

**Wendy McKay**

Lead Member of the Examining Authority  
North Falls Offshore Windfarm DCO  
National Infrastructure Planning  
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Our Ref: 20048269  
PINS Ref: EN010119  
Date: 15 July 2025  
Telephone: [REDACTED]

Dear Ms McKay

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

I refer to the Rule 8 letter dated 4 February 2025 which sets out the Examination Timetable for the above Development Consent Order (DCO), currently at Examination. Essex County Council (ECC) in conjunction with Tendring District Council (TDC), and as described as The Councils, would like to provide a written response to the Applicant's submission at Deadline 06. Responses to ExQ3 are submitted separately.

**1. Highways****7.13 Outline Code of Construction Practice (Rev 4) (Clean) [REP6-033]**

No further comment from highways perspective.

**9.87 Applicant's Response to Deadline 5 Submissions (Rev 0) [REP6-060]**

REP5-090\_a2 7.16 OCTMP [REP4-008] - The Councils discussed the working hours and management of employee arrival with the Applicant. ECC is content with the revised wordings. This matter is now closed from highways perspective. TDC remains their views that the construction hours to be reduced for amenity reason as stated in the Statement of Common Ground.

REP5-090\_a3 9.25 Applicant's Response to Deadline 3 Submissions and Deferred Responses from D2 [REP4-027]. The applicant had responded to our previous concerns outlined in the LIR and progress had been made in the previous deadlines to resolve outstanding comments. This matter has been addressed and is considered closed.

**9.88 Applicant's Comments on Responses to ExQ2 [REP6-061]**

With regards to the traffic modelling referred to at REP5-102\_b, we requested that the outcomes of this modelling work are shared with ourselves. The Applicant shared this work on 2 July 2025. On the basis of National Highways acceptance, ECC makes no further comment.

## **2. Public Rights of Way**

REP6-065 9.93 New visualisation (VP9) from Barn Lane - Grange Road Part 1 of 2 (Rev 0),  
REP6-066 9.93 New visualisation (VP9) from Barn Lane - Grange Road Part 2 of 2 (Rev 0)

Both new visualisations reinforce the previous position that screening will be necessary along the byway.

REP6- 036 7.14 Outline Landscape and Ecological Management Strategy (Rev 5) (Tracked)

ECC would like to re-iterate that the reinstatement/enhancement (planting) of natural features should be done so as to avoid obstructing any PROW or creating future maintenance issues from side/overgrowth, which while they remain a landowner responsibility, are nonetheless a drain on PROW Officer time to deal with any obstruction issue.

REP3-024 7.17 Outline Public Rights of Way Management Plan (Rev1) (Tracked)

ECC requests clarity on the proposed wording at 4.1.1 Managed crossings 15 bullet point reads

- Protective measures will be implemented for tracking light vehicles across the PROW, should they be required due to the conditions encountered at the time of use; and
- Is 'tracking' a reference to putting something down for vehicles to track over, or visual tracking to ensure damage is avoided?

## **3. Biodiversity Net Gain (BNG)**

The Councils request the applicant, in line with the mitigation hierarchy, to ensure that a measurable BNG for watercourse units will be achieved post-consent. This was agreed in principle following the discussion with the applicant on the 8 July 2025. It is expected that the hierarchy for securing watercourse units should be set out as follows:

- Watercourse units secured within the Order limits.
- Watercourse units secured off-site within Tendring District or same National Character Area within Essex.
- Watercourse units secured within the adjacent LPA or adjacent National Character Area, within Essex.
- Watercourse units secured anywhere within Essex.
- Watercourse units secured outside of Essex.

ECC has set out its position that 10% Biodiversity Net Gain is considered the minimum needed to avoid net loss, as such Essex is requesting 20%. This is supported in the Essex Biodiversity Net Gain Evidence for Need and the Viability Assessment of BNG in Essex Final Report, both are appended.

Therefore, it is still expecting that watercourse units should ideally secure a 20% net gain when securing enhancement within Essex.

It is noted that habitat units will not achieve a 20% biodiversity net gain, when not considering the enhancements to be secured as part of the cable route, which will be secured for 10-year period. However, a 10% net gain will be achieved for habitat units and a 20% net gain would be achieved if the cable route enhancements were included as part of the calculations. As a result, ECC acknowledges this precautionary approach and does not consider it reasonable to request that a 20% net gain for habitat units should be secured from the onshore substation site, when this will be achieved in principle.

