to navigational safety to as low as reasonably practicable (LARP), as described in Section 2.8.331 of this NPS. | ES Appendix 15.1 Navigational Risk Assessment **[**APP-106 – APP-108**]** has informed the chapter.<br><br>ALARP principles have been applied to the impact assessment methodology in line with the FSA process prescribed in MGN 654 (see Section 15.4.3) within ES Chapter 15 Shipping and Navigation **[APP-029]**. |
| | 2.8.180 – 2.8.183 | There is a public right of navigation over navigable tidal waters, and International Law foreign vessels have the right of innocent passage through the UK's territorial waters.<br><br>Beyond the seaward limit of the territorial sea, shipping has the freedom of navigation although offshore infrastructure and the imposition of safety zones can hinder this.<br><br>Impacts on navigation can arise from the wind farm or other infrastructure and equipment creating a physical barrier during construction and operation.<br><br>There may be some situations where reorganisation of shipping traffic activity might be both possible and desirable when considered against the benefits of the wind farm and/or offshore transmission application, and such circumstances should be discussed with the government officials, including Secretary of State and Maritime and Coastguard Agency (MCA), and other stakeholders, including Trinity House, as The General Lighthouse Authority consultee, and the commercial shipping sector. It should be recognised that alterations might require national endorsement and international agreement and that the negotiations involved may take considerable time and do not have a guaranteed outcome. | Consultation to date is summarised within Section 15.2 of ES Chapter 15 Shipping and Navigation **[APP-029]**. Consultation includes engagement with MCA, Trinity House, Chamber of Shipping, RYA, Cruising Association, Sunk VTS, HHA, PLA and London Gateway. Consultation and engagement has also included a hazard workshop and a regular operator outreach.<br><br>The ES Appendix 15.1 Navigational Risk Assessment **[APP-106 – APP-108]** supports the DCO Application and has also been subject to consultation with the MCA, Trinity House, and other navigation and shipping stakeholders. See Section 4.1 of the ES Appendix 15.1 Navigational Risk Assessment Part 1 **[APP-106]** for a list of stakeholders engaged during the Evidence Plan Process. |
| | 2.8.184 – 2.8.185 | Applicants should engage with interested parties in the navigation sector early in the pre-application phase of the proposed offshore wind farm or offshore transmission to help identify mitigation measures to reduce navigational risk to ALARP, to facilitate proposed offshore wind development. This includes the MMO or NRW in Wales, MCA, the relevant General Lighthouse Authority, such as Trinity House, the relevant industry bodies (both national and local) and any representatives of recreational users of the sea, such as the Royal Yachting Association (RYA), who may be affected. This should continue throughout the life of the development including during the construction, operation and decommissioning phases.<br><br>Engagement should seek solutions that allow offshore wind farms, offshore transmission, and navigation and shipping users of the sea to co-exist successfully. | Consultation to date is summarised within Section 15.2 of ES Chapter 15 Shipping and Navigation **[APP-029]**. Consultation includes engagement with MCA, Trinity House, Chamber of Shipping, RYA, Cruising Association, Sunk VTS, HHA, PLA and London Gateway. Consultation and engagement has also included a hazard workshop and a regular operator outreach. |

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| | 2.8.186 | The presence of the wind turbines can also have impacts on communication and shipborne and shore-based radar systems. See section 5.5 in EN-1 for further guidance. | Impacts relating to navigation, communication and position fixing equipment have been considered, see Section 12 of the ES Appendix 15.1 Navigational Risk Assessment Part 1 **[APP-106]**. |
| | 2.8.187 – 2.8.188 | Prior to undertaking assessments, applicants should consider information on internationally recognised sea lanes, which is publicly available.<br>Applicants should refer in assessments to any relevant, publicly available data available on the Maritime Database. | IMO routeing measures in proximity to the Project have been considered when characterising the existing environments. All local routeing measures have been considered as per Section 15.5.1 of ES Chapter 15 Shipping and Navigation **[APP-029]**. |
| | 2.8.189 – 2.8.190 | Applicants must undertake a Navigational Risk Assessment (NRA) in accordance with relevant government guidance prepared in consultation with the MCA and the other navigation stakeholders listed above.<br>The navigation risk assessment will for example necessitate:<br>• A survey of vessel traffic in the vicinity of the proposed wind farm;<br>• A full NRA of the likely impact of the wind farm on navigation in the immediate area of the wind farm in accordance with the relevant marine guidance; and<br>• Cumulative and in-combination risks associated with the development and other developments (including other wind farms in the same area of sea. | ES Appendix 15.1 Navigational Risk Assessment **[APP-106 – APP-108]** including a completed MGN 654 checklist to demonstrate compliance with MCA requirements has been completed.<br>Vessel traffic surveys have been undertaken for the Array Area.<br>ES Appendix 15.1 Navigational Risk Assessment **[APP-106 – APP-108]** has been undertaken in line with MGN 654.<br>A full cumulative effects assessment has been undertaken with consideration of other developments including offshore wind farms (OWFs). See Section 15.7 of ES Chapter 15 Shipping and Navigation **[APP-029]**. |
| | 2.8.191 – 2.8.193 | In some circumstances applicants may seek declaration of a safety zone around wind turbines and other infrastructure. Although these might not be applied until after consent to the wind farm has been granted.<br>The declaration of a safety zone excludes or restricts activities within the defined sea areas including navigation and shipping.<br>Where there is a possibility that safety zones will be sought, applicant assessments should include potential effects on navigation and shipping. | A Safety Zone Statement **[APP-258]** supports the DCO Application. This Safety Zone Statement has been prepared in accordance with regulation 6(1)(b)(ii) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (the APFP Regulations).<br>Impacts of safety zones are considered in ES Appendix 15.1 Navigational Risk Assessment **[APP-106 – APP-108]**.<br>The final scope and form of the Safety Zone Application will be decided following completion of the detailed design of the Project but prior to the start of construction works; currently the earliest date an application would be submitted would be one year prior to offshore construction commencing which is anticipated to begin in 2030. The final Application would be developed through further risk assessment and in consultation with relevant statutory authorities, and in line with the Electricity (Offshore Generating Stations) (Safety Zones) (Applications Procedures and Control of Access) Regulations and accompanying guidance notes. |
| | 2.8.194 | Where the precise extents of potential safety zones are unknown, a realistic worst-case scenario should be assessed. Applicants should consult the MCA for advice on maritime safety and refer to the government guidance on safety zones as a part of this process. | |
| | 2.8.195 | Applicants should undertake a detailed Navigational Risk Assessment, which includes Search and Rescue Response Assessment and emergency response assessment prior to applying for consent. The specific Search and Rescue requirements will then be discussed and agreed post-consent. | Impacts relating to the reduction of emergency response capability (including SAR access) have been assessed in the impact assessment, which includes discussions around the need to complete a SAR Checklist, see Section 15.6 of ES Chapter 15 Shipping and Navigation **[APP-029]**. |

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| Other offshore infrastructure and activities | 2.8.196 – 2.8.198 | The scale and location of future offshore wind development around England and Wales means that development has occurred, and will continue to occur, in or close to areas where there is other offshore infrastructure.<br><br>Where a potential offshore wind farm is proposed close to existing operational offshore infrastructure or has the potential to affect activities for which a licence has been issued by government, the applicant should undertake an assessment of the potential effects of the proposed development on such existing or permitted infrastructure or activities.<br><br>The assessment should be undertaken for all stages of the lifespan of the proposed wind farm in accordance with the appropriate policy and guidance for offshore wind farm EIAs. | Other offshore infrastructure and marine users have been considered and where relevant assessed as part of the DCO Application within:<br><br>• ES Chapter 14 Commercial Fisheries **[APP-028]**;<br>• ES Chapter 15 Shipping and Navigation **[APP-029]**;<br>• ES Chapter 18 Infrastructure and Other Users **[APP-032]**;<br>• ES Chapter 31 Tourism and Recreation **[APP-046]**; and<br>• ES Chapter 32 Climate Change **[APP-047]**.<br><br>Each ES Chapter has considered effects during construction, operation and decommissioning in accordance with the relevant guidance. |
| | 2.8.199 | Applicants should use marine plans (paragraph 2.8.17-19 of this NPS and Section 4.5 of EN-1) in considering which activities may be most affected by their proposal and thus where to target their assessment. | The relevant Marine Plans have been considered throughout the ES and in section 18.4.1.2 of ES Chapter 18 Infrastructure and Other Users **[APP-032]**. A Marine Plan Assessment **[APP-240]** has also been provided. |
| | 2.8.200 – 2.8.203 | Applicants should engage with interested parties in the potentially affected offshore sectors early in the pre-application phase of the proposed offshore wind farm, with an aim to resolve as many issues as possible prior to the submission of an application. (see paragraphs 2.8.56 and 2.8.273/4 and 2.8.267 of this NPS for further guidance).<br><br>Such stakeholder engagement should continue throughout the life of the development including construction, operation and decommissioning phases where necessary.<br><br>As many offshore industries are regulated by government, the relevant Secretary of State should also be a consultee where necessary.<br><br>Such engagement should be taken to ensure that solutions are sought that allow offshore wind farms and other uses of the sea to co-exist successfully. | Consultation with owners and operators of offshore infrastructure is being undertaken by NFOW, consultation responses received to date are shown in Table 18.1 of ES Chapter 18 Infrastructure and Other Users **[APP-032]**.<br><br>Consultation with the Secretary of State has been undertaken as part of the scoping phase. Extracts from the scoping opinion from the Secretary of State in relation to the infrastructure and other users are shown in Table 18.1 of ES Chapter 18 Infrastructure and Other Users **[APP-032]**. |
| Seascape and Visual Effects | 2.8.204 – 2.8.207 | Applicants should address impact on seascape in addition to the landscape and visual effects discussed in Section 5.10 of EN-1.<br><br>Seascape is an additional issue for consideration given that it is an important environmental, cultural and economic asset. This is especially so where seascape provides the setting for a nationally designated landscape (National Park, The Broads or AONB) and as a defined special quality of the area supports the delivery of the designated area's statutory purpose. This is also an important consideration for stretches of coastline identified as Heritage Coasts, which are associated with a largely undeveloped coastal character. | Effects on seascape, including the extent to which seascape contributes to the special qualities of the Suffolk and Essex Coast and Heaths National Landscape (SECHNL) (an AONB) are considered in in Section 29.6 of ES Chapter 29 Seascape, Landscape and Visual Impact Assessment **[APP-043]**.<br><br>Relevant guidance has been followed including landscape and seascape assessments and sensitivity assessments, as referenced in Section 29.5 of ES Chapter 29 Seascape, Landscape and Visual Impact Assessment **[APP-043]**. |

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| | | Seascape is a discrete area, with views of the coast or seas, and coasts and the adjacent marine environment with cultural, historical and archaeological links with each other.<br><br>Applicants should follow relevant guidance including, but not limited to seascape and landscape character assessments, landscape sensitivity assessments, and marine plan seascape character assessments (e.g., NRW Marine Character Areas (with associated guidance) England's marine plans). | |
| | 2.8.208 | Where a proposed offshore wind farm will be visible from the shore and would be within the setting of a nationally designated landscape with potential effects on the area's statutory purpose, a seascape, landscape and visual impact assessment (SLVIA) should be undertaken in accordance with the relevant offshore wind farm EIA policy and the latest Offshore Energy SEA, including the White 2020 report. The SLVIA should be proportionate to the scale of the potential impacts. This will always be the case where a coastal National Park, the Broads or AONB, or a Heritage Coast or their setting is potentially affected. | The SLVIA has been undertaken with reference to the relevant guidance as notes in Section 29.4.1 of ES Chapter 29 Seascape, Landscape and Visual Impact Assessment **[APP-043]**. |
| | 2.8.209 | Where necessary, assessment of the seascape should include an assessment of four principal considerations on the likely effect of offshore wind farms on the coast:<br><br>• The limit of visual perception from the coast under poor, good and best lighting conditions;<br><br>• The effects of navigation and hazard prevention lighting on dark night skies;<br><br>• Individual landscape and visual characteristics of the coast and the special qualities of designated landscapes, such as world heritage sites and national parks, which limits the coast's capacity to absorb a development; and<br><br>• How people perceive and interact with the coast and natural seascape. | Limits of visibility are discussed at Section 29.6.1 of ES Chapter 29 Seascape, Landscape and Visual Impact Assessment **[APP-043]** and shown in ES Figure 29.1.7 **[APP-077]**.<br><br>Effects of lighting are discussed at Section 29.6.3.3.<br><br>Effects on landscape character and on the special qualities of the SECHNL are discussed in Section 29.6.3.2.2.<br><br>Effects on peoples experience of coastal scenery re discussed in Section 29.6.3.3. |
| | 2.8.210 | As part of the SLVIA, photomontages will be required. Viewpoints to be used for the SLVIA should be selected in consultation with the statutory consultees at the EIA Scoping stage. | Photomontages are shown in ES Chapter 29 Figures **[APP-077 – APP-082]**. Representative viewpoints were selected in consultation with statutory consultees as set out in Section 29.2, and in the Consultation Report **[AS-015]**. |
| | 2.8.211 | Applicants should assess the magnitude and significance of change to both the identified seascape receptors (such as seascape and landscape units, visual receptors and the special qualities of designated landscapes) in accordance with the standard methodology for SLVIA. | The assessment follows good practice methodology guidance as notes in Section 29.4.1 of ES Chapter 29 Seascape, Landscape and Visual Impact Assessment **[APP-043]**. |

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| | 2.8.212 | Where appropriate, cumulative SLVIA should be undertaken in accordance with the policy on cumulative assessment outlined in Section 5.10.16-17 of EN-1. | An assessment of cumulative effects is set out in Section 29.7 of ES Chapter 29 Seascape, Landscape and Visual Impact Assessment **[APP-043]**. The relevant paragraphs of NPS EN-1 are referenced in the Table 29.3 included in ES Chapter 29. |
| Mitigation | 2.8.213 – 2.8.214 | Applicants must always employ the mitigation hierarchy, in particular to avoid as far as is possible the need to find compensatory measures for coastal, inshore and offshore developments affecting SACs SPAs, and Ramsar sites and/or MCZs. It is essential that applicants involve SNCBs, other statutory environmental bodies (e.g. Historic England) and Defra, in conjunction with the relevant regulators, as early as possible in the planning process to enable discussions of what is and isn't a significant and/or adverse effect, subsequent implications, and, if required, mitigation and/or compensation.<br><br>At the earliest possible stage, alternative ways of working and use of technology should be employed to avoid environmental impacts. For example, construction vessels may be rerouted to avoid disturbing seabirds. Where impacts cannot be avoided, measures to reduce and mitigate impacts should be employed, for example using trenching techniques or noise abatement technology. | The Applicant has applied the mitigation hierarchy throughout the development of the Project, as outlined and evidenced in ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]**. This has included early engagement with the relevant SNCBs, other statutory environmental bodies including Defra.<br><br>The Schedule of Mitigation **[APP-012]** sets out the mitigation measures proposed and where they are secured within the Draft Development Consent Order **[AS-022]**.<br><br>The Applicant has submitted an application which is supported by a RIAA **[APP-173 – APP-182]**. In response to the outcomes of the Applicant's RIAA, extensive stakeholder consultation and the outcomes from other UK offshore wind farm (OWF) DCO applications and decisions, the Applicant has prepared information describing proposed compensatory measures for relevant European site features as contained in the Habitats Regulation Derogation Provision of Evidence Appendix 1 Compensatory Measures Overview **[APP-184]**. |
| | 2.8.215 – 2.8.216 | Applicants should undertake a review of up-to-date research and all potential avoidance, reduction and mitigation options presented for all receptors.<br><br>Only once all feasible avoidance, reduction and mitigation measures have been employed, should applicants explore possible compensatory measures to compensate for any remaining significant adverse effects to site integrity. | |
| | 2.8.217 | Where several developers are likely to have cumulative impacts on the same species or feature it may be appropriate to collaborate on mitigation and compensation measures (see paragraphs 2.8.273 and following below for further guidance on compensation). | The Applicant has engaged with other developers regarding collaboration on potential compensation measures and where appropriate has referenced this in the derogation information set out in the Habitats Regulations Derogation: Provision of Evidence **[APP-183]**. |
| Biological and ecological conservation | 2.8.218 – 2.8.220 | Mitigation will be possible in the form of careful design of the development itself, and the construction techniques employed.<br><br>General mitigation requirements and considerations are set out in Section 5.4 of EN-1.<br><br>See paragraphs 2.8.90 and 2.8.298 of this NPS for further guidance on Offshore Wind Environmental Standards to enable developments to mitigate their impacts on the marine environment. | Section 5.4 of NPS EN-1 has been followed by the Applicant through the application of the mitigation hierarchy. The Applicant has followed the mitigation hierarchy across all ES Chapters, including those relevant to biological and ecological receptors. As outlined in ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]**, the Project has aimed to avoid adverse impacts through consideration of reasonable alternatives. |
| | 2.8.221 – 2.8.223 | Applicants must develop an ecological monitoring programme to monitor impacts during the pre-construction, construction and | The Offshore In-principle Monitoring Plan (IPMP) **[APP-245]** has been produced in order to provide the basis for delivering the monitoring measures as required by the conditions contained within the Deemed Marine Licences (DMLs) in the Draft |

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| | | operational phases to identify the actual impacts caused by the project and compare them to what was predicted in the EIA/HRA.<br><br>Should impacts be greater than those predicted, an adaptive management process may need to be implemented, and additional mitigation required, to ensure that so far as possible the effects are brought back within the range of those predicted.<br><br>Monitoring should be of sufficient standard to inform future decision-making. Increasing the understanding of the efficacy of alternatives and mitigation will deliver greater certainty on applicant requirements. | Development Consent Order (DCO) **[AS-022]** and will be used as a basis for further discussions post consent.<br><br>The IPMP provides a key mechanism through which the relevant regulatory authorities can be assured that required offshore monitoring activities associated with the construction and operation of the offshore infrastructure for the Project will be formally controlled and mitigated.<br><br>The IPMP provides a framework for further discussions post consent with the Marine Management Organisation (MMO) and the relevant Statutory Nature Conservation Bodies (SNCBs) to agree the exact detail (timings, methodologies etc.) of the monitoring that is required. Due to the long lead in time for the development of offshore wind farms it is not desirable or effective to provide final detailed method statements prior to being granted consent. However, agreeing guiding principles reinforces commitments made in the Environmental Statement (ES) and provides the basis for the monitoring plan which needs to be submitted in satisfaction of the conditions of the DMLs. Final detailed plans for monitoring work will be produced closer to the time that the actual work will be undertaken, allowing refinements to be made based on detailed design and available knowledge and technology at that time.<br><br>The relevant topics and / or receptor groups that will be discussed in the Offshore In-principle Monitoring Plan (IPMP) **[APP-245]** are as follows:<br>• Marine Geology, Oceanography and Physical Processes;<br>• Marine Water and Sediment Quality;<br>• Benthic and Intertidal Ecology;<br>• Fish and Shellfish Ecology;<br>• Marine Mammals; and<br>• Offshore Ornithology.<br>Monitoring for the following topics is considered separately:<br>• Offshore archaeology monitoring is addressed in the Outline Offshore Written Scheme of Investigation **[APP-246]**;<br>• Shipping and navigation monitoring is addressed in the Outline Vessel Traffic Monitoring Plan **[APP-256]**; and<br>• Commercial fisheries monitoring is addressed in the Outline Fisheries Liaison and Co-existence Plan **[APP-244]** |
| Physical Environment | 2.8.224 – 2.8.225 | Applicants are expected to have considered the best ecological outcomes in terms of potential mitigation. These might include:<br>• Avoidance of areas sensitive to physical effects;<br>• Consideration of micro-siting of both the array and cables;<br>• Alignment and density of the array;<br>• Design of foundations; | Mitigation commitments, embedded in the Project design are described each relevant ES Chapter. The Applicant, as outlined in this document, has applied the mitigation hierarchy to ensure ecological impacts are minimised and avoided where possible.<br><br>The Outline Project Environmental Management Plan (PEMP) **[APP-241]** provides a key mechanism, through which the relevant regulatory authorities can be assured that environmental management required during the construction and operation of the offshore infrastructure will be formally controlled. The PEMP must be approved |

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| | | • Ensuring that sediment moved is retained as locally as possible;<br>• The burying of cables to a necessary depth;<br>• Using scour protection techniques around offshore structures to prevent scour effects, or designing turbines to withstand scour, so scour protection is not required or is minimised.<br>Applicants should consult the statutory consultees on appropriate mitigation and monitoring. | in writing by the Marine Management Organisation (MMO), in consultation with relevant stakeholders, prior to construction, and is secured in the Deemed Marine Licences within the Draft Development Consent Order **[AS-022]**.<br>The Schedule of Mitigation **[APP-012]** includes both 'embedded' mitigation (which forms mitigation through design or through best practice, which will be undertaken regardless of the outcome of the assessment, to minimise impacts as far as possible) and 'additional' mitigation which has been identified following the completion of the environmental assessment described in the ES, as required to minimise the effects identified. |
| Intertidal and coastal habitats and species | 2.8.226 – 2.8.230 | Effects on intertidal/coastal habitat cannot be avoided entirely.<br>Landfall and cable installation and decommissioning methods should be designed appropriately to minimise effects on intertidal/coastal habitats, taking into account other constraints.<br>Where applicable, use of horizontal directional drilling techniques (HDD) should be considered as a method to avoid impacts on sensitive habitats and species.<br>Where HDD is proposed, the applicant should provide a mitigation plan to account for the possibility that HDD fails.<br>The applicant should explain their justification for the alternative plan and ensure this is the least impactful method possible. | The Applicant has committed to HDD under the intertidal zone at Landfall and therefore direct impacts have been avoided.<br>The detail and scope of the decommissioning works will be determined by the relevant legislation and guidance at the time of decommissioning and will be agreed with the regulator.<br>Decommissioning arrangements will be detailed in a Decommissioning Plan, which will be prepared in accordance with the Energy Act 2004. An assessment of the worst-case scenario for decommissioning works is provided in Section 10.6.3 of ES Chapter 10 Benthic and Intertidal Ecology **[APP-024]**. |
| | 2.8.231 – 2.8.232 | Where cumulative effects on intertidal habitats are predicted as a result of the cumulative impact of multiple cable routes, applicants of various schemes are encouraged to work together to ensure that the number of cables crossing the intertidal/coastal zone are minimised, and installation and decommissioning phases are coordinated to ensure that disturbance is also reasonably minimised.<br>It is expected that a more co-ordinated approach to offshore onshore transmission will be delivered. See paragraphs 2.8.34 of this NPS. | The outcome of the site selection process was reviewed with the objective of finding the most suitable option for bringing ashore cables for both the North Falls and Five Estuaries projects at a single onshore location.<br>ES Chapter 10 Benthic and Intertidal Ecology **[APP-024]** concludes at worst minor adverse and not significant in EIA terms in relation to all cumulative effects as below:<br>• Cumulative effect 1: Temporary physical disturbance and increased suspended sediment concentrations<br>• Cumulative effect 2: Loss of habitat during construction, operation and decommissioning<br>• Cumulative effect 3: Colonisation of introduced substrate, including non-native species<br>• Cumulative effect 4: Interaction of EMF |
| Subtidal habitats and species | 2.8.233 | Applicants should design construction, maintenance and decommissioning methods appropriately to minimise effects on subtidal habitats, taking into account other constraints. | In most cases, mitigation measures have already been identified and adopted as part of the evolution of the project design through consultation. The accompanying Schedule of Mitigation **[APP-012]** lists all measures proposed on a topic-by-topic basis. |

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| | 2.8.234 – 2.8.236 | Mitigation measures which applicants are expected to have considered include:<br>• Surveying and micrositing of the turbines, designing array layout, or re-routing of the export and inter-array cables to avoid adverse effects on sensitive/protected habitats, biogenic reefs or protected species;<br>• Reducing as much as possible the amount of infrastructure that will cause habitat loss in sensitive/protected habitats;<br>• Burying cables at a sufficient depth, taking into account other constraints, to allow the seabed to recover to its natural state; and<br>• The use of anti-fouling paint could be minimised on subtidal surfaces in certain environments, to encourage species' colonisation on the structures, unless this is within a soft sediment mpa and thus would allow colonisation by species that would not normally be present. | Avoidance of the Kentish Knock East Marine Conservation Zone (MCZ), and reduction of the array area and quantum of infrastructure has significantly reduced the impact on the seabed.<br>The offshore cable corridor was selected in consultation with key stakeholders to select a route which minimised impacts on designated sites, such as avoiding overlap with the Margate and Long Sands Special Area of Conservation (SAC).<br>Pre-construction surveys will be undertaken to determine if Annex I1 and/or Habitats of Conservation Importance (HOCI)2 are present within the proposed wind turbine locations or offshore cable routes (offshore export cables, array cables and/or platform interconnector cables).<br>Should any Annex I habitats or HOCI be identified in the proposed wind turbine locations and/or cable routes during the pre construction surveys, micro-siting would be undertaken where practicable, to reduce the requirements for seabed preparation prior to foundation and cable installation and potential impacts to sensitive benthic species.<br>The Applicant is committed to burying cables where practicable which reduces the effects of electromagnetic fields (EMFs). |
| | 2.8.235 | Where cumulative impacts on subtidal habitats are predicted as a result of multiple cable routes, applicants for various schemes are encouraged to work together to ensure that the number of cables crossing the subtidal zone is minimised and installation/ decommissioning phases are coordinated to ensure that disturbance is reasonably minimised.<br>It is expected that a more co-ordinated approach to offshore onshore transmission will be delivered going forward. See paragraphs 2.8.34 of this NPS. | The Applicant will continue to engage with other projects and stakeholders including Five Estuaries, NGET, and the Crown Estate with respect to cable crossings where practicable to reduce impacts on subtidal habitats and on shipping and navigation stakeholders. |
| Marine Mammals | 2.8.237 | Monitoring of the surrounding area before and during the piling procedure can be undertaken by various methods including marine mammal observers and passive acoustic monitoring. Active displacement of marine mammals outside potential injury zones can be undertaken using equipment such as acoustic deterrent devices. Soft start procedures during pile driving may be implemented. This enables marine mammals in the area disturbed by the sound levels to move away from the piling before physical or auditory injury is caused. | An Offshore Outline Project Environmental Management Plan (PEMP) **[APP-241]** and a Draft Marine Mammal Mitigation Protocol (MMMP) **[APP-242]** are submitted with the DCO Application.<br>These plans will be further developed in consultation with the relevant Statutory Nature Conservation Bodies (SNCBs) and approved by the MMO post consent and will identify any necessary monitoring requirements.<br>The Schedule of Mitigation **[APP-012]** includes reference to mitigation in the form of soft-start piling during construction. |
| | 2.8.238 – 2.8.239 | Where noise impacts cannot be avoided, other mitigation should be considered, including alternative installation methods and noise abatement technology, spatial/temporal restrictions on noisy activities, alternative foundation types. | A Draft Marine Mammal Mitigation Protocol (MMMP) **[APP-242]** is submitted with the DCO application which details the marine mammal monitoring requirements during piling (see section 1.3 of the Draft MMMP). |

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| | | Applicants should undertake a review of up-to-date research and all potential mitigation options presented as part of the application, having consulted the relevant JNCC mitigation guidelines. | |
| Birds | 2.8.240 | Aviation and navigation lighting should be minimised and/or on demand (as encouraged in EN-1 Section 5.5) to avoid attracting birds, taking into account impacts on safety. Subject to other constraints, wind turbines should be laid out within a site, in a way that minimises collision risk. | Proposed lighting is discussed in Section 17.3.3.2 of ES Chapter 17 Aviation and Radar **[APP-031]**.<br>In accordance with ANO Article 223, lighting intensity would be reduced at and below the horizontal and further reduced when visibility in all directions from every WTG is more than 5km. |
| | 2.8.241 | Turbine parameters should also be developed to reduce collision risk where the assessment shows there is a significant risk of collision (e.g., altering rotor height). | The project designs of North Falls include an air gap of 27 MHWS. This includes a 5m increase on the standard air gap of 22m MHWS required for navigational purposes. This commitment was made in response to consultation with Natural England and the Royal Society for the Protection of Birds (RSPB) through the Evidence Plan Process. |
| | 2.8.242 – 2.8.244 | Construction vessels and post-construction maintenance vessel traffic associated with offshore wind farms and offshore transmission should, where practicable and compatible with operational requirements and navigational safety, avoid rafting seabirds during sensitive periods and follow agreed navigation routes to and from the site and minimise the number of vessel movements overall.<br>The exact timing of peak migration events is inherently uncertain, although research is ongoing into estimates for peak migration periods for a number of bird species and detection technologies (e.g. using radar and integrated sensors) are improving.<br>Currently, shutting down turbines within migration routes during estimated peak migration periods is unlikely to offer suitable mitigation, but this might be a possibility in the future. | ES Chapter 13 Offshore Ornithology considers the effects of vessels during construction and operation on the relevant receptors. Table 13.58 provides a summary of effects which are either minor adverse or negligible for construction and operation of the Project. The cumulative effects in relation to vessel traffic during construction is minor adverse (Cumulative effect 1: Construction Disturbance / Displacement, Offshore Cable Corridor).<br>The Outline Project Environmental Management Plan (PEMP) **[APP-241]** Appendix B 'Protocol for Reducing Disturbance to Red-Throated Diver' part B2 includes 'Vessel Disturbance Mitigation' and outlines the protocols to reduce disturbance. A final protocol will be provided as part of the PEMP. |
| Fish | 2.8.245 – 2.8.247 | EMF in the water column during operation, is in the form of electric and magnetic fields, which are reduced by use of armoured cables for inter array and export cables.<br>Burial of the cable increases the physical distance between the maximum EMF intensity and sensitive species. However, what constitutes sufficient depth to reduce impact may depend on the geology of the seabed.<br>It is unknown whether exposure to multiple cables and larger capacity cables may have a cumulative impact on sensitive species. It is therefore important to monitor EMF emissions which may provide the evidence to inform future EIAs. | Consideration has been given to the target minimum cable burial depth in Section 11.3.3. The Applicant is committed to burying offshore cables where practicable to a target minimum burial depth of 0.6m. outlined in ES Chapter 11 Fish and Shellfish Ecology **[APP-025]**.<br>Impacts from EMFs are addressed under the assessment of the potential impacts during operation in Section 11.6.2 of ES Chapter 11 Fish and Shellfish Ecology **[APP-025]**. |
| | 2.8.248 – 2.8.249 | In the case of floating wind, the cables may hang freely in the water and thus potentially require alternative monitoring and mitigation. | Floating wind cables is not relevant to this Project.<br>Consideration has been given in this assessment to fish species known spawning and nursery grounds in areas relevant to the Project within Table 11.12 of ES Chapter 11 Fish and Shellfish Ecology **[APP-025]**. |

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| | | Construction of specific elements can also be timed to reduce impacts on spawning or migration. Underwater noise mitigation can also be used to prevent injury and death of fish species. | As described in Table 11.3 of ES Chapter 11 Fish and Shellfish Ecology **[APP-025]** soft start and ramp up mitigation will be used for pile driving to allow mobile species to move away from the area of highest noise impact during installation of foundations. |
| Commercial fisheries and fishing | 2.8.250 – 2.8.251 | Any mitigation proposals should result from the applicant having detailed consultation with relevant representatives of the fishing industry, IFCAs, the MMO and the relevant Defra policy team in England and NRW and the relevant Welsh Government policy team in Wales.<br><br>Mitigation should be designed to enhance, where reasonably possible, any potential medium and long-term positive benefits to the fishing industry, commercial fish stocks and the marine environment. | The Outline Fisheries Liaison and Co-Existence Plan (FLCP) **[APP-244]** sets out the Applicant's strategy to facilitate a positive approach to co-existence between the Project and commercial fishing interests within the offshore project area, and provides an outline of the approach to fisheries liaison during the construction, operational and decommissioning phases.<br><br>The aim of the Outline FLCP is to document and demonstrate how NFOW will liaise and co-exist with commercial fishing. In line with anticipated requirements of the DCO deemed Marine Licences (dMLs), the FLCP will be finalised post-consent and prior to the commencement of construction.<br><br>The FLCP will be developed in accordance with the Outline FLCP to satisfy the relevant conditions included in the DML conditions. The FLCP will be subject to the Marine Management Organisation (MMO) for approval, following consultation with relevant stakeholders.<br><br>A Fisheries Liaison Officer (FLO) will be appointed for the Construction Phase and as required during the Operation Phase (including maintenance and repair) provide a project specific point of contact to liaise and engage with the fishing industry.<br><br>A list of all mitigation measures is included in Table 2.7 of the Schedule of Mitigation **[APP-012]**. |
| Marine historic environment | 2.8.252 – 2.8.254 | The avoidance of important heritage assets to ensure their protection in situ, is the most effective form of protection.<br><br>This can be achieved through the implementation of exclusion zones around known and potential heritage assets which preclude development activities within their boundaries.<br><br>These boundaries can be drawn around either discrete sites or more extensive areas identified in the Environmental Statement produced to support an application for consent. | As outlined in Table 2.9 of the Schedule of Mitigation **[APP-012]** Archaeological Exclusion Zones (AEZs) around the extents of known wreck sites, marine geophysical anomalies of archaeological interest (A1s) and previously recorded sites that have not been seen in the geophysical data (A3s) and at which the presence of surviving material is considered possible. No development related activities will take place within an AEZ.<br><br>AEZs may be reduced, enlarged or removed in agreement with Historic England if further relevant information becomes available. However, unless modified by agreement, it is important that AEZs are retained throughout the lifetime of North Falls and monitoring of AEZs may be required by the regulator and Historic England to ensure adherence both during construction and in the future operation of the wind farm. This mitigation is secured through the Written Scheme of Investigation, which is included within the Deemed Marine Licences secured within the Draft Development Consent Order **[AS-022]**.<br><br>In the event of an unexpected discovery, of an isolated find or where discoveries of multiple chance finds from a specific location might be indicative of a wider debris field representing previously unknown in situ archaeological material, this will be reported through a formal PAD, based upon the established Protocol for Archaeological Discoveries: Offshore Renewables Projects (The Crown Estate, 2014) (ORPAD). This will establish whether the recovered objects are of archaeological interest and allow for the application of appropriate mitigation measures where necessary. In the event of the discovery of in situ archaeological |
| | 2.8.255 – 2.8.258 | The ability of the applicants to microsite specific elements of the proposed development during the construction phase should be an important consideration by the Secretary of State when assessing the risk of damage to archaeology.<br><br>Where requested by the applicant, the Secretary of State should consider granting consents which allow for micrositing/microrouting (see paragraphs 2.8.76 following above) within a specified tolerance.<br><br>To ensure a programme of archaeological works has been secured, an outline WSI, covering the entirety of the defined project area and full duration of the project, that complies with the policy in this NPS, should be submitted within the application. | |

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| | | This allows changes to be made to the precise location of infrastructure during the construction phase so that account can be taken of unforeseen circumstances, such as the discovery of marine archaeological remains. | material, this will include the provision of a temporary exclusion zone to prevent further impacts from taking place until advice had been received. For all new discoveries, any further mitigation which may be required will be considered on a case by case basis, proportionate to the significance of the discovery. |
| Offshore wind impacts: navigation and shipping | 2.8.259 – 2.8.260 | Mitigation measures will include site configuration, lighting and marking of projects to take account of any requirements of the General Lighthouse Authority.<br>In some circumstances, the Secretary of State may wish to consider the potential to use requirements involving arbitration (between the applicant and third parties) as a means of resolving how adverse impacts on other commercial activities will be addressed. | A layout plan and lighting and marking as required by Trinity House, MCA and Civil Aviation Authority are included as embedded mitigation measures, see Section 15.3.4 of ES Chapter 15 Shipping and Navigation **[APP-029]**. |
| Other offshore infrastructure activities | 2.8.261 – 2.8.262 | Detailed discussions between the applicant for the offshore wind farm and the relevant consultees should have progressed as far as reasonably possible prior to the submission of an application. As such, appropriate mitigation should be included in any application, and ideally agreed between relevant parties.<br>In some circumstances, the Secretary of State may wish to consider the potential to use requirements involving arbitration as a means of resolving how adverse impacts on other commercial activities will be addressed. | Table 18.1 of ES Chapter 18 Infrastructure and Other Users **[APP-032]** sets out consultation responses from owners and operators of assets in proximity to North Falls.<br>Appropriate mitigation measures are outlined in Table 2.11 of the Schedule of Mitigation **[APP-012]**. |
| Seascape and visual effects | 2.8.263 – 2.8.264 | Neither the design nor scale of individual wind turbines can be changed without significantly affecting the electricity generating output of the wind turbines. Therefore, the Secretary of State should expect it to be unlikely that mitigation in the form of reduction in scale will be feasible.<br>However, the siting layout of the turbines should be designed appropriately to minimise harm, considering other constraints such as ecological effects, safety reasons or engineering and design parameters. | The design of the array area has been modified since PEIR, with the removal of the former northern array and reduction of the former southern array (refer to Section 29.3 of ES Chapter 29 Seascape, Landscape and Visual Effects **[APP-043]**). This has reduced the predicted effects on the sensitive coastal landscape of the Suffolk Coast and Heaths Area National Landscape. |
| **Compensatory Measures** | | | |
| Compensatory Measures | 2.8.265 – 2.8.266 | With increasing deployment of offshore wind farms and offshore transmission, environmental impacts upon SACs SPAs, and Ramsar sites and MCZs (individually and as part of a network) may not be addressed by avoidance, reduction, or mitigation alone, therefore compensatory measures (through derogation for SACs SPAs, Ramsar sites, and MCZs may be required at a plan or project level where adverse effects on site integrity and/or on conservation objectives cannot be ruled out.<br>For many receptors, the scale of offshore wind and offshore transmission developments, and potential in-combination effects, means compensation could be required and applicants must refer to | Please refer to the Applicant's response to Paragraphs 4.2.18 – 4.2.22 of NPS EN-1. |