#### 4. Landscape

The Councils still have concerns on the landscape and visual impacts caused by the development and our detailed comments are provided at our responses to Section 14 of ExQ3.

#### 5. Green Infrastructure

REP5-007 - 6.1 draft Development Consent Order (Rev 7) (Tracked)/ REP6-041– 7.30 Schedule of changes to the dDCO (REV 6)

The GI Team has no further comments on the proposed changes made under deadline 6.

REP6 –036 - 7.14 Outline Landscape and Ecological Management Strategy (Rev 5) (Tracked)

ECC welcome the changes added to the OLEMs. We are pleased to see that the majority of recommendations and edits have been incorporated into sections 2, 6, and 4, particularly regarding referencing the Essex GI Standards and how the OLEMS aligns to the nine GI principles and standards (page 41). ECC welcome the references to the Essex Local Nature Recovery Strategy (LNRS) and the commitment to 30 years of GI management in line with BNG requirements within section 3.5.3 (page 52). The Essex LNRS which is now published and attached as an **Appendix**.

A previous error on page 51, in section 3.9, paragraph 236 "Consideration of GI," is still outstanding, the reference to "Place Services" should be replaced with "Essex County Council". Additionally, on Page 60 under section 4 "References," error is still outstanding, it should read "Essex County Council" and not Place Services.

REP6 – 060 - 9.87 Applicant's Response to Deadline 5 Submissions (Rev 0)

REF	THEME	ECC TDC COMMENT	APPLICANT'S RESPONSE	GI Team response
REP5-090_c3	Green Infrastructure [REP4-007] Funding	That the funding for the GI has been considered for the lifetime of the proposal to be included	The Applicant has updated the OLEMS to include clarification that GI assets created at the onshore substation will be secured financially for the	Noted and the updates to the OLEMS to include the financial security and

		with in the last bullet point, paragraph 3.5.3. To ensure appropriate funding mechanisms are put in place to maintain high-quality value and benefits of the GI assets.	indicative lifetime of the project (30 years), as this matches the 30-year monitoring and maintenance period for BNG. The Applicant will submit the updated version of the OLEMS [7.14 (Rev5)] into the Examination at Deadline 6	management for the GI assets for the indicative lifetime of the project in line with BNG requirements.
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## 6. Noise

### REP6-034 7.13 Outline Code of Construction Practice (Rev 4) (Tracked)

The Councils note that the definition of ‘high impact’ activities referred to in Section 1.3.1 of the OCoCP has been expanded, however, to protect amenity, these should also include noisy/heavy machineries like excavators, cranes, saws, sanders or grinders etc.

### REP5-037 9.32 Onshore Substations Operational Noise and the outline noise complaints protocol (Rev 1) (Tracked)

The applicant has not addressed the Councils’ concerns raised at the Issues Specific Hearing (REP4-072) and Deadline 4 (REP4-073) that the protocol lacks a Joint Noise Panel to collectively deal with the potential cumulative noise impacts. The current approach proposed by the applicant is fragmented and down to individual operator to investigate any noise complaints, without considering that there could be a scenario that more than 1 operator(s) may also contribute to the noise issues, and the potential for all operators to act as swiftly as possible once complaint is received. This fragmented approach acts against the concept highlighted in the Co-ordination Report (REP1-005) and affirmed the piecemeal nature of these NSIPs, which have been repeatedly raised as a significant matter by the Councils as well as by the local communities. It is considered that such piecemeal investigation approach is inadequate to address any cumulative operational impacts.

As there is no precedent case for collocation of so many substations in such close proximity and that cumulative impacts on the local residents could not be fully anticipated, the Councils strongly maintain the request that any noise complaints during operational stage are addressed by all three developers (Five Estuaries, North Falls & National Grid) concurrently. These projects are collocated and could be responsible for individual or cumulative noise breaches, this is a collective responsibility.

While the Councils welcomed the retention of an acoustic consultant following commencement of operation, there is no reason why the overall investigation timeframe could not be shorten as requested. Moreover, it is also important to ensure that any investigation approach should apply to the entire operational period of the substation (with an indicative design life of 30 years), which is far beyond the 18 months as suggested for the retention period.