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| | | the latest Defra compensation guidance when making their assessments. | |
| | 2.8.267 – 2.8.269 | If, during the pre-application stage, SNCBs indicate that the proposed development is likely adversely to impact a protected site, the applicant should include with their application such information as may reasonably be required to assess potential derogations under the Habitats Regulations or the Marine and Coastal Access Act 2009.<br>Where such an indication is given later in the development consent process, the applicant should share this information as soon as reasonably practical.<br>This information includes:<br>• Assessment of alternative solutions, showing the relevant tests on alternatives have been met;<br>• A case showing that the relevant tests for IROPI or measures of equivalent environmental benefit have been met; and<br>• Appropriate securable environmental compensation, which will ensure no net loss to the MPA network and help ensure that the MPA target (including any interim target) set under the environment act 2021 targets can be met. | Please refer to the Applicant's response to Paragraphs 4.2.18 – 4.2.22 of NPS EN-1.<br>The RIAA **[APP-173 – APP-182]** concludes that the Project, whether alone or in-combination with other plans and projects will not adversely affect the integrity of any European site with the exception of in-combination collision risk on the lesser black backed gull of the Alde Ore Estuary Special Protection Area (SPA). Evidence to support a derogation case is therefore provided.<br>Compensatory measures are also provided for the following:<br>• Collision risk of kittiwake from Flamborough and Filey Coast SPA; and<br>• Displacement of guillemot from Flamborough and Filey Coast SPA.<br>Following consultation with Natural England, the derogation case is also provided in relation to red throated diver from the Outer Thames Estuary SPA and in relation to razorbill from the Flamborough and Filey Coast SPA, without prejudice to the Applicant's position presented in the RIAA which concludes there is no risk of an adverse effect on integrity of these species / sites from North Falls alone or in-combination<br>The Habitats Regulations Derogation Provision of Evidence **[APP-183]** and supporting appendices demonstrate that there are no alternative solutions that meet the objectives of the Project; that there are Imperative Reasons of Overriding Public Interest; and that there are measures which can fully compensate the effects of the Project on the European Site features assessed and which can be legally secured. |
| | 2.8.270 – 2.8.272 | Provision of such information will not be taken as an acceptance of adverse impacts, and if applicants dispute the likelihood of adverse effects they can provide this information as part of their application, 'without prejudice' to the Secretary of State's final decision on the impacts of the potential development.<br>If, in these circumstances, an applicant does not supply information required for the assessment of a potential derogation, consent may be refused as there will be no expectation that the Secretary of State will allow the applicant the opportunity to provide such information following the examination.<br>It is vital that applicants consider the need for compensation as early as possible in the design process, as 'retrofitting' compensatory measures will introduce delays and uncertainty to the consenting process. Applicants are encouraged to include all compensatory measures considered, with reasoning for why they have been discounted. | |
| | 2.8.273 – 2.8.275 | Applicants should work closely at an early stage in the pre application process with SNCBs, and Defra, in conjunction with the relevant regulators, Local Planning Authorities, National Park Authorities, landowners and other relevant stakeholders to develop a compensation plan for all protected sites adversely affected by the development. | |

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| | | Before submitting an application, applicants should seek the views of the SNCB and Defra, as to the suitability, securability and effectiveness of the compensation plan to ensure that the overall coherence of the National Site Network for the impacted SAC/SPA/MCZ feature is protected. Consultation should also take place throughout the pre-application phase with key stakeholders (e.g. via the evidence plan process and use of expert topic groups).<br><br>In cases where such views are provided, the applicant should include a copy of this information with the compensation plan in their application for further consideration by the Examining Authority and Secretary of State. | |
| Strategic Compensation | 2.8.279 – 2.8.283 | Applicants will be able to access tools and mechanisms to support identification of suitable compensation and facilitate delivery of strategic compensation measures where appropriate.<br><br>The government is still developing its policies on strategic compensation through the COWSC programme, and guidance will be published in due course.<br><br>The government will work collaboratively with industry and stakeholders to develop strategic compensation for projects currently in the consenting process (where possible) as well as for future developments.<br><br>Not every impact for every project will initially fall within the strategic compensation proposals, so applicants should continue to discuss with SNCBs and Defra the need for site specific or strategic compensation at the earliest opportunity.<br><br>Applicants should also coordinate with other marine industry sectors, e.g. oil and gas, who might also need to find compensatory measures. This will ensure compensatory measures are complementary and/or take advantage of opportunities to join together to deliver strategic compensation. Applicants should demonstrate they have consulted with those industries/stakeholders who are affected by any proposed compensation measures. | |
| **Factors influencing site selection and design** | | | |
| Factors influencing site selection and design | 2.8.284 | Whilst the technical suitability of the foundation design is not in itself a matter for the Secretary of State, the Secretary of State will need to be satisfied that the foundations will not have an unacceptable adverse effect on marine biodiversity, the physical environment or marine heritage assets. | For the Wind Turbine Generators a conventional three bladed, horizontal axis turbine will be used, comprised of the following main components:<br><br>• Rotor, comprising:<br>  ○ Blades;<br>  ○ Hub - connects the blades to the main shaft and ultimately to the rest of the drive train;<br>• Nacelle - houses the electrical generator, control electronics and drive system (Plate 5.2); and |

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| | | | • Structural support - tubular steel tower atop a foundation structure<br>The decision on the types of foundation and substructure to support the WTGs and offshore substation platform(s) will be made post-consent. Foundation types will be selected following detailed design, based on suitability of the ground conditions, water depths and wind turbine models. There may be only one type used, or a combination of foundation types may be used.<br>The foundation types currently being considered for use are (and illustrated in ES Chapter 5):<br>• Monopile (Plate 5.3);<br>• Mono suction bucket (Plate 5.4);<br>• GBS (Plate 5.5);<br>• Jacket with 3 or 4 legs (Plate 5.6) attached to the seabed by:<br>○ Pin-piles;<br>○ Suction buckets; and<br>○ Gravity/ballast legs.<br>The design envelope is based on maximum and minimum parameters, where appropriate, to ensure the worst case scenario can be quantified and is assessed in the EIA. The final design of North Falls will lie within the range of parameters assessed in the EIA and detailed in ES Chapter 5 Project Description **[APP-019]**.<br>The following ES Chapters have assessed the likely significant effects of the foundations (during the relevant phases) on sensitive receptors in the marine environment.<br>• ES Chapter 8 Marine Geology Oceanography and Physical Processes **[APP-022]**<br>• ES Chapter 9 Marine Water and Sediment Quality **[APP-023]**<br>• ES Chapter 10 Benthic and Intertidal **[APP-024]**<br>• ES Chapter 11 Fish and Shellfish Ecology **[APP-025]**<br>• ES Chapter 12 Marine Mammals **[APP-026]**<br>• ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage **[APP-030]**<br>The Project would not result in unacceptable adverse effects on marine biodiversity, the physical environment, or marine heritage assets. |
| **Technical considerations** | | | |
| Network Connection | 2.8.285 – 2.8.290 | When considering grid connection issues, the Secretary of State should be mindful of the requirements of the regulatory regime for onshore and offshore electricity networks and consider how this affects the proposal put forward by the applicant. | The Project, as outlined in Section 1.4 of the Explanatory Memorandum **[AS-024]**, comprises of the Authorised Development which comprises of Work No.1 and the 'Associated Development' for the purposes of section 115 of the 2008 Act comprises Work Nos. 2 to 14 of the Authorised Development which are set out in Schedule 1 Part of the Draft Development Consent Order **[AS-022]**. Schedule 1 |

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| | | A proposed offshore electricity transmission cable connecting the wind farm or wind farms with the onshore electricity network (noting that this may be an offshore transmission connection point), and any offshore electricity substations that may be required, may constitute associated development, depending on their scale and nature in relation to the offshore wind farm(s).<br><br>Where the Secretary of State is satisfied that such offshore infrastructure does constitute associated development and can form part of the application, it should be considered by the Secretary of State in accordance with this NPS.<br><br>However, some proposals for transmission could be consented separately to the windfarm (array), see paragraphs 2.8.38 following above and paragraph 1.3 in EN-1.<br><br>The Secretary of State should assess the onshore element(s) of the grid connection (e.g. electric lines, substations) in accordance with the guidelines and requirements contained in EN-5.<br><br>Depending upon the scale and type of this onshore development, elements of it could constitute either associated development or an energy NSIP in its own right. | Part 2 of the Draft Development Consent Order **[AS-022]** also includes consent for Ancillary Works.<br><br>The proposals that form part of the DCO Application should be considered by the Secretary of State in accordance with NPS EN-1, NPS EN-3 and NPS EN-5. |
| | 2.8.291 | In addition to guidance set out at 2.6 of this NPS and section 4.3 of EN-1, the Secretary of State should consider paragraph 2.8.140 in relation to ornithological headroom in this NPS. | Please refer to the Applicant's response to Paragraphs 2.8.137 – 2.8.144 of NPS EN-3. |
| | 2.8.292 – 2.8.293 | Where requested by the applicant, any consent granted by the Secretary of State should be flexible enough to allow for such micrositing or microrouting changes as may be advised during and after the application stage. This allows for unforeseen events, such as the discovery of previously unknown marine archaeology that it would be preferable to leave in situ.<br><br>The Secretary of State must also be satisfied that there is sufficient space to microsite/microroute for any proposal to be acceptable as a mitigation (e.g. any feature to avoid must not cover the full width of the assessed cable corridor). | The Authorised Development described in Parts 1 and 2 of Schedule 1 to the Draft Development Consent Order **[AS-022]** and the design parameters secured in Requirements 2 and 6 of Part 3 of Schedule 1 provide flexibility in the delivery of the Authorised Development to account for unforeseen events such as unknown marine archaeology and to micro-site where required to do so.<br><br>This approach has been recognised as appropriate for a wide range of Nationally Significant Infrastructure Projects and is described in PINS Advice Note 9: Rochdale Envelope (July 2018).<br><br>The parameters include the following:<br><br>• Maximum number of wind turbine generators ('WTG');<br>• Maximum dimensions of WTG;<br>• The foundation parameters of WTG;<br>• Separation distances between WTG;<br>• Maximum dimensions of offshore substation platforms and the offshore converter platform;<br>• The foundation parameters of offshore substation platforms and the offshore converter platform; and |

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| | | | • The number and length of cable systems and volume of cable protection for the cable systems.<br><br>The above parameters have been applied to the environmental impact assessment prepared and presented in the ES submitted with the Application. It is appropriate to impose these design parameters to ensure that the final development that is constructed has been subject to full environmental impact assessment. |
| Future Monitoring | 2.8.295 – 2.8.296 | Owing to the complex nature of offshore wind development, and the difficulty in establishing the evidence base for marine environmental recovery, the Secretary of State should, where appropriate, request the applicant undertake environmental monitoring (e.g. ornithological surveys, geomorphological surveys, archaeological surveys) prior to and during construction and operation.<br><br>The Secretary of State may consider that monitoring of any impact is appropriate. | The Offshore In-principle Monitoring Plan (IPMP) **[APP-245]** has been produced in order to provide the basis for delivering the monitoring measures as required by the conditions contained within the Deemed Marine Licences (DMLs) in the Draft Development Consent Order (DCO) **[AS-022]** and will be used as a basis for further discussions post consent.<br><br>The IPMP provides a key mechanism through which the relevant regulatory authorities can be assured that required offshore monitoring activities associated with the construction and operation of the offshore infrastructure for the Project will be formally controlled and mitigated. |
| Decommissioning | 2.8.297 | For guidance on the decommissioning, the Secretary of State should consult 2.8.10 and 2.8.88 of this NPS. | Impacts arising from decommissioning have been considered in each ES Chapter **[APP-013 – APP-048]**.<br><br>It is understood that the SoS will require a decommissioning programme satisfying the requirements of a section 105(8) of the Energy Act 2004 before any offshore construction works begin to demonstrate a commitment to ensure any long term environmental impacts are removed following decommissioning. |
| **Offshore wind environmental standards** | | | |
| Offshore wind environmental standards | 2.8.298 – 2.8.299 | Once the OWES Guidance is issued, the Secretary of State will expect applicants to have applied the relevant measures to their application.<br><br>The Secretary of State will consider an application for development consent in accordance with the OWES Guidance and/or its targets. Whether an application conforms to the OWES Guidance and/or targets (or any justification for departing from them) is likely to be material to the decision on development consent and, where relevant, will inform the Secretary of State's Habitats Regulations Assessment and Marine Conservation Zone assessment. | OWES Guidance has not yet come into force, however, the Applicant has submitted a DCO Application that complies with existing design standards and regulation. The Applicant has submitted an EIA and HRA as part of the DCO Application. |
| Impacts | 2.8.300 – 2.8.301 | The impacts identified in Part 5 of EN-1 and below, are not intended to be exhaustive.<br><br>The Secretary of State should consider any impacts which it determines are relevant and important to its decision. | Noted by the Applicant. |
| Biodiversity and Ecological Conservation | 2.8.302 | The Secretary of State should consider the effects of a proposed development on marine ecology and biodiversity, considering all relevant information made available by the applicant. | The Project has assessed the impacts on marine ecology and biodiversity as part of the ES **[APP-013 – APP-048]** and RIAA **[APP-173 – APP-182]**, and other supporting documents. Summaries of the relevant information have been presented |

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| | | | throughout this document in response to the specific policies contained within NPS EN-1, NPS EN-3, and NPS EN-5. |
| | 2.8.303 | The Secretary of State should be satisfied that, in the development of their proposal, the applicant has made appropriate, and extensive, use of up-to-date evidence from previous deployments and research results from scientific peer reviewed papers, and the programmes listed in paragraph 2.8.107 and assessed through HRA/MCZ processes (including the mitigation hierarchy), the impact on any protected species or habitats, as well as having regard to requirements set out in 5.4.39 of EN-1 (e.g. the Environment Act) and Good Environmental Status under the UK Marine Strategy. | Section 9 of the Marine Conservation Zone Assessment Report **[APP-237]** states that based on the information presented in the report which include assessments on the relevant broadscale habitats and habitat features of conservation interest, it can be concluded that the conservation objectives for the Blackwater, Crouch Roach and Colne (Estuaries MCZ) and the Kentish Knock East MCZ will not be hindered by the construction, operation and decommissioning phases of North Falls.<br>The Applicant has provided a Habitats Regulations Derogation Provision of Evidence **[APP-183]**, on a with and without prejudice basis to provide to the Secretary of State with the necessary information to support a clear and overriding case for NFOW. |
| | 2.8.304 | The designation of an area as a protected site (including SACs SPAs, and Ramsar sites, MCZs and SSSIs) does not necessarily restrict the construction or operation of offshore wind farms or offshore transmission in, near, or through that area (see also Sections 4.3 and 5.4 of EN-1). However, it may make consent for such construction more difficult to secure. | |
| | 2.8.305 – 2.8.306 | Where adverse effects on site integrity/conservation objectives are predicted, the Secretary of State should consider the extent to which the effects are temporary or reversible, and the timescales for recovery. The Secretary of State should also consider the extent to which the effects may impede achievement of the MPA target (including any interim target) set under the Environment Act 2021.<br>See paragraphs 2.8.90 and 2.8.298 of this NPS for further guidance on offshore wind environmental standards. | |
| Physical Environment | 2.8.307 – 2.8.308 | As set out in paragraphs 2.8.111 of this NPS the direct effects on the physical environment can have indirect effects on a number of other receptors.<br>Where indirect effects are predicted, the Secretary of State should refer to relevant sections of this NPS and EN-1. | The ES **[APP-013– APP-048]** and Planning Statement **[AS-004]** have concluded and demonstrated that there are no direct or indirect effects on the physical environment that cannot be mitigated.<br>Impacts on the physical marine environment (direct and indirect) are assessed in ES Chapter 8 Marine Geology, Oceanography and Physical Processes **[APP-022]** which concludes that the likely significant effects on the identified receptors during construction, operational and decommissioning phases of North Falls are 'negligible adverse' or 'no change' and therefore not significant. |
| | 2.8.309 | The Secretary of State must be satisfied that the design of the wind farm, offshore transmission and methods of construction, including use of materials, are such as to reasonably minimise the potential for impact on the physical environment. This could involve, for instance, the exclusion of certain foundations because of their impacts or minimising quantities of rock that are used to protect cables whilst taking into account other relevant considerations such as safety. | The project design and location have been shaped by early engagement with key stakeholders, including DEFRA, the public and various environmental and technical assessments. As an extension project NFOW is limited by its location. Nevertheless, NFOW is presented as sustainable, function and well designed. It has optimised its capacity within the technological, environmental and other constraints of the development.<br>Further design considerations of relevance to the offshore design are set out in the Design Vision **[APP-234]** and Design and Access Statement **[APP-235]**. |

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| Fish | 2.8.310 | The use of external cable protection has been suggested as a mitigation for EMF (by increasing the distance between fish species and individual cables). However, the Secretary of State should also consider any negative impacts from external cable protection on benthic habitats, and a balance between protection of various receptors must be made, with all mitigation and alternatives reviewed. | The impacts of cable protection on benthic habitats has been considered and assessed in accordance with the Scoping Opinion **[APP-260]** as set out in Section 10.6.2.2 of ES Chapter 10 Benthic and Intertidal Ecology **[APP-024]**.<br><br>The impacts of cable protection on other marine receptors has been considered in the relevant ES Chapters as follows:<br>• ES Chapter 11 Fish and Shellfish Ecology **[APP-025]**<br>• ES Chapter 12 Marine Mammals **[APP-026]**<br>• ES Chapter 14 Commercial Fisheries **[APP-028]**<br>• ES Chapter 15 Shipping and Navigation **[APP-029]** |
| Intertidal and coastal habitats and species | 2.8.311 | The Secretary of State should be satisfied that cable installation and decommissioning has been designed sensitively, considering intertidal/coastal habitats. | Cables will be buried where practicable, minimising the requirement for cable protection measures. This mitigation is secured through the cable specification and installation plan required as a condition of the Deemed Marine Licences contained within the Draft Development Consent Order **[AS-022]** which will ensure cable installation and decommissioning in sensitive to intertidal/coastal habitats. |
| Marine Mammals | 2.8.312 – 2.8.314 | The Secretary of State should be satisfied that the preferred methods of construction, in particular the construction method needed for the proposed foundations and the preferred foundation type, where known at the time of application, are designed reasonably to minimise significant impacts on marine mammals.<br><br>Unless suitable noise mitigation measures can be imposed by requirements to any development consent the Secretary of State may refuse the application.<br><br>The conservation status of cetaceans and seals are of relevance and the Secretary of State should be satisfied that cumulative and in-combination impacts on marine mammals have been considered. | As outlined in Section 12.3.2 of ES Chapter 12 Marine Mammals **[APP-026]**, selection of the types of foundations, construction methods and mitigation are designed to reasonably minimise significant effects on marine mammals.<br><br>The conservation status of relevant marine mammal species is included in Section 12.4.1.5.<br><br>The cumulative effects and in combination effects on marine mammals have been assessed in Section 12.7 of the ES and in the RIAAA respectively. |
| Birds | 2.8.315 – 2.8.316 | The Secretary of State must be satisfied that the collision risk and displacement assessments have been conducted to a satisfactory standard having had regard to the advice from the relevant statutory advisor.<br><br>The conservation status of seabirds is of relevance and the Secretary of State should take into account the views of the relevant statutory advisors and be satisfied that cumulative and in-combination impacts on seabird species have been considered. | The Applicant has consulted Natural England throughout the pre-application stage and following submission of the DCO application. Responses to all pre-application consultation regarding ornithology are provided in ES Appendix 13.1 Offshore Ornithology **[APP-102]** showing that the Applicant has had regard to advice from the relevant SNCB. The Applicant has also responded to Relevant Representations from Natural England regarding ornithology in the Applicant's Responses to Relevant Representations Received from Natural England **[9.3, (Rev 0)]**.<br><br>A compensation proposal for lesser black-backed gull (LBBG) in-combination collision risk is provided in the LBBG Compensation Document **[7.2.2, (Rev 1)]** and LBBG Compensation Implementation and Monitoring Plan (CIMP) **[7.2.2.1, (Rev 1)]**.<br><br>Compensatory measures are also provided for the following:<br>• In-combination collision risk on kittiwake from the Flamborough and Filey Coast SPA (see the kittiwake compensation document **[7.2.4, Rev 2]** and CIMP **[7.2.4.1, Rev 2]**; and |