	<b>Applicant's proposal</b>	<b>Councils' proposal</b>
<b>Initial site walkaround</b>	2 working days reduced to 48 hours	48 hours
<b>Appointment of noise consultant</b>	10 workings days	5 workings days
<b>Noise measurement</b>	10 workings days	5 workings days
<b>Reporting to LPA</b>	15 to 20 workings days	10 workings days

As shown in the above table, the new insertions do not significantly shorten the proposed timeframe for complaints to be investigated, and it is still around 8.5 weeks for a recommended mitigation. This is wholly unacceptable for the length of time that the complainant has to endure the problem. The Councils consider that the timeframe must be reduced to ensure complaints are dealt with in an expedient manner.

## **7. Emergency Planning**

In response to ExQ2 Q11.0.3, TDC's Emergency Planning considers that the proposed measures not adequate and has the following comments. These comments have been provided to the Applicant, for their inclusion into the OCoCP at Deadline 7.

- **1.8.2 Flood Warning and Evacuation Plan (FWEP)**  
Para. 139: The Councils recommend that the Principal Contractor not only monitors but also registers with both the Met Office to receive severe weather warnings and the Environment Agency (EA) to receive EA Flood Alerts and Warnings. The Councils recommend the Principal Contractor monitor EA Tide Tables, for an early indication of spring tide periods and the predicted tidal heights meters above Ordnance Datum Newlyn (mODN). These are not local navigation tide tables.
- Para. 140: The Councils recommend that the FWEP clearly states the actions to be taken on receipt of each level of warning.
- Para. 141: The FWEP should clearly state that alerts and warnings may not be issued in ascending order. A severe flood warning may be the first one received.
- Para. 142: The Councils request that the FWEP reinforces that at no time should anyone enter flood water on foot or in a vehicle.
- Para. 154: The Councils expect to see Emergency Services and HM Coastguard included in the list of important contacts in the FWEP. The basic strategies for protecting properties and moving assets to safety should include Recovery – when it is safe to turn systems on again. The Councils also request that the safe access and egress routes are clearly illustrated on maps.

## **8. Tourism**

Following discussions with the applicant on 11 July 2025, the Councils maintain their position as outlined in REP6-081 that a tourism contribution will be required towards but not limited to the following:

- provision of signage
- provision and/or improvement to coastal path and/or heritage trail
- Tourism Monitoring and Recovery Plan (to include a baseline of tourism performance prior to construction works, and to have continued monitoring of impacts on tourism-related traders, as well as compensation or mitigation measures if required)
- Tourism marketing campaign

It is disappointing that the applicant has not agreed to secure such a contribution despite the continual discussions within the last 6 months. This is likely to remain to be a matter not being agreed by the parties before close of examination.

## **9. Skills and Employment**

The Councils strongly maintain their position as outlined in REP6-081.

Following the discussions on 11 July 2025, it is agreed between the parties that the applicant would provide an Addendum to the Outline Skills and Employment Plan (SEP), outlining some quantifiable minimum targets of measures committed by the applicant in relation to skills and employment, which could be further elaborated in the final SEP. Additional measures could be further explored during the development of the final SEP with continual dialogue with stakeholders to identify other potential projects within Essex as well as wider geographical area in East of England.

In view of the significant shortage of professionals and labour in the relevant industries and the growth agenda within Essex as well as Suffolk, the Councils also requested the applicant to provide more details on the labour forecast by types for the next few years, in addition to those already provided within the Outline SEP. These are essential for the Councils to immediately assist in workforce development and training as well as to minimise labour competition among other NSIPs and strategic developments. These estimated figures will also allow the Councils to strategically plan ahead to allow resources to be appropriately allocated, staggering project timelines to avoid peak demand overlaps and commence early dialogue with local employers, education sectors and skills providers to invest in upskilling and promoting sector growth.

## 10. Legal/dDCO

Provision	ECC's comments
<p>Schedule 1 Part 4</p> <p>Requirement 15</p> <p>ECC's suggested amendments as set out in bold:</p> <p>Ground Water Monitoring</p> <p>15.—(1) No stage of the onshore works for which a groundwater monitoring plan is required in accordance with the outline groundwater monitoring plan, must be commenced until, for that stage a groundwater monitoring plan has been submitted to and approved by the discharging authority (2) Sub-paragraph (1) does not apply to any works or surveying and investigation necessary to inform the preparation of a groundwater monitoring plan. (3) <b>Any plan approved under sub-paragraph (1) must be implemented as approved.</b></p>	<p>The proposed amendment provides clarity that the plan is such that as approved under this provision, and that the obligation is to be implemented in line with the approval.</p> <p>This is also preceded in the Five Estuaries draft DCO.</p> <p>ECC would also expect a timetable to be provided within the Groundwater Monitoring Plan.</p>
<p>Schedule 1 Part 4</p> <p>Requirement 17(2)</p> <p>Amendment for requirement to read:</p> <p><b>(2) Prior to the commencement of operation of Work No. 11, the undertaker will consult and agree with Five Estuaries and National Grid a noise investigation protocol to be submitted to and approved by the discharging authority. The noise investigation protocol must identify how the undertaker, Five Estuaries and National Grid will jointly investigate noise.</b></p>	<p>The requested amendment requires the applicant to consult and agree with Five Estuaries and National Grid a noise investigation protocol, as this was not included in the NF dDCO.</p> <p>This provision is necessary to minimise the impact of multiple NSIPs on residents by having a consistent noise investigation protocol to be agreed by NF, VE and NG.</p>