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| | | | • In-combination displacement effects on guillemot from the Flamborough and Filey Coast SPA (see the guillemot and razorbill compensation document **[7.2.5 Rev 2]** and CIMP **[7.2.5.1 Rev 2]**.<br><br>In addition, without prejudice compensatory measures are provided for the following:<br><br>• In-combination displacement effects on red-throated diver from the Outer Thames Estuary SPA (see the red throated diver compensation document **[7.2.3, (Rev 2)]** and CIMP **[7.2.3.1, (Rev 2)]**;<br><br>• In-combination displacement effects on razorbill from the Flamborough and Filey Coast SPA (see the guillemot and razorbill compensation document **[7.2.5, Rev 2]** and CIMP **[7.2.5.1, Rev 2]**. |
| Subtidal habitats and species | 2.8.317 | The Secretary of State should be satisfied that activities have been designed considering sensitive subtidal environmental aspects, and discussions with the relevant conservation bodies have taken place. | Consultation was undertaken with key nature conservation stakeholders, as well as shipping and navigation stakeholders, the Ministry of Defence and Historic England to inform site selection of the offshore cable corridor. Through this process, the Applicant avoided sensitive subtidal habitat by avoiding any overlap with Marine Protected Areas with seabed habitats as a designated feature. In addition, following Section 42 feedback, the Applicant reduced the array area to avoid overlap with the Kentish Knock East Marine Conservation Zone. |
| Commercial fisheries and fishing | 2.8.318 – 2.8.324 | The Secretary of State should be satisfied that the site selection process has been undertaken in a way that reasonably minimises adverse effects on fish stocks, including during peak spawning periods and the activity of fishing itself.<br><br>The Secretary of State should consider the extent to which the proposed development occupies any recognised important fishing grounds, and whether the project would prevent or significantly impede protection of sustainable commercial fisheries or fishing activities.<br><br>Where the Secretary of State considers the wind farm or offshore transmission would significantly impede protection of sustainable fisheries or fishing activity at recognised important fishing grounds, this should be attributed a correspondingly significant weight.<br><br>The Secretary of State should consider adverse or beneficial impacts on different types of commercial fishing on a case-by case basis.<br><br>The Secretary of State should be satisfied that the applicant has sought to design the proposal having consulted the MMO or NRW in Wales, Defra or Welsh Government in Wales and representatives of the fishing industry with the intention of minimising the loss of fishing opportunity taking into account effects on other marine interests. Guidance has been jointly agreed by the renewables and fishing industries on how they should liaise, with the intention of allowing the two industries to co-exist successfully.<br><br>The Secretary of State will need to consider the extent to which disruption to the fishing industry, whether short term during pre | Consideration is given in to the potential impact on commercial fisheries resulting from likely significant effects associated with the Project on commercially exploited fish and shellfish species. A detailed assessment of the impacts of the Project on fish and shellfish species, including those of commercial importance, is provided in ES Chapter 11 Fish and Shellfish Ecology **[APP-025]**.<br><br>Consideration is given to the Project's impact on exclusion from established fishing grounds in Section 14.6.1.1 and Section 14.6.2.1 of ES Chapter 14 Commercial Fisheries **[APP-028].**<br><br>A detailed assessment of the impacts of the Project on fish and shellfish species, including the impacts on fishing grounds, is provided in ES Chapter 11 Fish and Shellfish Ecology **[APP-025]**.<br><br>The assessment methodology for protecting sustainable fisheries or fishing activity at recognised important fishing grounds is described within Section 14.4.3 of ES Chapter 14 Commercial Fisheries **[APP-028]**.<br><br>As shown in Table 14.10 of ES Chapter 14 Commercial Fisheries **[APP-028]**, both adverse and beneficial impacts on different types of commercial fisheries are considered in the impact assessment.<br><br>Section 14.2 of ES Chapter 14 Commercial Fisheries **[APP-028]** describes stakeholder consultation which has been undertaken to inform this chapter. This includes consultation with local (inshore) fleets as well as the MMO.<br><br>Consideration has been given to mitigating the effects of disruption on the fishing industry in Table 14.4 of ES Chapter 14 Commercial Fisheries **[APP-028]**. |

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| | | construction (e.g. surveying) or construction or long term over the operational period, including that caused by the future implementation of any safety zones, has been mitigated where reasonably possible.<br><br>Where an offshore wind farm or offshore transmission could affect a species of fish that is of commercial interest, but is also of ecological value, the Secretary of State should refer to Section 2.8.147 following of this NPS with regard to the latter. | Consideration has been given to Section 2.8.147 of the NPS in ES Chapter 11 Fish and Shellfish Ecology **[APP-025]** and referenced in Section 14.6.1.6 and Section 14.6.2.7.<br><br>Consideration is given in ES Chapter 14 Commercial Fisheries **[APP-028]** to the potential impact on commercial fisheries resulting from likely significant effects associated with the Project on commercially exploited fish and shellfish species. A detailed assessment o the impacts of the Project on fish and shellfish species, including those of commercial importance, is provided in ES Chapter 11 Fish and Shellfish Ecology **[APP-025]**. |
| Marine historic and environment | 2.8.325 | The Secretary of State should be satisfied that any proposed offshore wind farm and/ or offshore transmission project has appropriately considered and mitigated for any impacts to the historic environment, including both known heritage assets, and discoveries that may be made during the course of development. | ES Chapter 16 Offshore and Intertidal Archaeology and Cultural Heritage **[APP-030]** has evaluated the impacts of construction, operation and decommissioning activities, particularly focusing on direct effects on potential archaeological materials in the area.<br><br>Outline Offshore Written Scheme of Investigation WSI **[APP-246]** has been produced to establish the approach to further survey work to be undertaken for NFOW. |
| Navigation and shipping | 2.8.326 – 2.8.327 | The Secretary of State should not grant development consent in relation to the construction or extension of an offshore wind farm if it considers that interference with the use of recognised sea lanes essential to international navigation is likely to be caused by the development.<br><br>The use of recognised sea lanes essential to international navigation means:<br><br>• Anything that constitutes the use of such a sea lane for the purposes of article 60(7) of the United Nations Convention on the Law of the Sea 1982; and<br><br>• Any use of waters in the territorial sea adjacent to Great Britain that would fall within paragraph (a) if the waters were in a REZ. | ES Chapter 15 Shipping and Navigation **[APP-029]** and the Planning Statement **[AS-004]** has considered shipping and navigation and concludes that there are no residual impacts after mitigation. |
| | 2.8.328 – 2.8.329 | The Secretary of State should be satisfied that the site selection has been made with a view to avoiding or minimising disruption or economic loss to the shipping and navigation industries, with particular regard to approaches to ports and to strategic routes essential to regional, national and international trade, lifeline ferries and recreational users of the sea.<br><br>Where after carrying out a site selection, a proposed development is likely adversely to affect major commercial navigation routes, for instance by causing appreciably longer transit times, the Secretary of State should give these adverse effects substantial weight in its decision making. | As outlined in ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** the Applicant has engaged with PLA and HHA with regard to cable routeing and has implemented changes to the offshore cable corridor to minimise impacts on the key areas raised as being of concern. Changes made include:<br><br>• Shifting the offshore cable corridor further south from the Sunk Pilot Station;<br><br>• Shifting the offshore cable corridor south of the Harwich DW Channel;<br><br>• TSS crossing angle moved closer to 90 degrees; and<br><br>• Offshore cable corridor moved as far as practicable from the Sunk roundabout feature.<br><br>The final layout will be agreed with MCA and Trinity House. On this basis, and noting the majority of commercial vessel traffic already utilise the TSS lanes as well as the size of main commercial route deviations due to the presence of the buoyed construction areas (as outlined for the vessel displacement hazard) are small, it is |

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| | | | considered unlikely that the buoyed construction area will notably impact port / pilot access and arrival times and anything that will occur will be minimal and so schedules are not deemed to be impacted.<br><br>With the implementation of mitigation measures, North Falls is predicted to have 'tolerable' or 'broadly acceptable' effects on shipping and navigation receptors during all its phases (not significant in EIA terms). The effects are also as low as reasonably practicable.<br><br>There is potential for cumulative effects to occur with a number of other offshore wind farms and other projects. However, taking into account the mitigation commitments, it is not anticipated that cumulative effects are likely to be significant in EIA terms. |
| | 2.8.330 - 2.8.333 | Where a proposed offshore wind farm is likely to affect less strategically important shipping routes, the Secretary of State should take a pragmatic approach to considering proposals to minimise negative impacts.<br><br>The Secretary of State should be satisfied that risk to navigational safety is as low as reasonably practicable (ALARP). It is government policy that wind farms and all types of offshore transmission should not be consented where they would pose unacceptable risks to navigational safety after mitigation measures have been adopted.<br><br>The Secretary of State should be satisfied that the scheme has been designed to minimise the effects on recreational craft and that appropriate mitigation measures, such as buffer areas, are built into applications to allow for recreational use outside of commercial shipping routes.<br><br>In view of the level of need for energy infrastructure, where an adverse effect on the users of recreational craft has been identified, and where no reasonable mitigation is feasible, the Secretary of State should weigh the harm caused with the benefits of the scheme. | ES Appendix 15.1 Navigational Risk Assessment **[APP-106 – APP-108]** supports this DCO Application and sets out assessment in relation to ALARP and concludes that all risks are tolerable or broadly acceptable with mitigation where relevant.<br><br>Impacts on marine and coastal tourism and recreational activities, including recreational crafts are assessed in Section 32.6 of ES Chapter 32 Tourism and Recreation **[APP-046]**. |
| | 2.8.334 – 2.8.340 | The Secretary of State should make use of advice from the MCA, who will use the NRA described in paragraphs 2.8.189 and 2.8.190 above.<br><br>The Secretary of State should have regard to the extent and nature of any obstruction of or danger to navigation which (without amounting to interference with the use of such sea lanes) is likely to be caused by the development in determining whether to grant consent for the construction, or extension, of an offshore wind farm, and what requirements to include in such a consent.<br><br>The Secretary of State may include provisions, compliant with national maritime legislation and United Nations Convention on the Law of the Sea (UNCLOS), within the terms of a development consent as respects rights of navigation so far as they pass through | The Navigational Risk Assessment **[APP-106 – APP-108]** follows the Maritime and Coastguard Agency (MCA) methodology under Marine Guidance Note (MGN) 654 (MCA, 2021) in particular Annex 1: Methodology for Assessing the Marine Navigational Safety & Emergence Response Risks of Offshore Renewable Energy Installations, and includes:<br><br>• Outline of methodology applied in the NRA;<br>• Summary of consultation undertaken with shipping and navigation stakeholders to date;<br>• Lessons learnt from previous offshore wind farm developments;<br>• Summary of the project description relevant to shipping and navigation;<br>• Baseline characterisation of the existing environment; |

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| | | waters in or adjacent to Great Britain which are between the mean low water mark and the seaward limits of the territorial sea.<br>The provisions may specify or describe rights of navigation which:<br>• Are extinguished;<br>• Are suspended for the period that is specified in the DCO;<br>• Are suspended until such time as may be determined in accordance with provisions contained in the DCO; and<br>• Are exercisable subject to such restrictions or conditions, or both, as are set out in the DCO.<br>The Secretary of State should specify the date on which any such provisions are to come into force, or how that date is to be determined.<br>The Secretary of State should require the applicant to publish any provisions that are included within the terms of the DCO, in such a manner as appears to the Secretary of State to be appropriate for bringing them, as soon as is reasonably practicable, to the attention of persons likely to be affected by them.<br>The Secretary of State should include provisions as respects rights of navigation within the terms of a DCO only if the applicant has requested such provision be made as part of their application for development consent. | • Discussion of potential impacts on navigation, communication and position fixing equipment;<br>• Cumulative and transboundary overview;<br>• Future case marine traffic characterisation;<br>• Collision and allision risk modelling Assessment of navigational risk (following the Formal Safety Assessment (FSA) process);<br>• Outline of embedded mitigation measures; and<br>• Completion of MGN 654 Checklist.<br>The shipping and navigation baseline and risk assessment has been undertaken based upon the information available and responses received at the time of preparation, including the Maximum Design Scenario.<br>The Outline Navigation and Installation Plan (NIP) **[APP-259]** serves as a mechanism and is considered an embedded mitigation to reduce the significance of effect associated with shipping and navigation impacts, including vessel displacement, increased third party to third party vessel collision risk, third-party with project vessel collision risk, reduced access to local ports and harbours including pilotage operations, and reduction in under keel clearance to non significant levels.<br>The Draft Development Consent Order **[AS-022]** under Requirement 29 stipulates that no wind turbine generator or offshore platform may be erected within the area set out by the co-ordinates in the table in sub-paragraph (3), unless the Maritime and Coastguard Agency (MCA) provides its approval. This requirement is included as shipping and navigation mitigation, subject to detailed design. Sub-paragraph (2) provides that any infrastructure installed within that area must be in accordance with the approval of the MCA. |
| Other offshore infrastructure and activities | 2.8.341 – 2.8.348 | There are statutory requirements concerning automatic establishment of navigational safety zones relating to offshore petroleum developments.<br>Where a proposed offshore wind farm potentially affects other offshore infrastructure or activity, a pragmatic approach should be employed by the Secretary of State.<br>Much of this infrastructure is important to other offshore industries as is its contribution to the UK economy.<br>In such circumstances, the Secretary of State should expect the applicant to work with the impacted sector to minimise negative impacts and reduce risks to as low as reasonably practicable.<br>As such, the Secretary of State should be satisfied that the site selection and site design of a proposed offshore wind farm and offshore transmission has been made with a view to avoiding or minimising disruption or economic loss or any adverse effect on safety to other offshore industries. Applicants will be required to | Table 18.16 of ES Chapter 18 Infrastructure and Other Users **[APP-032]** provides a summary of the potential environmental effects of the Project. With the implementation of mitigation measures, North Falls is predicted to have no greater than minor adverse (not significant in EIA terms) effects on the infrastructure and other users during all its phases.<br>There is potential for cumulative effects to occur with a number of other offshore wind farms and other projects however, when considering proposed mitigation measures, it is not anticipated that cumulative effects are likely to be significant in EIA terms.<br>ES Appendix 15.1 Navigational Risk Assessment **[APP-106 – APP-108]** sets out assessment in relation to ALARP and concludes that all risks are tolerable or broadly acceptable with mitigation where relevant. |

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| | | demonstrate that risks to safety will be reduced to as low as reasonably practicable.<br><br>The Secretary of State should not consent applications which pose intolerable risks to safety after mitigation measures have been considered.<br><br>Where a proposed development is likely to affect the future viability or safety of an existing or approved/licensed offshore infrastructure or activity, the Secretary of State should give these adverse effects substantial weight in its decision-making.<br><br>Providing proposed schemes have been carefully designed, and that the necessary consultation with relevant bodies and stakeholders has been undertaken at an early stage, mitigation measures may be possible to negate or reduce effects on other offshore infrastructure or operations to a level sufficient to enable the Secretary of State to grant consent. | |
| Seascape and visual effects | 2.8.349 – 2.8.350 | The Secretary of State should assess the proposal in accordance with the policy set out in the landscape and visual impacts Section 5.10 of EN-1.<br><br>Where an application relates to a proposed development that is at such a distance that it would not be visible from the shore the Secretary of State may conclude that an SLVIA will not be required. | ES Chapter 29 Seascape, Landscape and Visual Impact Assessment **[APP-043]** evaluates the potential impact on the seascape, landscape and visual amenity surrounding the offshore elements of NFOW. The overall conclusion is that there will be no significant effects on these aspects. |
| | 2.8.350 – 2.8.352 | Where a proposed offshore wind farm is within sight of the coast, there may be adverse effects. The Secretary of State should not refuse to grant consent for a development solely on the ground of an adverse effect on the seascape or visual amenity unless:<br><br>• It considers that an alternative layout within the identified site could be reasonably proposed which would minimise any harm, taking into account other constraints that the applicant has faced such as ecological effects, while maintaining safety or economic viability of the application; or<br><br>• It takes account of the sensitivity of the receptor(s) and impacts on the statutory purposes of designated landscapes as set out in section 5.10 of en-1; and decides that the harmful effects outweigh the benefits of the proposed scheme. See also critical national priority (section 3 of this NPS)<br><br>Where adverse effects are anticipated either during the construction or operational phases, in coming to a judgement the Secretary of State should consider the extent to which the effects are temporary or reversible. | ES Chapter 29 Seascape, Landscape and Visual Impact Assessment **[APP-043]** assesses the potential impact upon the seascape, landscape and visual amenity surrounding the offshore elements of NFOW. Seascape and Landscape impacts have been mitigated as far as practicable. It is considered that there will be no significant effects upon the seascape, landscape and visual amenity surrounding NFOW. The Planning Statement **[AS-004]** has concluded in line with Paragraph 4.6.3 of EN-1, the SoS should give appropriate weight to be benefits of NFOW when considering the planning balance. |

## 7. TABLE 1 – NPS EN-5 COMPLIANCE TABLE

| SECTION | NPS PARAGRAPH | NPS EN-5 POLICY WORDING | ACCORDANCE WITH NPS POLICY |
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| **Part 1 – Introduction** | | | |
| **1.1 – Background** | | | |
| Background | 1.1.5 | As identified in EN-1, government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure. This includes: for electricity grid infrastructure, all power lines in scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure such as substations. This is not limited to those associated specifically with a particular generation technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the National Electricity Transmission System. These are viewed by the government as being CNP infrastructure and should be progressed as quickly as possible. | North Falls is an offshore wind project and therefore falls under a generation technology defined within Paragraph 3.3.6 of NPS EN-1.<br><br>There is a need for North Falls to make a substantial contribution towards the UK's energy targets. This is also considered within the Planning Statement **[AS-004]** and Needs Case and Project Benefits Statement **[APP-232]** which outlines that projects like North Falls should be viewed as being essential for achieving the UK's net zero emissions target by 2050 and should be progressed as quickly as possible. The Project should be attributed significant weight for meeting a need for Critical National Priority infrastructure. |
| **1.6 – Infrastructure covered by this NPS** | | | |
| Infrastructure covered by this NPS | 1.6.1 | Infrastructure for electricity networks generally can be divided into two main elements:<br><br>• Transmission systems (the long-distance transfer of electricity through 400kv and 275kv lines), and distribution systems (lower voltage lines from 132kv to 230V from transmission substations to the end-user) which can either be carried on towers/monopoles, or undergrounded; and associated infrastructure, e.g. Substations (the essential link between generation, transmission, and<br><br>• The distribution systems that also allows circuits to be switched or voltage transformed to a useable level for the consumer) and converter stations to convert DC power to AC power and vice versa. These are particularly relevant to the conversion of long-distance offshore DC transmission to AC, when it arrives onshore for distribution. | ES Chapter 5 Project Description **[APP-019]** presents the description of the onshore and offshore transmission system, and the associated infrastructure.<br><br>A detailed description of the transmission system including cable components required for the Project under grid connection Options, 1, 2, and 3 is provided in Section 1.4 and Section 1.5 of the Cable Statement **[APP-262]**. |
| | 1.6.2 – 1.6.4 | This NPS covers above ground electricity lines:<br><br>• Whose nominal voltage is expected to be 132kv or above (other than a 132kv line associated with the construction or extension of a devolved Welsh generating station);<br><br>• Whose length is greater than 2km; | Th Project does not propose any above ground electricity lines.<br><br>The Project, as outlined in Section 1.4 of the Explanatory Memorandum **[AS-024]**, comprises of the Authorised Development which comprises of Work No.1.<br><br>The 'Associated Development' for the purposes of section 115 of the PA2008 comprises Work Nos. 2 to 14 of the Authorised Development which are set out in |

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| | | • That are not a replacement line falling within Section 16(3)(ab) of the 2008 Act; and<br>• That are not otherwise exempted for reasons set out in Sections 16(3)(b) and (c), (3A) and (3B) of the 2008 Act.<br>It should be noted that electricity networks infrastructure is often referred to as 'grid' infrastructure by many and that term is used in other NPSs. In EN-5 the term 'electricity networks' is used.<br>In addition, this NPS will apply to other kinds of electricity networks infrastructure including offshore transmission of any type (defined at section 2.12.4), underground cables at any voltage, associated infrastructure as referred to above and lower voltage overhead lines, where that infrastructure becomes subject to the 2008 Act in the following circumstances:<br>• If it constitutes associated development for which consent is sought along with an NSIP such as an offshore wind generating station or relevant overhead line; or<br>• If the Secretary of State gives a direction under Section 35 of the 2008 Act (for developments which, when completed, will be wholly in one or more of the areas specified in subsection 35(3)) that it should be treated as an NSIP and requires a development consent order (DCO). | Schedule 1 Part of the Draft Development Consent Order **[AS-022]**. Schedule 1 Part 2 of the Draft Development Consent Order **[AS-022]** also includes consent for Ancillary Works.<br>It is considered that the relevant NPS EN-5 policies apply to the Project's electricity networks infrastructure. |
| **Part 2: Assessment and Technology Specific Information** | | | |
| **2.2 – Factors influencing site selection and design** | | | |
| | | | |
| Factors influencing site selection and design | 2.2.1 – 2.2.5 | The Secretary of State should bear in mind that the initiating and terminating points – or development zone – of new electricity networks infrastructure is not substantially within the control of the applicant.<br>Siting is determined by:<br>• The location of new generating stations or other infrastructure requiring connection to the network, and/or<br>• System capacity and resilience requirements determined by the electricity system operator.<br>These twin constraints, coupled with the government's legislative commitment to net zero by 2050, strategic commitment to new interconnectors with neighbouring North Seas countries7 and an ambition of up to 50GW of offshore wind generation by 2030, means that very significant amounts of new electricity networks | NFOW note the fact that there are external factors which influence the location of the electricity networks infrastructure for North Falls. NFOW has been in discussion with National Grid with respect to the location of the EACN and have also created flexibility within the Draft Development Consent Order **[AS-022]** with respect to the possibility of an offshore connection via the Sea Link Project (interconnector).<br>NFOW has been a lead participant in the Offshore Transmission Network Review (OTNR) and Offshore Coordination Support Scheme (OCSS)) and is cognisant of the need to ensure strategic coordination with other NSIPs. Further information is provided within Section 3 of the Co-ordination Report **[AS-006]** as to the role of NFOW in this process and the status of the OTNR and OCSS.<br>Whilst the Applicant is aware it retains control for identifying routeing it has sought to coordinate with Five Estuaries to reduce impacts on local communities and the environment by ensuring a shared landfall location, cable route corridor, and a co-located onshore substation works area for both project's substations.<br>It is considered that the Project is in accordance with paragraphs 2.2.1 – 2.2.5. |

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| | | infrastructure is required, including in areas with comparatively little build-out to date.<br><br>However, a strategic and holistic approach to onshore and offshore network planning, as set out in paragraphs 2.7 – 2.8, will identify the most efficient way of meeting decarbonisation targets and should reduce the overall amount of network infrastructure required.<br><br>Additionally, applicants retain control in managing the identification of routing and site selection between the identified initiating and terminating points or within the development zone. | |
| | 2.2.6 | Moreover, the locational constraints identified above do not, of course, exempt applicants from their duty to consider and balance the site-selection considerations set out below, much less the policies on good design and impact mitigation detailed in sections 2.4-2.9. | ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** details the site selection process undertaken and the relevant policies in relation to good design are considered in the Design and Access Statement **[APP-235]** and the Design Vision **[APP-234]**. North Falls has pursued a co-ordinated approach with Five Estuaries to minimise the impacts where practicable arising from the two projects and to ensure a co-ordinated landfall location, onshore cable corridor, and onshore substation works area.<br><br>Selecting locations as individual projects for the aforementioned infrastructure would have potentially resulted in a more simplified engineering solution for either project but the Applicant has recognised the importance of co-ordination and the need to work collaboratively with other NSIPs, in the context of the potential cumulative impacts and the policy requirements on co-ordination.<br><br>It is considered that the Project is in accordance with paragraph 2.2.6. |
| | 2.2.7 – 2.2.9 | The connection between the initiating and terminating points of a proposed new electricity line will often not be via the most direct route. Siting constraints, such as engineering, environmental or community considerations will be important in determining a feasible route.<br><br>There will usually be a degree of flexibility in the location of the development's associated substations, and applicants should consider carefully their location, as well as their design.<br><br>In particular, the applicant should consider such characteristics as the local topography, the possibilities for screening of the infrastructure and/or other options to mitigate any impacts. (See Section 2.10 below and Section 5.10 in EN-1.) | Section 4.9 of ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** outlines the approach undertaken with respect to the onshore cable route including the collaboration undertaken with Five Estuaries to establish a corridor.<br><br>Section 4.8 of Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** sets out the methodology for establishing an appropriate location for the onshore substation that has included suitable locations for co-locating with Five Estuaries' onshore substation. The methodology included identifying an area of search, then a long list, a short-list, and a further series of studies of the short-listed options.<br><br>The onshore substation zone identified through this process is an approximately 60ha area located either side of Ardleigh Road to the east of the village of Ardleigh in Tendring district, Essex.<br><br>Further refinement was undertaken post-PEIR in collaboration with Five Estuaries. Factors for both the substation and cable route that were considered included: existing utilities and environmental constraints (overhead lines, residential receptors; existing mature trees and drainage features; buried heritage); the availability of landscaping; drainage requirements; access; Horizontal Directional Drilling techniques for the installation of cables to reduce impacts on sensitive receptors; ongoing connection to the national grid; and technical electrical requirements.<br><br>It is considered that the Project is in accordance with paragraphs 2.2.7 – 2.2.9. |

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| | 2.2.10 | As well as having duties under Section 9 of the Electricity Act 1989, (in relation to developing and maintaining an economical and efficient network), applicants must take into account Schedule 9 to the Electricity Act 1989, which places a duty on all transmission and distribution licence holders, in formulating proposals for new electricity networks infrastructure, to "have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and …do what **[**they**]** reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.. | The Project has sought to minimise its impacts on the environment through a careful site selection process as outlined in ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** – See Section 4.6 with respect to identification of landfall location, Section 4.8 with respect to identification of the onshore substation, and Section 4.9 with respect to identification of the onshore cable route.<br><br>This exercise included considering a range of factors and sought to avoid sensitive receptors in the site selection process. For the Onshore Substation a series of further studies were undertaken as outlined in Table 4.4 of ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** to further refine the selected location.<br><br>The site selection process included a constraint mapping exercise which considered the relevant factors. For example, regard to 'natural beauty' was considered when including National Parks and National Landscapes, and registered parks and gardens. Regard to Flora and Fauna was considered with respect to designations such as SPAs, Ramsar sites, SSSIs, Ancient Woodland, and Local Nature Reserves. Regard to geological or physiographical features of special interest and of protecting sites was considered with respect to Flood Zones 2 and 3, agricultural land classification, and historic landfill sites. Regard to buildings and objects of architectural, historic or archaeological interest was considered with respect to including conservation areas, listed buildings, and scheduled monuments within the site selection process.<br><br>Where likely significant effects could not be avoided appropriate mitigation is secured as outlined in the Schedule of Mitigation **[APP-012]**.<br><br>Overall, it is considered that the Applicant has had due regard to regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest and has where necessary reasonably mitigated any likely significant effects. The Environmental Statement and Habitats Regulation Assessment have appropriately considered the impacts of the Project with respect to the matters referred to in paragraph 2.210.<br><br>It is considered that the Project is in accordance with paragraph 2.2.10. |
| | 2.2.11 | Depending on the location of the proposed development, statutory duties under Section 85 of the Countryside and Rights of Way Act 2000, Section 11A of the National Parks and Access to the Countryside Act 1949 (as amended by Section 62 of the Environment Act 1995), and Section 17A of the Norfolk and Suffolk Broads Act 1988 may be relevant. Applicants should note amendments to each of these provisions contained in Section 245 of the Levelling Up and Regeneration Act 2023. | The Applicant notes the amendments to Section 85 of the Countryside and Rights of Way Act 2000 that are relevant in this case.<br><br>As stated in ES Chapter 30 Landscape and Visual Impact Assessment **[APP-044]** the site is not located in any nationally designated landscapes (National Parks or National Landscape) or locally designated landscapes (Areas of Special Character, as identified in the emerging Tendring District Local Plan 2013-2033 and beyond, publication draft).<br><br>The Suffolk Coast and Heaths National Landscape is located outside of the study area being situated around 2km to the north of the onshore substation. The Viewpoint assessment in ES Chapter 30 Landscape and Visual Impact Assessment **[APP-044]** confirms that visibility from the National Landscape, towards the onshore substation zone is limited. Due to distance and the limited nature of actual |
| | 2.2.12 | Transmission and distribution licence holders are also required under Schedule 9 to the Electricity Act 1989 to produce and publish a statement setting out how they propose to perform this duty generally. | |

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| | | | visibility, landscape effects on the special qualities of the National Landscape are unlikely to be significant.<br><br>The Dedham Vale National Landscape is located to the north-west of the study area. ES Chapter 30 Landscape and Visual Impact Assessment **[APP-044]** outlines that the potential for notable views of the onshore substation from this designated landscape is considered unlikely, given the more inland location, narrower nature of the river corridor and intervening vegetation.<br><br>The Project has committed to incorporating sensitive lighting to adhere to the guidance set out in the Lighting Design Guide for Dedham Vale National Landscape, wherever possible to preserve the dark sky environment.<br><br>The Applicant notes that the amended duties under Section 85 of the Countryside and Rights of Way Act 2000 are placed on relevant authorities.<br><br>ES Chapter 30 Landscape and Visual Impact Assessment **[APP-044]** concludes no significant effects during operation on the National Landscapes aforementioned and therefore is consistent with the principle of conserving and enhancing the National Landscapes.<br><br>The Applicant considers that the Project is consistent with the duty placed on the relevant authority to have regard to its duty to seek to further the purposes of conserving and enhancing the natural beauty of the National Landscapes, in this case the Suffolk Coast and Heaths National Landscape and Dedham Vale National Landscape.<br><br>It is considered the Project is in accordance with paragraph 2.2.11 and 2.2.12. |
| **2.3 – Climate change adaptation and resilience** | | | |
| Climate change adaptation and resilience | 2.3.1 – 2.3.2 | Section 4.10 of EN-1 sets out the generic considerations that applicants and the Secretary of State should take into account in order to ensure that electricity networks infrastructure is resilient to the effects of climate change.<br><br>As climate change is likely to increase risks to the resilience of some of this infrastructure, from flooding for example, or in situations where it is located near the coast or an estuary or is underground, applicants should in particular set out to what extent the proposed development is expected to be vulnerable, and, as appropriate, how it has been designed to be resilient to:<br><br>• Flooding, particularly for substations that are vital to the network; and especially in light of changes to groundwater levels resulting from climate change;<br><br>• The effects of wind and storms on overhead lines;<br><br>• Higher average temperatures leading to increased transmission losses;<br><br>• Earth movement or subsidence caused by flooding or drought (for underground cables); and | Each ES Chapter under 'Future trends in baseline conditions' includes an assessment of the impacts on the baseline environment arising from climate change without the Project.<br><br>The projected impacts of climate change over the operational lifetime of the Project have been considered as part of the Climate Change Risk Assessment (CCRA), which is presented in Section 33.6.2 of ES Chapter 33 Climate Change **[APP-047].**<br><br>The CCRA presents the projected impacts of climate changes across a range of scenarios and considers the direct impacts of climate change on the Project, as provided in Section 33.5.2 and Section 33.6.2 of ES Chapter 33 Climate Change **[APP-047]** respectively. The high emissions scenario (RCP 8.5) for future climate baseline has been considered in the assessment.<br><br>Climate change resilience mitigation measures have been considered as part of the assessment and outline in Section 33.3.3 of ES Chapter 33 Climate Change **[APP-047]**.<br><br>The latest UK Climate projections have been used in the assessment, see Section 33.5.2.2. Further information on the assessment of flood risk for the Project is provided in ES Chapter 21 Water Resources and Flood Risk **[APP-035]** which has been prepared in accordance with the methodology and guidance set out in the Environment Agency Flood Risk Assessment: Climate Change Allowance (2016) |

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| | | • Coastal erosion – for the landfall of offshore transmission cables and their associated substations in the inshore and coastal locations respectively. | guidance. ES Appendix 21.3 Flood Risk Assessment **[APP-121]** includes an assessment of flood risk from all sources of flooding.<br><br>An Outline Operational Drainage Strategy has been developed for the Project **[APP-254]**. This Outline Operational Drainage Strategy outlines the principles of the strategy to manage surface water runoff during operation. Post-consent, a detailed Operational Drainage Plan to be developed based on the outline developed to date. Production of this plan is secured by DCO Requirement.<br><br>The Outline Operational Drainage Strategy states that the final Operational Drainage Plan would be designed to meet the technical requirements set out in the National Planning Policy Framework (NPPF). The surface water drainage system would use SuDS techniques which would be accommodated primarily within the onshore substation works area. Surface water discharge rates would be controlled to prevent any increase in flood risk to surrounding land from present day levels.<br><br>Some form of surface water attenuation could be required with sufficient capacity to retain a peak rainfall event (100-year event plus climate change). Controls would be in place to ensure that water discharge back to the surrounding area matches the existing greenfield runoff rates, discharging into the closest watercourse, which will be the drainage ditch location south of Ardleigh Road. The full specification for the water attenuation and drainage system would be addressed as part of detailed design post-consent. |
| | 2.3.3 | Section 4.10 of EN-1 advises that the resilience of the project to the effects of climate change must be assessed in the Environmental Statement (ES) accompanying an application. For example, future increased risk of flooding would be covered in any flood risk assessment (see Sections 5.8 in EN-1). Consideration should also be given to coastal change (see sections 5.6 in EN1). | |
| **2.4 Consideration of good design for energy infrastructure** | | | |
| Consideration of good design for energy infrastructure | 2.4.1 – 2.4.4 | The Planning Act 2008 requires the Secretary of State to have regard, in designating an NPS, and in determining applications for development consent to the desirability of good design.<br><br>Applicants should consider the criteria for good design set out in EN 1 Section 4.7 at an early stage when developing projects.<br><br>However, the Secretary of State should bear in mind that electricity networks infrastructure must in the first instance be safe and secure, and that the functional design constraints of safety and security may limit an applicant's ability to influence the aesthetic appearance of that infrastructure.<br><br>While the above principles should govern the design of an electricity networks infrastructure application to the fullest possible extent – including in its avoidance and/or mitigation of potential adverse impacts (particularly those detailed in Sections 2.9 below) – the functional performance of the infrastructure in respect of security of supply and public and occupational safety must not thereby be threatened. | The Design Vision **[APP-234]** sets out the process for developing the detailed design of the Onshore Scheme and sets out the design expectations through the design principles with which the design will be consistent with.<br><br>The design process has sought to balance the functional requirements for the Onshore Scheme whilst at the same time considering the overall design and siting; this has included undergrounding cabling, minimising above ground plant, sensitively locating the onshore substation to avoid areas with adverse effects, and proposing appropriate landscape mitigation and biodiversity enhancements at the onshore substation.<br><br>Section 4.6, 4.8, and 4.9 of ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** provides an explanation of the process undertaken by NFOW on the siting and location of the landfall location, onshore cable route, and onshore substation. This has included co-ordination with Five Estuaries and National Grid in relation to the East Anglia Connection Node substation. This coordination has led to a shared landfall location of Kirby Brook, a shared onshore cable corridor, and a co-located onshore substation zone for Five Estuaries and North Falls. This has reduced the cumulative impacts of developments and has been achieved through on-going engagement with the local community and other stakeholders including Tendring District Council and Essex County Council. |
| **2.5 – Environmental and Biodiversity Net Gain** | | | |

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| Environmental and Biodiversity Net Gain | 2.5.1 | When planning and evaluating the proposed development's contribution to environmental and biodiversity net gain, it will be important – for both the applicant and the Secretary of State – to supplement the generic guidance set out in EN-1 (Section 4.6) with recognition that the linear nature of electricity networks infrastructure can allow for excellent opportunities to:<br>• Reconnect important habitats via green corridors, biodiversity stepping zones, and reestablishment of appropriate hedgerows; and/or<br>• Connect people to the environment, for instance via footpaths and cycleways constructed in tandem with environmental enhancements. | The Biodiversity Net Gain Strategy **[APP-257]** sets out the strategy of assessing and securing BNG for onshore elements of the project, and includes the following:<br>• A summary of the relevant legal and policy background;<br>• The proposed outline approach to delivering BNG for the project;<br>• The proposed approach to calculating biodiversity units required to secure BNG for the project, highlighting and justifying instances where this deviates from Department for Environment Food and Rural Affairs (Defra) guidance for applications under the Town and Country Planning Act 1990 (Defra, 2024); and<br>• The deliverables associated with the Project's Early Design BNG Assessment (provided as Appendix A of the Biodiversity Net Gain Strategy **[APP-257]**.<br>Figure 3, Annex 2 of Appendix A of the Biodiversity Net Gain Strategy **[APP-257]** shows the proposed indicative habitat plan and landscaping which contribute towards BNG, under the 'project-alone' scenario.<br>Figure 4, Annex 2 of Appendix A of the Biodiversity Net Gain Strategy **[APP-257]** shows the proposed indicative habitat plan and landscaping which contribute towards BNG, under the 'cumulative' scenario, where both North Falls and Five Estuaries are constructed.<br>Requirement 21 of the Draft Development Consent Order **[AS-022]** stipulates that none of the onshore works may commence until a biodiversity net gain assessment has been submitted and approved by the Relevant Planning Authority. |
| **2.6 – Land Rights and Land Interests** | | | |
| Land Rights and Land Interests | 2.6.1 – 2.6.5 | In order to be lawfully able to install, inspect, maintain, repair, adjust, alter, replace or remove an electricity line (above or below ground), its related equipment (such as monopoles, pylons/transmission towers, transformers and cables), and/or its associated mitigation or enhancement schemes, applicants must:<br>• Own the land on, over, or under which the relevant activity is to take place; or<br>• Hold sufficient rights over or interests in that land (typically in the form of an easement); or<br>• Have permission for the activity from the present owner or occupier of that land (typically in the form of a wayleave).<br>Where the applicant does not own or wish to own the land in question, it should try to reach a voluntary agreement giving it sufficient rights and/or permissions to undertake the relevant work.<br>As a last resort, where it does not succeed in reaching the agreement that it requires, the network company may, as part of its application to the Secretary of State, seek to acquire rights | The Statement of Reasons **[AS-028]** has been prepared in accordance with the provisions of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ('the 2009 Regulations').<br>The Draft Development Consent Order **[AS-022]** contains powers to enable the acquisition of land, new rights over land and the imposition of restrictions that are required to construct, operate and maintain and decommission the Project. In addition, it contains powers sought for the possession and use of land on a temporary basis to facilitate the construction of the Project. These powers in the Draft DCO relate to the Order Land only.<br>The Applicant has been seeking to acquire the relevant freehold interests and other rights over land required by agreement, in order to allow for the construction, operation and decommissioning of the Project.<br>The Applicant has sent out Heads of Terms ('HoTs') to the majority of landowners and will continue to endeavour to purchase the land, the rights and other interests by agreement, wherever possible, from all affected landowners. In respect of landowners where HoTs have not yet been issued, the reasons for this are discussed in the Schedule of Negotiations (Document Reference: 6.6).<br>As part of a collaborative approach with Five Estuaries, tripartite HoTs have been drafted in order to avoid separate land use agreements. This approach enables |