### Framework Highway Agreement (FHA)

ECC has previously outlined the reason and the necessity to have a FHA secured in place in our Local Impact Report (REP1-065) as well as during the Issues Specific Hearing in April 2025. It is understood that the applicant has entered into dialogue with ECC and Five Estuaries.

At the meeting on 14 July 2025, the applicants of both North Falls and Five Estuaries advised ECC that a side agreement could be agreed. However, given the tight timeframe of examination, it is acknowledged that a legal agreement could not be agreed at this stage. The applicant is proposing to secure some form of agreement by inserting text into the OCTMP, which the Highway Authority can agree in principle, subject to the exact wordings to be agreed and submitted at Deadline 8.

## **Requirement 21 - BNG**

Both Councils note that, on 11 July 2025, the Secretary of State has invited comments on an amended BNG condition within the Five Estuaries DCO. As the two projects are of similar nature and in close proximity, the Councils request the same wording to also apply to North Falls DCO:

*(1) No stage of the authorised project within the onshore Order limits (excluding any onshore site preparation works) may commence until—*

*(a) a biodiversity net gain strategy for that stage which accords with the outline biodiversity net gain information comprising the Onshore Biodiversity Net Gain Indicative Design Stage Report has been approved in writing by the relevant planning authority in consultation with Natural England; and*

*(b) at least 10% of the total number of biodiversity units as required for that stage of the development (calculated using a biodiversity metric 7 approved by the relevant planning authority in consultation with Natural England) have been secured and where appropriate proof of purchase provided in accordance with the approved biodiversity net gain strategy and to the satisfaction of the relevant planning authority in consultation with Natural England.*

*(2) The location for delivery of biodiversity units is to follow a prioritisation exercise, as described in the Onshore Biodiversity Net Gain Indicative Design Stage Report, with priority given to areas inside the proposed Order limits, or within Tendring District or same National Character Area within Essex.*

*(3) The biodiversity net gain strategy for each relevant stage must be implemented as approved.*

*(4) Any remaining shortfall in biodiversity units identified following detailed design will be secured prior to construction works being completed.*

*(5) Any biodiversity net gain strategy under sub-paragraph (1) may cover one or more stages of the onshore works.*



### Grampian Condition

The Councils maintain the position set out in ExQ2 that the legal test for a Grampian condition is met, i.e. it is reasonable, necessary, relevant to planning, related to the development, precise and enforceable.

In terms of being precise, it is noted that “onshore site preparation works” is currently defined on page 12 of the latest dDCO. The onshore site preparation works would not trigger the commencement of the development, if consented. While there is no objection to conduct some of the preparatory works such as archaeological investigations, intrusive and other environmental surveys, ground conditions investigations, other works such as vegetation clearance/preparatory works to divert and laying of services/creation of temp. hardstanding/temporary means of access would have powerful impacts on the locality should the EACN (as part of the Norwich to Tilbury DCO) is not consented.

In order to prevent unnecessary detrimental localised impacts associated with the onshore site preparation works, the following revised wordings are proposed for the Grampian condition:

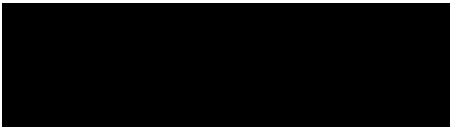
*No part of the:*

*(a) onshore site preparation works except for operations consisting of pre-planting of landscaping works, ecological mitigation works, archaeological investigations, intrusive and other environmental surveys, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, and the temporary display of site notices or advertisements may take place; and*

*(b) authorised development may commence,*

*until evidence of development consent being granted for National Grid’s East Anglian Connection Node substation which will connect the North Falls development to the grid.*

Yours sincerely

  
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