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| | | compulsorily over the land in question by means of a provision in the DCO.<br><br>In such cases (i.e. where the compulsory acquisition of rights is sought) permanent arrangements are strongly preferred over voluntary wayleaves (which could, for example, be terminable on notice by the landowner) in virtue of their greater reliability and economic efficiency and reflecting the importance of the relevant infrastructure to the nation's net zero goals.<br><br>The applicant may also seek the compulsory acquisition of land. This will not normally be necessary where lines and cables are installed but may be sought where other forms of electricity networks infrastructure (such as new substations) are required. | landowners to negotiate only one agreement (rather than two) and ensures that a consistent approach is taken to the acquisition of the necessary land and rights in land across both projects. The approach of making the application for powers of compulsory acquisition in the Application and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land ('CA Guidance').<br><br>The Statement of Reasons **[APP-009]** demonstrates that the inclusion of powers of compulsory acquisition in the Order for the purposes of the Project meets the requirements of Section 122 of the PA 2008 as well as the considerations in the CA Guidance.<br><br>A description of the intended use of the land and rights to be acquired compulsorily has been provided.<br><br>In summary, the compulsory acquisition of the Order Land or rights over the Order Land (including restrictions), together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights, is required for the purposes of, to facilitate, or are incidental to, the Project and are proportionate and no more than is reasonably necessary.<br><br>Furthermore, there is a compelling case in the public interest for the land or rights over the land to be compulsorily acquired given the meaningful and timely contributions offered by the Project to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life.<br><br>The Statement of Reasons **[AS-028]** forms part of the suite of documents submitted with the application for a DCO. The Statement should be read in conjunction with the other DCO application documents that relate to the compulsory acquisition powers sought by the Applicant, including:<br><br>• Draft Development Consent Order **[AS-022]**<br>• Explanatory Memorandum **[AS-024]**<br>• Book of Reference **[AS-026]**<br>• Funding Statement **[APP-008]**<br>• Schedule of Negotiations **[APP-010]**<br>• Land Plans **[APP-198]**<br>• Crown Land Plan **[APP-198]**<br>• Special Category Land Plan **[APP-200]**<br>• Works Plans Onshore **[APP-201]** |
| **2.7 – Holistic Approach** | | | |
| Holistic planning | 2.7.1 – 2.7.5 | EN-1 explains in Section 4.10 that the Planning Act 2008 aims to create a holistic planning regime, such that the cumulative effects of the same project can be considered together. Co-ordinated applications typically bring economic efficiencies and reduced environmental impact.<br><br>Accordingly, the government envisages that, wherever reasonably possible, applications for new generating stations and their related | North Falls and Five Estuaries have been allocated the same grid connection point to the national electricity transmission network and have been considering similar landfall locations for their export cables to come ashore.<br><br>Following the consultations carried out by both projects, and in response to requests for closer coordination, the two projects have worked together to develop a shared export cable corridor, landfall location, and single co-located zone for both onshore substations. |

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| | | infrastructure should be contained in a single application to the Secretary of State. However, a consolidated approach of this kind may not always be possible, nor represent the most efficient strategy for delivery of new infrastructure.<br><br>This could be, for example, due to the differing lengths of time needed to prepare the applications for submission to the Secretary of State, or because a network application relates to multiple generation projects (which could be onshore or offshore), or because the works involved are strategic reinforcements required for a number of reasons.<br><br>It may also be the case that the networks infrastructure application and the application for a related generating station will of necessity come from different legal entities, or from entities subject to different commercial and regulatory frameworks.<br><br>It will also be common for applications to be submitted for the general purpose of reinforcing the network, which will be critical to deliver especially in light of the drive towards net zero, including the ambition for up to 50GW of offshore wind by 2030, and a CNP (see EN-3). | Co-ordinated activities to date have included export cable corridor definition to ensure that the number of cables crossing the intertidal/coastal zone are minimised. The shared design keeps the potential impacts from the projects to a single swathe of land and enables coordination during construction, which has the potential to significantly reduce the impacts associated with the construction phase.<br><br>In order to realise these benefits during construction, the two projects need reach their decision points on whether to proceed with the projects (also known as their Financial Investment Decisions (FIDs) within three years of each other. The shorter the gap between the projects' FIDs, the more coordination in construction can be achieved.<br><br>Further details of the coordinated approach to construction and the delivery scenarios are explained within Section 6.4 and shown in Table 6.1 of the Co-ordination Report **[AS-006]**. |
| **2.8 – Strategic Network Planning** | | | |
| Strategic Network Planning | 2.8.1 – 2.8.8 | A more strategic approach to network planning will ensure that network development keeps pace with renewable generation and anticipates future system needs. Strategic network planning, such as through the Holistic Network Design and its follow up exercises or through forthcoming Centralised Strategic Network plans, helps reduce the overall impact of infrastructure by identifying opportunities for coordination, where appropriate, and taking a holistic view of both the onshore and offshore network. Network plans will take account of environmental and community impacts, alongside deliverability and economic cost, from the outset.<br><br>A strategic approach to network planning proposed through the Centralised Strategic Network Planning (CSNP) process will identify strategic investments intended to facilitate achieving net zero and decarbonisation targets<br><br>In these cases (i.e. where the application is a reinforcement project in its own right and does not accompany an application for a generating station, or is not underpinned by a contractually-supported agreement to provide an as-yet-unconsented generating station with a connection), the Secretary of State should have regard to the need case for new electricity networks infrastructure set out in Section 3.3 of EN-1.<br><br>The Secretary of State should also take into account that Transmission Owners (TOs) and Distribution Network Operators (DNOs) are required under Section 9 of the Electricity Act 1989 to | North Falls would not represent a 'reinforcement project in its own right'.<br><br>Section 3 of the Co-ordination Report **[AS-006]** sets out the background to the Government's Offshore Transmission Network Review (OTNR) and the Offshore Coordination Support Scheme (OCSS).<br><br>The Needs Case and Project Benefits Statement **[APP-232]** assesses the applicability of the Holistic Network Design in relation to North Falls and in light of the urgent need for the delivery of additional offshore wind farm capacity prior to 2030. |

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| | | bring forward efficient and economical proposals in terms of network design.<br><br>TOs and DNOs are also required to facilitate competition in the generation and supply of electricity, and electricity distributors have a statutory duty to provide a connection where requested.<br><br>Given that individual electricity lines are only component parts of a country-spanning network, it may arise that a single application covers works to be undertaken at different geographical locations.<br><br>Where it can be demonstrated that such a set of works will reinforce the network as a whole, or reinforce the network to accommodate a subset of new connections, the Secretary of State should be willing – in line with the need statement set out in Section 3.3 of EN-1 – to accept an application seeking development consent for the entire set of works.<br><br>Applicants should ensure that any such applications are kept to a scale which they can manage within the statutory timescales and discuss putative applications of this kind with the Planning Inspectorate before formally submitting an application. | |
| **2.9 – Applicant Assessment** | | | |
| Biodiversity and Geological Conservation | 2.9.5 – 2.9.6 | The applicant will need to consider whether the proposed line will cause such problems at any point along its length and take this into consideration in the preparation of the ES (see Section 4.3 of EN-1).<br><br>Particular consideration should be given to feeding and hunting grounds, migration corridors and breeding grounds, where they are functionally linked to sites designated or allocated under the 'national site network' provisions of the Conservation of Habitats and Species Regulations. | Embedded mitigation measures are presented in Section 23.3.3 of ES Chapter 23 Onshore Ecology **[APP-037]**. Mitigation measures associated with potential impacts are presented in Section 23.6. |
| Landscape and Visual Impact | 2.9.7 – 2.9.10 | While the government does not believe that the development of overhead lines is incompatible in principle with applicants' statutory duty under Schedule 9 to the Electricity Act 1989, to have regard to visual and landscape amenity and to reasonably mitigate possible impacts thereon, in practice new overhead lines can give rise to adverse landscape and visual impacts.<br><br>These impacts depend on the type (for example, whether lines are supported by towers or monopole structures), scale, siting, and degree of screening of the lines, as well as the characteristics of the landscape and local environment through which they are routed.<br><br>New substations, sealing end compounds (including terminal towers), and other above-ground installations that serve as connection, switching, and voltage transformation points on the electricity network may also give rise to adverse landscape and visual impacts. | The Project is not proposing any overhead lines.<br><br>The likely significant effects of the onshore substation and cumulative interactions with similar schemes, in the LVIA study area, have been assessed in Section 30.7 of ES Chapter 30 Landscape and Visual Impact Assessment **[APP-044]**. |

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| | | Cumulative adverse landscape, seascape and visual impacts may arise where new overhead lines are required along with other related developments such as substations, wind farms, and/or other new sources of generation. | |
| | 2.9.18 – 2.9.19 | The Horlock Rules – guidelines for the design and siting of substations – were established by National Grid in 2009 in pursuance of its duties under Schedule 9 to the Electricity Act 1989. These principles should be embodied in applicants' proposals for the infrastructure associated with new overhead lines.<br><br>In brief, the Horlock Rules state that applicants should:<br><br>• Consider environmental issues from the earliest stage to balance the technical benefits and capital cost requirements for new developments against the consequential environmental effects in order to keep adverse effects to a reasonably practicable minimum.<br><br>• Seek to avoid altogether internationally and nationally designated areas of the highest amenity, cultural or scientific value by the overall planning of the system connections.<br><br>• Protect as far as reasonably practicable areas of local amenity value, important existing habitats and landscape features including ancient woodland, historic hedgerows, surface and ground water sources and nature conservation areas.<br><br>• Take advantage of the screening provided by land form and existing features and the potential use of site layout and levels to keep intrusion into surrounding areas to a reasonably practicable minimum.<br><br>• Keep the visual, noise and other environmental effects to a reasonably practicable minimum.<br><br>• Consider the land use effects of the proposal when planning the siting of substations or extensions.<br><br>• Consider the options available for terminal towers, equipment, buildings and ancillary development appropriate to individual locations, seeking to keep effects to a reasonably practicable minimum.<br><br>• Use space effectively to limit the area required for development consistent with appropriate mitigation measures and to minimise the adverse effects on existing land use and rights of way, whilst also having regard to future extension of the substation.<br><br>• Make the design of access roads, perimeter fencing, earth-shaping, planting and ancillary development an integral part of the site layout and design, so as to fit in with the surroundings. | As outlined in Section 2.4 of ES Appendix 4.1 Site Selection Golden Rules **[APP-091]** the golden rules have been derived using best practice guide for site selection, including The Crown Estate's Cable Route Protocol, the national grid's Horlock Rules (for the siting of substations) and Holford Rules (for the siting of transmission infrastructure), as well as NPS EN-1, NPS EN-3 and NPS EN-5 and other relevant planning considerations.<br><br>For the onshore substation the principles are listed in Section 2.4 but copied here for reference.<br><br>• Avoid land within residential titles (including whole garden) where possible;<br>• Avoid direct significant impacts to internationally, nationally and locally designated areas (e.g. SACs, SPAs, Ramsar sites, NNRs SSSIs, Local Nature Reserves and Local Wildlife Sites);<br>• Minimise significant impacts to the special qualities of Areas of Outstanding Natural Beauty, National Parks or other designated landscapes;<br>• Avoid mature woodland and ancient woodland;<br>• Avoid scheduled ancient monuments and listed buildings;<br>• Avoid historic or active landfill sites;<br>• Avoid areas that fall within Flood Zone 3;<br>• Avoid siting infrastructure within inner (SPZ1) and outer (SPZ2) source protection zones (SPZ), where possible;<br>• Areas of local amenity value, important existing habitats and landscape features including ancient woodland, historic hedgerows, surface and ground water sources and nature conservation areas should be protected as far as reasonably practicable (specific wording from Horlock Rules);<br>• Locations should take advantage of the screening provided by land form and existing features and the potential use of site layout and levels to keep intrusion into surrounding areas to a reasonably practicable minimum (specific wording from Horlock Rules);<br>• Options should keep the visual, noise and other environmental effects to a reasonably practicable minimum (specific wording from Horlock Rules); and<br>• The space required should be limited to the area required for development consistent with appropriate mitigation measures and to minimise the adverse effects on existing land use and rights of way (specific wording from Horlock Rules).<br><br>ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** summarises the Horlock Rules and NFOW's approach to them. The Chapter also outlines the key principles which were identified to select the potential Substation Search Areas:<br><br>• All land within 3km of the Project's grid connection point (located approximately 2km east of the village of Ardleigh) was considered;<br>  ○ Excluding all land more than 20km of the landfall search area; |

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| | | • In open landscape especially, high voltage line entries should be kept, as far as possible, visually separate from low voltage lines and other overhead lines so as to avoid a confusing appearance.<br>• Study the inter-relationship between towers and substation structures and background and foreground features so as to reduce the prominence of structures from main viewpoints. Where practicable the exposure of terminal towers on prominent ridges should be minimised by siting towers against a background of trees rather than open skylines. | ○ Excluding all population centres of over 5,000 inhabitants;<br>○ Excluding all international designated sites for nature conservation (Ramsar sites) and sites on the UK National Sites Network (SAC / SPA);<br>○ Excluding all National Landscape designations; and<br>○ Where other significant elements of linear built infrastructure (i.e. A roads, railways, etc.) isolate parcels of the 3km buffer which would be too small to site options in, these have also been removed.<br>The search area is shown in ES Figure 4.12 **[APP-050]**.<br>Design mitigation considerations of relevance to the onshore design are set out in the accompanying Design Vision **[APP-234]** and Design and Access Statement **[APP-235]**. |
| Undergrounding and subsea cables | 2.9.20 – 2.9.22 | Although it is the government's position that overhead lines should be the strong starting presumption for electricity networks developments in general, this presumption is reversed when proposed developments will cross part of a nationally designated landscape (i.e. National Park, The Broads, or Area of Outstanding Natural Beauty).<br>In these areas, and where harm to the landscape, visual amenity and natural beauty of these areas cannot feasibly be avoided by re routing overhead lines, the strong starting presumption will be that the applicant should underground the relevant section of the line.<br>However, undergrounding will not be required where it is infeasible in engineering terms, or where the harm that it causes (see section 2.11.4) is not outweighed by its corresponding landscape, visual amenity and natural beauty benefits. Regardless of the option, the scheme through its design, delivery, and operation, should seek to further the statutory purposes of the designated landscape. These enhancements may go beyond the mitigation measures needed to minimise the adverse effects of the scheme.<br>Additionally, cases will arise where – though no part of the proposed development crosses a designated landscape – a high potential for widespread and significant adverse landscape and/or visual impacts along certain sections of its route may result in recommendations to use undergrounding for relevant segments of the line or alternatively consideration of using a route including subsea cabling. | The Project is not proposing any overhead lines and the Order Limits do not cross any nationally designated landscapes.<br>The decision to underground the export cables was made during the first stage of the project's site selection process which is detailed in ES Chapter 4 Site Selection and Alternatives **[APP-018]**.<br>As outlined in Table 4.2 of ES Chapter 4 Site Selection and Alternatives **[APP-018]** the key considerations in regard to this decision were: the potential visual impacts associated with above ground overhead lines; and the potential environmental effects associated with above ground infrastructure versus buried, below ground infrastructure.<br>The environmental benefit of burying cables as opposed to overhead lines and pylons is a significant reduction of permanent visual impacts, therefore buried cabling was selected for the landfall to onshore substation route. |
| | 2.9.25 | In such cases the Secretary of State should only grant development consent for underground or subsea sections of a proposed line over an overhead alternative if they are satisfied that the benefits accruing from the former proposal clearly outweigh any extra economic, social, or environmental impacts that it presents, the mitigation hierarchy has been followed, and that any technical obstacles associated with it are surmountable. In this context it should consider: | |

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| | | • The potentially very disruptive effects of undergrounding on local communities, habitats, archaeological and heritage assets, marine environments, soil (including peat soils), hydrology, geology, and, for a substantial time after construction, landscape and visual amenity. (Undergrounding an overhead line will mean digging a trench along the length of the route, and so such works will often be disruptive – albeit temporarily – to the receptors listed above than would an overhead line of equivalent rating); | |
| Noise and Vibration | 2.9.37 – 2.9.39 | Audible noise effects can also arise from substation equipment such as transformers, quadrature boosters and mechanically switched capacitors.<br>Transformers are installed at many substations and generate low frequency hum. Whether the noise can be heard outside a substation depends on a number of factors, including transformer type and the level of noise attenuation present (either engineered intentionally or provided by other structures).<br>For the assessment of noise from substations, standard methods of assessment and interpretation using the principles of the relevant British Standards are satisfactory. | Operational noise from onshore substation equipment has been assessed as reported in Section 208 of ES Chapter 26 Noise and Vibration **[APP-040]**, in accordance with the relevant British Standards as identified in Section 26.4.1.4. The NPS refers to BS 4142 as a relevant standard for this assessment and this has been used, as detailed in Section 26.4.3.6. |
| | 2.9.40 – 2.9.43 | For the assessment of noise from overhead lines, the applicant must use an appropriate method to determine the sound level produced by the line in both dry and wet weather conditions, in addition to assessing the impact on noise-sensitive receptors.<br>For instance, the applicant may use an appropriate noise modelling tool or tools for the prediction of overhead line noise and its propagation over distance, such as an ISO 9613-2 or Technical Report TR(T)94.<br>When assessing the impact of noise generated by overhead lines in wet weather relative to existing background sound levels, the applicant should consider the effect of varying background sound levels due to rainfall.<br>The Secretary of State is likely to regard it as acceptable for the applicant to use a methodology that demonstrably addresses these criteria. | North Falls does not include any requirement for additional overhead lines. As such, these requirements do not need consideration. |
| Electric and Magnetic Fields (EMFs) | 2.9.46 – 2.9.47 | All overhead power lines produce EMFs. These tend to be highest directly under a line and decrease to the sides at increasing distance. Although putting cables underground eliminates the electric field, they still produce magnetic fields, which are highest directly above the cable. EMFs can have both direct and indirect effects on human health, aquatic and terrestrial organisms.<br>The direct effects occur in terms of impacts on the central nervous system resulting in its normal functioning being affected. Indirect effects occur through electric charges building up on the surface of | North Falls will use underground cables. The onshore buried cable systems will generate EMFs when the Project is in operation. The 50 Hz EMFs generated by this type of electricity transmission are often referred to as power frequency or extremely low frequency (ELF) EMFs. The impacts have been assessed in ES Chapter 28 Human Health **[APP-042]** and conclude there would be no likely significant effects on the population. |

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| | | the body producing a microshock on contact with a grounded object, or vice versa, which, depending on the field strength and other exposure factors, can range from barely perceptible to being an annoyance or even painful. | |
| Sulphur Hexafluoride | 2.9.59 – 2.9.60 | Sulphur Hexafluoride (SF6) is an insulating and arc-suppressant gas used in high-voltage switchgear for electricity networks.<br>It is also an extraordinarily potent greenhouse gas, and fugitive emissions from electricity networks infrastructure are an object of increasing environmental concern, especially in light of the UK's commitment to net zero by 2050. | For the offshore environment (offshore substation platforms and wind turbine generators) Gas Insulated Switchgear (GIS) will be required.<br>SF6 free GIS for up to 72.5 kV has been commercially introduced and will be considered as part of detailed design. This could represent a 20% cost increase compared to SF6, which needs to be considered to ensure that there is an economic and efficient solution for the consumer.<br>For higher voltages offshore, it is expected that SF6 GIS will need to be used as for HV, the scheduled development periods can last many years and the commercialisation can start only after this period. Depending how mature the technology is, for SF6-free switchgears, at the time North Falls enters into contract, their use will be considered if they are sufficiently mature and that they are deliverable in a cost efficient and proportionate manner.<br>For onshore infrastructure, the Applicant is only proposing to use Air Insulated Switchgear (AIS). The only part of the onshore development that needs a small amount of gas is the circuit breaker as the interrupting medium. This minimises the amount of insulating gas needed. Progress is being made in making SF6 free alternatives, however not all manufacturers have got to the voltage levels required for North Falls. Commercially available alternatives will be considered where mature enough at time of contracting, but as this could also represent a 20% cost increase compared to SF6, it will need to demonstrate an economic and efficient solution for the consumer.<br>Where no proven SF6-free alternative is commercially available, SF6 will be used with emissions monitoring and control measures compliant with the F-gas Regulation. |
| | 2.9.61 | Applicants should at the design phase of the process consider carefully whether the proposed development could be reconceived to avoid the use of SF6-reliant assets. | |
| | 2.9.62 – 2.9.63 | Where the development cannot be so conceived, the applicant must provide evidence of their reasoning on this point. Such evidence will include, for instance, an explanation of the alternatives considered, and a case why these alternatives are technically infeasible or require bespoke components that are grossly disproportionate in terms of cost.<br>In particular, an accounting of the cost differential between the SF6 reliant asset and the appropriate SF6-free alternative should be provided. | |
| | 2.9.64 | Where applicants, having followed the above procedure, do propose to put new SF6-reliant assets onto the electricity system, they should design a plan for the monitoring and control of fugitive SF6 emissions consistent with the Fluorinated gas (F-gas) Regulation and its successors. | |
| **2.10 – Mitigation** | | | |
| Biodiversity and Geological Conservation | 2.10.1 – 2.10.3 | The applicant should consider and address routing and avoidance/minimisation of environmental impacts both onshore and offshore at an early stage in the development process.<br>Careful siting of a line away from, or parallel to, but not across, known flight paths can reduce the numbers of birds colliding with overhead lines considerably.<br>Making lines more visible by methods such as the fitting of bird flappers and diverters to the earth wire, which swivel in the wind, glow in the dark and use fluorescent colours designed specifically for bird vision can also reduce the number of deaths. The design and colour of the diverters will be specific to the conditions – the line and pylon/transmission tower specifications and the species at risk. | The Project is not proposing any overhead lines or pylons.<br>ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** sets out the process undertaken to develop the Project and outlines the decisions made in accordance with the mitigation hierarchy to reduce the likely significant effects arising from the Project.<br>ES Chapter 13 Offshore Ornithology **[APP-027]** and ES Chapter 24 Onshore Ornithology **[APP-039]** assess the likely significant effects on birds arising from the Project for both offshore and onshore infrastructure. |

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| Landscape and Visual | 2.10.5 | In addition to good design in accordance with the Holford and Horlock rules (please see paragraphs 2.9.16 - 2.9.19), and the consideration of undergrounding or rerouting the line where possible, the principal opportunities for mitigating adverse landscape and visual impacts of electricity networks infrastructure are:<br>• Consideration of network reinforcement options (where alternatives exist) which may allow improvements and/or extensions to an existing line rather than the building of an entirely new line;<br>• Selection of the most suitable type and design of support structure in order to minimise the overall visual impact on the landscape. In particular, ensuring that towers are of the smallest possible footprint and internal volume; and<br>• The rationalisation, reconfiguration, and/or undergrounding of existing electricity networks infrastructure in the vicinity of the proposed development. | Please refer to the Applicant's response to Paragraphs 2.9.18 – 2.9.29 of NPS EN-5 above.<br>As outlined in Section 2.4 of ES Appendix 4.1 Site Selection Golden Rules **[APP-091]** the golden rules have been derived using best practice guide for site selection, including The Crown Estate's Cable Route Protocol, the national grid's Horlock Rules (for the siting of substations) and Holford Rules (for the siting of transmission infrastructure), as well as NPS EN-1, NPS EN-3 and NPS EN-5 and other relevant planning considerations. |
| | 2.10.6 – 2.10.8 | Additionally, there are more specific measures that might be taken, and which the Secretary of State could mandate through DCO requirements if appropriate, as follows:<br>• Landscape schemes, comprising off-site tree and hedgerow planting, are sometimes used for larger new overhead line projects to mitigate potential landscape and visual impacts, softening the effect of a new above ground line whilst providing some screening from important visual receptors. These may be implemented with the agreement of the relevant landowner(s), or the developer may compulsorily acquire the land or land rights in question. Advice from the relevant statutory authority may also be needed; and<br>• Screening, comprising localised planting in the immediate vicinity of residential properties and principal viewpoints can also help to screen or soften the effect of the line, reducing the visual impact from a particular receptor.<br>As set out in the paragraphs above, where landscape schemes and/or screening mitigation of the kind described above is required, rights over the land necessary for such measures may be compulsorily acquired as part of the DCO.<br>Furthermore, since long-term management of the selected mitigation schemes is essential to their mitigating function, a management plan, developed at least in outline at the conclusion of the examination, and which sets out proposals within a realistic timescale, should secure the integrity and benefit of these schemes. This should also uphold the landscape commitments made to achieve consent, | The Outline Landscape and Ecological Management Strategy (OLEMS) **[APP-249]** sets out an outline of the measures that are proposed to avoid or mitigate ecological and landscape impacts during the pre-construction, construction and operation phases of the Project.<br>The OLEMS will form the basis for a final Ecological Management Plan (EMP) and Written Landscape Scheme, which will provide further detail on the landscape commitments, and indicative planting proposals for the onshore substation. Requirement 7 of the Draft Development Consent Order **[AS-022]** secures the written landscaping scheme that must be submitted for approval to the Relevant Planning Authority. The Requirement stipulates what matters must be included in the landscape plan including details of proposed planting and implementation timetables.<br>All necessary land required to deliver landscape mitigation is included within the Order Limits.<br>Biodiversity Net Gain measures are proposed, detail of the approach is provided in the submitted Biodiversity Net Gain Strategy **[APP-257]**. This is secured by a requirement in the Draft Development Consent Order **[AS-022]**. |

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| | | alongside any pertinent commitments to environmental and biodiversity net gain. | |
| Noise and Vibration | 2.10.9 – 2.10.10 | Applicants must consider the following measures:<br>• The positioning of lines to help mitigate noise;<br>• Ensuring that the appropriately sized conductor arrangement is used to minimise potential noise;<br>• Quality assurance through manufacturing and transportation to avoid damage to overhead line conductors which can increase potential noise effects;<br>• Ensuring that conductors are kept clean and free of surface contaminants during stringing/installation; and<br>• The selection of quieter cost-effective plants.<br>In addition, the ES should include information on planned maintenance arrangements. Where detail is not included, the Secretary of State should consider stipulating appropriate maintenance arrangements by way of requirements attached to any grant of development consent. | The measures appear relevant to overhead lines, North Falls does not include any overhead lines.<br>Operational noise from onshore substation equipment has been assessed in accordance with the relevant British Standards as outlined in ES Chapter 26 Noise and Vibration **[APP-040]**. |
| Electric and Magnetic Fields | 2.10.11 – 2.10.12 | The applicant should consider the following factors:<br>• Height, position, insulation and protection (electrical or mechanical as appropriate) measures subject to ensuring compliance with the Electricity Safety, Quality and Continuity Regulations 2002;<br>• That optimal phasing of high voltage overhead power lines is introduced wherever possible and practicable in accordance with the Code of Practice to minimise emfs; and<br>• Any new advice emerging from the Department of Health and Social Care relating to government policy for EMF exposure guidelines.<br>Where it can be shown that the line will comply with the current public exposure guidelines and the policy on phasing, no further mitigation should be necessary. | North Falls will use underground cables. The onshore buried cable systems will generate EMFs when the Project is in operation. The 50 Hz EMFs generated by this type of electricity transmission are often referred to as power frequency or extremely low frequency (ELF) EMFs. The impacts have been assessed in ES Chapter 28 Human Health **[APP-042]** and conclude there would be no likely significant effects on the population. |
| Sulphur Hexafluoride | 2.10.14 – 2.10.15 | The climate-warming potential of SF6 is such that applicants should, as a rule, avoid the use of SF6 in new developments.<br>Where no proven SF6-free alternative is commercially available, and where the cost of procuring a bespoke alternative is grossly disproportionate, the continued use of SF6 is acceptable, provided that emissions monitoring and control measures compliant with the F-gas Regulation and/or its successors are in place. | Please refer to the Applicant's response to Paragraphs 2.9.59 – 2.9.64 of NPS EN-5. |

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| **2.11 – Secretary of State decision making** | | | |
| Impacts on Biodiversity and Geological Conservation | 2.11.1 | Where biodiversity impacts are identified, including those associated with bird collision with overhead lines, the Secretary of State should be satisfied that all feasible options for mitigation have been considered and evaluated appropriately. | The Schedule of Mitigation **[APP-012]** sets out the required mitigation measures and how they are to be secured in relation to impacts on biodiversity in the marine and terrestrial environment.<br>ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** sets out the process undertaken to develop the Project and outlines the decisions made in accordance with the mitigation hierarchy to reduce the likely significant effects arising from the Project.<br>ES Chapter 13 Offshore Ornithology **[APP-027]** and ES Chapter 24 Onshore Ornithology **[APP-039]** assess the likely significant effects on birds arising from the Project for both offshore and onshore infrastructure and has considered and evaluated what mitigation is required for all phases of the Project. |
| Landscape and Visual | 2.11.4 – 2.11.5 | In circumstances where it can be demonstrated that a mitigation measure and/ or technological approach is appropriate and/ or necessary for a project, including to limit landscape and visual impact as set out above, the Secretary of State should take this into account in decision making.<br>Nationally designated landscapes have specific statutory purposes which help ensure their continued protection. The Secretary of State should have special regard to nationally designated landscapes, where the general presumption in favour of overhead lines should be reversed to favour undergrounding. | The Project is not proposing any overhead lines and the Order Limits do not cross any nationally designated landscapes. |
| Sulphur Hexafluoride | 2.11.17 | The Secretary of State should grant consent for an electricity networks development only if the applicant has demonstrated either:<br>• That the development will not use SF6; or<br>• (a) that there is no proven commercially available alternative to the use of SF6; and<br>• (b) that a bespoke SF6-free alternative would be grossly disproportionate in terms of cost; and<br>• (c) that emissions monitoring and control measures compliant with the F gas Regulation and/or its successors are in place. | Please refer to the Applicant's response to Paragraphs 2.9.59 – 2.9.64 of NPS EN-5. |
| **2.12 – Special assessment principles for offshore-onshore transmission** | | | |
| Special assessment principles for offshore transmission | 2.12.1 – 2.12.3 | Details in this section are in addition to those set out in EN-3 on the network connections for offshore wind including different types of offshore transmission. These include EN-3 sections 2.8.34 – 2.8.43 and 2.8.59-2.8.73 on network connections, 2.8.76 -2.8.79 on micro siting and 2.8.90-2.8.92 on Offshore Wind Environmental Standards | The Applicant is aware of the urgent need for offshore wind to support the government's 50GW target.<br>The Applicant's Co-ordination Report **[AS-006]** from page 13 comprehensively sets out North Falls' long-term engagement in the Offshore Transmission Network |

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| | | which include offshore transmission and should be considered together with the details below.<br><br>The scale of offshore transmission infrastructure required to support the government's 50GW offshore wind development ambition has significant implications for the onshore network.<br><br>A substantial amount of new onshore network infrastructure, including network reinforcements, is required to enable transmission of the domestic and international offshore power flows coming onshore or power being exported to neighbouring North Seas countries. | Review (OTNR) (commencing from 2020) and then subsequently, the Department of Energy Security and Net Zero (DESNZ) project, the Offshore Coordination Support Scheme (OCSS). The OCSS was a UK Government led project facilitated, managed and directly funded by DESNZ.<br><br>On 3 September 2024 (approximately two months after North Falls DCO submission), the Secretary of State for DESNZ decided not to grant further funding to explore the potential for offshore cable and offshore grid connection coordination as part of the OTNR "Early Opportunities" workstream and advised key stakeholders accordingly. Whilst the workstream identified that an offshore cable and grid connection point was technically feasible, it identified the potential for significant additional costs and delay. |
| | 2.12.4 – 2.12.6 | As identified in EN-1, it is important that the network planning for offshore transmission is much more closely co-ordinated with the planning and development of the onshore transmission network than previously. This includes all types of offshore transmission including interconnectors, multi-purpose interconnectors (MPIs) and subsea 'onshore' transmission or 'bootstraps' reinforcing the onshore transmission network. Further details on the different types of offshore transmission are provided in the Glossary.<br><br>The above offshore-onshore transmission co-ordination work is undertaken through a process of ongoing reform with the key outcomes including the Holistic Network Design and its subsequent follow up exercises for offshore-onshore transmission and subsequent strategic network planning exercises such as the Centralised Strategic Network Plan led by National Grid Electricity System and/or the Future Systems (once established).<br><br>In addition, a more co-ordinated approach to designing offshore transmission is expected to be adopted compared with the previous standard approach of radial routes to shore. This applies to spatially close groups of offshore windfarms, subsea 'onshore' transmission or bootstraps, interconnectors and multi-purpose interconnectors. | While the Secretary of State has decided not to grant further funding for this workstream, an offshore cable coordinated connection point remains a grid connection option within the North Falls DCO application. It is important to note that the Works package included to facilitate this offshore connection is Work No. 2(b) only i.e. an offshore converter station platform. Regardless of whether Option 1, 2 or 3 is pursued, the maximum number of offshore platforms for which consent is sought remains the same (i.e. two) – see condition 11 of Part 2 of Schedules 9 and 10 of the draft Development Consent Order **[**AS-022**]** which secures this.<br><br>Option 3 provides a connection point for North Falls to connect to an offshore coordinated cable option brought forward by a third party outside of the OTNR workstream, should that cable route and option be promoted and be environmentally, regulatory and commercially viable within appropriate timescales.<br><br>Whilst the National Grid onshore contracted grid connection point for North Falls comprised in Option 1 and Option 2 of the DCO application remains of utmost necessity due to the environmental, regulatory and commercial uncertainties associated with the overall co-ordinated cable delivery model for Option 3, the Applicant considers it prudent to maintain its offshore connection point (i.e. the inclusion of Work No. 4(b) converter station) in its Option 3 within the design envelope for North Falls. This is to ensure the offshore converter platform (the offshore co-ordination connection point) required to facilitate a third parties offshore cable connection can be properly considered during Examination in recognition of the ever evolving technical and commercial grid landscape within Great Britain.<br><br>Currently, no third party is promoting a co-ordinated offshore cable option in collaboration with the North Falls proposed grid connection point, its Option 3.<br><br>The Need Case and Project Benefits Statement **[APP-232]** details why there is an urgent need for new electricity infrastructure ahead of the delivery of the Holistic Network Design (HND) which is seeking to create a coordinated onshore and offshore network – an exercise being led by National Grid ESO. Notwithstanding the status of HND, as outlined above, North Falls has been - and continues to be - committed to engagement on offshore co-ordination with all relevant stakeholders in parallel to pursuing an onshore grid connection solution.<br><br>North Falls and Five Estuaries have coordinated extensively on their proposed onshore infrastructure which includes:<br><br>• an aligned landfall location for the offshore export cables to come ashore; |

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| | | | • a shared onshore cable corridor; and<br>• an overlapping onshore substation zone for the co-location of their prospective substations. |
| **2.13 – Offshore – onshore transmission: Applicant Assessment** | | | |
| Consideration of strategic network design | 2.13.4 – 2.13.8 | It is recognised that proposed projects which have progressed through strategic network design exercises have been considered for strategic co-ordination through those exercises. However, any opportunities for subsequent local co-ordination between projects, irrespective of whether they have been through those exercise, should be considered in project development. This is in addition to considerations on co-ordinating delivery in construction, see section 2.14.2.<br><br>In addition, it is recognised that the HND and subsequent network design exercises, may on occasion, identify a radial solution, i.e. a direct route from an offshore wind farm to shore, not proposed to coordinate with another project at the time of network design.<br><br>In the case of infrastructure identified through the HND, and subsequent network design exercises applicants should identify any variations to or developments from that work and justify these in accordance with the same objectives or criteria above, i.e. economic and efficient, deliverable and operable, minimise impact on the environment and minimise the impact on the local communities, giving these four criteria equal weight.<br><br>On occasion, network designs may be amended as necessary as a result of new information or other changes (such as where a project within a coordinated design is no longer being progressed).<br><br>Any such changes approved through an appropriate change control process are likely to result in information that is important and relevant consideration. | Please refer to the Applicant's response above to Paragraphs 2.12.1 – 2.12.3 and 2.12.4 – 2.12.6 of NPS EN-5 in relation to the Holistic Network Design.<br><br>Following a commitment by the Applicant and Five Estuaries Offshore Wind Farm Limited to seek to co-ordinate and collaborate where practicable in order to minimise both projects' environmental and social effects, the onshore electrical connection options set out under North Falls' grid connection Option 1 and 2 have been designed in co-ordination with the Five Estuaries project.<br><br>The onshore cable routes of the two projects will run immediately adjacent, with the footprint required for both covered by the onshore project area. This is to allow either project to install cable ducting for both projects to realise efficiencies in construction. In addition, the onshore substations have been co-located in the same location to the west of Little Bromley. Due to electrical requirements, separate cables and onshore substations are required for each project, and therefore construction of the Five Estuaries' cabling and onshore substation is not included within the North Falls DCO application.<br><br>When developing a co-ordinated design onshore, North Falls and Five Estuaries have developed three possible build-out scenarios for both projects.<br><br>These are:<br><br>• Scenario 1 – North Falls proceeds to construction and undertakes the additional onshore cable trenching and ducting works for Five Estuaries as part of a single construction activity (i.e. ducting for four electrical circuits). North Falls would undertake the cable installation and onshore substation construction for its project only (i.e. two electrical circuits). The two projects would share accesses from the public highway for onshore cable installation and substation construction. The projects would utilise and share the same TCCs for the cable installation works.<br><br>• Scenario 2 – Both North Falls and Five Estuaries projects proceed to construction on different but overlapping timescales (between 1 and 3 years apart), with onshore cable trenching and ducting works undertaken independently but opportunities for reuse of enabling infrastructure e.g. haul roads / site accesses etc., with the other project then reinstating once complete.<br><br>• Scenario 3 – Five Estuaries does not proceed to construction; or both Five Estuaries and North Falls projects proceed to construction on significantly different programmes (over 3 years apart). In the latter case the significantly different programmes would mean that haul roads and TCCs are reinstated prior to the second project proceeding. In such case cumulative impacts are for a potential construction period of 6 years+. This scenario presents no reduction in overall impacts for the projects from the sharing of infrastructure. |

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| | | | Section 8 of the Co-ordination Report **[AS-006]** sets out the shared enhancement, mitigation, and compensation measures at a local level that North Falls are pursuing, in collaboration with Five Estuaries and other stakeholders. |
| Coordinated approach, including for Early Opportunities' projects with firm connections agreements prior to the Holistic Network Design | 2.13.9 – 2.13.13 | Radial offshore transmission options to single windfarms should only be proposed where options assessment work identifies that a co-ordinated solution is not feasible. For projects which had firm connection agreements in place prior to completion of the HND (formerly known as 'Early Opportunities' projects), co-ordinated design work should be brought forward by applicants.<br><br>The identification of co-ordinated solution options, and any radial option, should consider the criteria for designs to be deliverable and operable, economic and efficient, minimise impact on the environment and minimise impact on the local communities. Options should seek to identify the most appropriate balance between these criteria.<br><br>The coordinated solutions assessed should seek to be ambitious in the degree of co-ordination, wherever possible. This includes taking account of geographically proximate projects including opportunities to connect wind farms and multi-purpose interconnectors and/or bootstraps with each other that are planned or foreseen in the near future. Evidence should demonstrate that this has been considered in the assessment of options.<br><br>Applicants bringing forward offshore transmission projects are expected to consider future demand when considering the location and route of their proposals. This may involve consenting offshore platforms, converter stations or substations which facilitate future coordination.<br><br>If, through the coordinated options assessment work, a radial route is deemed to be the only feasible solution, applicants should evidence each co-ordination option and the accompanying assessment. These assessments should detail the application of the criteria identified above versus the radial counterfactual. In these instances, the Secretary of State should have regard to the need case set out in Section 3.3 of EN-1. | North Falls and Five Estuaries have worked jointly together with NGET to ensure that there is the potential for connectivity offshore via the Sea Link interconnector project. This coordination has been informed by the work undertaken as part of the Offshore Transmission Network Review (OTNR) and Offshore Coordination Support Scheme (OCSS) programmes and North Falls has taken a lead role in ensuring the options and feasibility for strategic offshore coordination is appropriately considered.<br><br>North Falls, Five Estuaries, the Norwich to Tilbury Project, and Sea Link Project are all geographically proximate projects that have the potential to interact with one another. North Falls has engaged proactively as part of the OTNR and OCSS on the possibility of connecting offshore. The outcome of this engagement with DESNZ and the other stakeholders is set out in Section 3 of the Co-ordination Report **[AS-006]**.<br><br>It is important to note that the Works package included to facilitate an offshore connection is Work No. 2(b) only i.e. an offshore converter station platform. Regardless of whether Option 1, 2 or 3 is pursued, the maximum number of offshore platforms for which consent is sought remains the same (i.e. two) – see condition 11 of Part 2 of Schedules 9 and 10 of the draft Development Consent Order **[AS-022]** which secures this.<br><br>Option 3 provides a connection point for North Falls to connect to an offshore coordinated cable option brought forward by a third party outside of the OTNR workstream, should that cable route and option be promoted and be environmentally, regulatory and commercially viable within appropriate timescales.<br><br>In addition, local coordination has taken place with Five Estuaries with respect to: an aligned landfall location for the offshore export cables to come ashore, a shared onshore cable corridor, and an overlapping onshore substation zone for the co-location of their prospective substations. |
| Impacts | 2.13.14 | Co-ordinated transmission proposals, including multi-purpose interconnectors and other types of offshore transmission (see Glossary), are expected to reduce the overall environmental and community impacts associated with bringing offshore transmission onshore compared to an uncoordinated, radial approach. These reduced impacts could, for example, relate to: fewer landing sites and reduced landfall impacts; reduced overall cable length and impacts; and fewer cable corridors and reduced impacts from these. | North Falls and Five Estuaries have specifically coordinated to ensure the impacts on the environment and community are reduced where possible. North Falls and Five Estuaries will make landfall at the same location at Kirby Brook (under grid connection option 1 and option 2) thus ensuring the temporary impacts during construction of the transition joint bays are contained to a single location on the Tendring peninsula.<br><br>The onshore cable routes of the two projects will run immediately adjacent, with the footprint required for both covered by the onshore project area. This is to allow either project to install cable ducting for both projects to realise efficiencies in construction. |

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| | | | By coordinating the landfall location and the subsequent onshore cable route corridor the temporary cumulative impacts arising from construction of the cable route with respect to landscape, traffic and transport, and noise and vibration have been reduced. If separate onshore cable routes were to be pursued by North Falls and Five Estuaries, then this would have likely spread the impacts to a greater geographical area (notwithstanding the cumulative effects) and this would have had further implications for the impacts on the environment and local communities. |
| | 2.13.15 – 2.13.20 | Similarly, the related onshore infrastructure required in conjunction with the offshore transmission to enable offshore wind to be connected at its onshore grid connection point is expected to reduce the overall environmental and community impacts. This is in comparison with that which would be required for radial connections from single offshore windfarms to the shore.<br><br>For onshore infrastructure, reduced impacts could, for example, relate to fewer or co-located substations and converter stations and transmission lines as well as demonstrating how environmental and community impacts have been avoided as far as possible.<br><br>Applicants are expected to be able to indicate how co-ordination including reduction in impacts have been considered drawing on work of others, including that led or enabled by National Grid Electricity System Operator (ESO).<br><br>For those projects not covered by the strategic network planning undertaken by the ESO and which have received a connection agreement, applicants should seek to demonstrate the reduced overall impacts from co-ordination (as identified at section 2.13.14 above) and how the onshore connection locations have been identified. These projects are expected to demonstrate the reductions in environmental and community impact achieved through coordination compared with radial solutions.<br><br>There may be exceptional circumstances where multiple coordinated solutions have been explored and all those solutions would lead to adverse impacts (for example adverse effects on an environmentally protected site) and where these could be avoided through radial connections. In these circumstances radial connections may be more appropriate. Evidence of the co-ordinated solutions assessed and likely adverse impacts would need to be provided by the applicant to clearly substantiate this. This includes demonstration of consideration of alternative co-ordination solutions which may not be in proximate locations.<br><br>Applicants should refer to policy text in EN-3 (including section 2.8) and EN1 (including sections 4.4 and 5.4) regarding consideration of impacts and cumulative impacts in the environment, as well as policy text in the remainder of this policy statement regarding consideration of impacts onshore. | The onshore substations for North Falls and Five Estuaries have been co-located in the same location to the west of Little Bromley. ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** sets out the approach taken to establish a suitable onshore substation area. The Design Vision **[APP-234]** sets out the approach to the design and siting of the substation and the approach to the onshore substation works area with respect to landscaping, access, drainage, and earthworks.<br><br>North Falls and Five Estuaries originally commenced their substation site selection searches separately but following discussion with NGET and an establishment of the principle of the EACN in the proposed location they agreed that a joint co-located onshore substation zone would be beneficial.<br><br>Due to electrical requirements, separate cables and separate onshore substations are required for each project, and therefore construction of the Five Estuaries' cabling and onshore substation is not included within the North Falls application.<br><br>The outcome of coordination is an overlapping onshore substation zone with indicative locations of the respective substations on what is a co-located area. Should consent be granted detailed Landscaping plans will be prepared that will take into account the final position of the Five Estuaries substation and vice versa in accordance with the principles outlined in Section 6 of the Design Vision **[APP-234]**<br><br>North Falls and Five Estuaries have been engaged with NGET during the development of their proposals and continue to engage with NGET regarding the EACN as part of the Norwich to Tilbury Project.<br><br>At this stage in the development process NFOW are content that there are strong working relationships between the three parties (NFOW, VEOWL, NGET) and co-ordination will continue during the construction and delivery phases (should the NSIPs be granted development consent).<br><br>The build options are secured within the Draft Development Consent Order **[AS-022]** and there are commitments made within the Environmental Statement with respect to environmental mitigation, as well as (without prejudice) compensatory measures with respect to protected species that NFOW has secured.<br><br>Further details on the coordinated approach are explained within the Co-ordination Report **[AS-006]**. |

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| Coastal connections | 2.12.21 – 2.13.23 | The sensitivities of many coastal locations and of the marine environment as well as the potential environmental, community and other impacts in neighbouring onshore areas must be considered in the identification onshore connection points.<br><br>Onshore connection points for offshore transmission bringing power from offshore wind farms must be considered as part of the overall offshore transmission network design and in conjunction with the onshore network by the body responsible for the design.<br><br>Onshore connection locations for offshore transmission must seek to minimise environmental and other impacts, both onshore and in the marine environment and including to local communities. | The Norwich to Tilbury Project includes the creation of the new East Anglia Connection Node (EACN) substation, proposed by NGET to be located east of the village of Ardleigh.<br><br>The EACN has been offered to the Applicant as the output of the Connection and Infrastructure Options Note ('CION') process for North Falls. The CION process defines where a generating project such as offshore wind farms connect. It is a process administered by NGET. North Falls has limited ability to change this, and little influence in the location of the EACN. Therefore, the Project has no option but to proceed on a connection on the basis of the output of the CION process.<br><br>North Falls has to ensure it can connect at the location assigned by the process. The project has therefore undertaken an extensive site selection process based on developing a viable option to connect into the National Grid at the location provided. The site selection process is reported on in full in ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** and demonstrates how the most sensitive receptors have been considered in the routeing and siting of the offshore and onshore infrastructure.<br><br>North Falls and Five Estuaries have specifically coordinated to ensure the impacts on the environment and community are reduced where possible. North Falls and Five Estuaries will make landfall at the same location at Kirby Brook (under grid connection option 1 and option 2) thus ensuring the temporary impacts during construction of the transition joint bays are contained to a single location on the Tendring peninsula.<br><br>The onshore cable routes of the two projects will run immediately adjacent, with the footprint required for both covered by the onshore project area. This is to allow either project to install cable ducting for both projects to realise efficiencies in construction.<br><br>By coordinating the landfall location and the subsequent onshore cable route corridor the temporary cumulative impacts arising from construction of the cable route with respect to landscape, traffic and transport, and noise and vibration have been reduced. If separate onshore cable routes were to be pursued by North Falls and Five Estuaries, then this would have likely spread the impacts to a greater geographical area (notwithstanding the cumulative effects) and this would have had further implications for the impacts on the environment and local communities. |
| **2.14 – Offshore – onshore transmission: mitigation** | | | |
| Offshore-onshore transmission: mitigation | 2.14.1 | Adverse impacts on Marine Protected Areas (MPAs) have caused consenting delays, and in some cases a need for compensatory measures under the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Habitats and Species Regulations 2017, or measures of equivalent environmental benefit under the Marine and Coastal Access Act 2009. Therefore, applicants should consider and address routing and avoidance/minimisation of environmental impacts both onshore and offshore at an early stage in the development process. Applicants | This is noted, and the Applicant has fully assessed the Project's likely significant effects on the marine environment taking into account the relevant statutory provisions, policies, and guidance.<br><br>ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** Section 4.3 outlines the strategic-level project location and deign alternatives that were considered. Section 4.7 details the offshore cable corridor site selection process that was undertaken and includes principles regarding routeing followed to minimise and where possible avoid impacts. Consultation with the relevant stakeholders on offshore routeing was undertaken. |

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| | | should also facilitate delivery of strategic compensation measures where appropriate (see paragraphs 2.8.276 -2.8.283 of EN-3). | Section 9 of the Marine Conservation Zone Assessment Report **[APP-237]** states that based on the information presented in the report which include assessments on the relevant broadscale habitats and habitat features of conservation interest, it can be concluded that the conservation objectives for the Blackwater, Crouch Roach and Colne (Estuaries MCZ) and the Kentish Knock East MCZ will not be hindered by the construction, operation and decommissioning phases of North Falls. Consultation feedback from the preliminary Stage 1 Assessment has been considered and incorporated into the Marine Conservation Zone Assessment Report **[APP-237]** for the DCO application. Based on the outcome of the Stage 1 Assessment, a Stage 2 Assessment is not required. There is no requirement for a Marine and Coastal Access Act (MCAA) (2009) derogation case.<br><br>The relevant application documents collectively referred to as the Report to Inform Appropriate Assessment (herein referred to as the 'RIAA') **[APP-173 – APP-182]** are as follows:<br>• Report to Inform Appropriate Assessment Part 1 Introduction **[APP-173]**<br>• Report to Inform Appropriate Assessment Appendix 1.1 Habitats Regulations Assessment Screening **[APP-174]**<br>• Report to Inform Appropriate Assessment Part 2 Benthic Ecology (Annex I habitat in Special Areas of Conservation and Special Protection Areas supporting habitat) **[APP-175]**<br>• Report to Inform Appropriate Assessment Part 3 Marine Mammals (Annex II species) **[APP-176]**<br>• Report to Inform Appropriate Assessment Appendix 3.1 Unexploded Ordnance Clearance Information and Assessment **[APP-177]**<br>• Report to Inform Appropriate Assessment Part 4 Offshore Ornithology (Birds Directive Annex 1 and Migratory Species) **[APP-178]**<br>• Report to Inform Appropriate Assessment Appendix 4.1 Modelling the abundance of red-throated divers in the area of overlap between North Falls digital aerial surveys (12km buffer) and the Outer Thames Estuary Special Protection Area **[APP-179]**<br>• Report to Inform Appropriate Assessment Appendix 4.2 Population Viability Analysis **[APP-180]**<br>• Report to Inform Appropriate Assessment Part 5 Onshore European and Ramsar Sites **[APP-181]**<br>• Report to Inform Appropriate Assessment Part 6 Summary **[APP-182]**<br>The documents listed above together identify all relevant European sites and provide the necessary information for the competent authority to determine whether the Project is like to have any adverse effects on the integrity of any European site (including any European offshore marine site).<br><br>The RIAA concludes that the Project, whether alone or in-combination with other plans and projects will not adversely affect the integrity of any European site with the exception of in-combination collision risk on the lesser black backed gull of the |

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| | | | Alde Ore Estuary Special Protection Area (SPA). Evidence to support a derogation case is therefore provided.<br><br>In the RIAA Part 4 Offshore Ornithology **[APP-178]**, the Applicant concluded that, due to the very low predicted mortality from North Falls alone there would be no AEoI of any other species. However, it is noted that in consenting Rampion 2 Offshore Wind Farm, the Secretary of State concluded that AEoI could not be ruled out beyond reasonable scientific doubt for in-combination effects on guillemot at the Flamborough and Filey (FFC) Coast SPA and Farne Islands SPA; and Kittiwake at FFC SPA. Noting that the effects of Rampion 2 are similar to North Falls for these species, the Applicant accepts that the Competent Authority is likely to consider the contribution of North Falls to be material also. Thus, the proposed compensation for these species is no longer provided on a without-prejudice basis, and has been added to Schedule 15 of the draft DCO **[6.1, Rev 7]** at Deadline 6. Section 5.3 of the document has been updated to reflect the Applicant's latest position.<br><br>Following consultation with Natural England, the derogation case is also provided in relation to red throated diver from the Outer Thames Estuary SPA and in relation to razorbill from the Flamborough and Filey Coast SPA, without prejudice to the Applicant's position presented in the Page 11 of 18 RIAA which concludes there is no risk of an adverse effect on integrity of these species / sites from North Falls alone or in-combination.<br><br>The relevant documents are listed below. They set out the Applicant's derogation case, including the assessment of alternative solutions, the imperative reasons of overriding public interest, and proposed compensatory measures.<br><br>• Habitats Regulations Derogation: Provision of Evidence **[APP-183]**<br>• Appendix 1 Compensatory Measures Overview **[APP-184]**<br>• Annex 1A Habitats Regulations Assessment Compensation Consultation **[APP-185]**<br>• Annex 1B Compensation Funding Statement **[APP-186]**<br>• Annex 1C In Principle Letter of Agreement from Dogger Bank South (East and West) **[APP-187]**<br>• Appendix 2 Lesser Black-Backed Gull Compensation Document **[APP-188]**<br>• Annex 2A Outline Lesser Black-backed Gull Compensation Implementation and Monitoring Plan (CIMP) **[APP-189]**<br>• Appendix 3 Red Throated Diver Compensation Document **[APP-190]**<br>• Annex 3A Outline Red Throated Diver Compensation Implementation and Monitoring Plan (CIMP) **[APP-191]**<br>• Appendix 4 Kittiwake Compensation Document **[APP-192]**<br>• Annex 4A Outline Kittiwake Compensation Implementation and Monitoring Plan (CIMP) **[APP-193]**<br>• Appendix 5 Guillemot and Razorbill Compensation Document **[APP-194]** |

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| | | | • Annex 5A Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan (CIMP) **[APP-195]**<br><br>The documents listed above demonstrate that there are no alternative solutions that meet the objectives of the Project; that there are Imperative Reasons of Overriding Public Interest; and that there are measures which can fully compensate the effects of the Project on the European Site features assessed in the documentation above and which can be legally secured. |
| | 2.14.2 | In the assessments of their designs, applicants should demonstrate:<br>• How environmental, community and other impacts have been considered and how adverse impacts have followed the mitigation hierarchy i.e. Avoidance, reduction and mitigation of adverse impacts through good design;<br>• How enhancements to the environment post construction will be achieved including demonstrating consideration of how proposals can contribute towards biodiversity net gain (as set out in section 4.5 of EN-1 and the Environment Act 2021), as well as wider environmental improvements in line with the environmental improvement plan and environmental targets (paragraph 4.2.29 of en-1);<br>• How the construction planning for the proposals has been co-ordinated with that for other similar projects in the area on a similar timeline;<br>• How enhancements to the landscape and environmental assets may contribute to overall landscape and townscape quality as set out in en-1 4.6.13 and 5.10.23;<br>• How the mitigation hierarchy has been followed, in particular to avoid the need for compensatory measures for coastal, inshore and offshore developments affecting SACs SPAs, and Ramsar sites and MCZs as set out in EN-3 2.8;<br>• For designated landscapes the principal mitigation measure, as established by the Holford rules, should be to seek to avoid landfall in these areas. | ES Chapter 4 Site Selection and Assessment of Alternatives **[APP-018]** Section 4.3 outlines the strategic-level project location and design alternatives that were considered. The Design Vision **[APP-234]** sets Project's onshore substation and its associated infrastructure at Little Bromley, in support of the Project's Development Consent Order (DCO) application. It sets out how design parameters, primary and secondary mitigation, landscape and ecological enhancements and biodiversity net gain measures interact to create an overarching Vision for the development that respects its landscape and heritage context, with an accompanying set of coherent design principles to guide detailed design post-consent<br><br>The Outline Landscape and Ecological Management Strategy (OLEMS) **[APP-249]** for the Project in respect of onshore ecology, ornithology and landscape receptors. This OLEMS sets out an outline of the measures that are proposed to avoid or mitigate ecological and landscape impacts during the pre-construction, construction and operation phases of the Project, as identified through the Project's Environmental Impact Assessment (EIA). Section 2.6, Paragraph 173 of the OLEMS includes a list of enhancement measures taking into account the local and national biodiversity strategies relevant to North Falls and include: reptile and amphibian hibernacula; scrape creation within open grassland; Sustainable Drainage System (SuDS) pond design.<br><br>Biodiversity Net Gain measures are proposed, detail of the approach is provided in the submitted Biodiversity Net Gain Strategy **[APP-257]**. This is secured by a requirement in the Draft Development Consent Order **[AS-022].**<br><br>The Outline Code of Construction Practice **[APP-248]** sets out the measures to manage and mitigate the impacts during the construction phase. Section 8.5 of the Co-ordination Report **[AS-022]**. sets out the co-ordination measures with Five Estuaries and NGET in relation to construction access.<br><br>Please refer to Applicant's response above to Paragraph 2.14.1 of NPS EN-5 affecting SACs, SPAs, and Ramsar sites and MCZs.<br><br>Landfall for North Falls will not be within a designated landscape. |

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.*

*To contact please email contact@northfallsoffshore.com*



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