



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

NORTH FALLS OFFSHORE WIND FARM

Appendix M7 to the Natural England Deadline 7 Submission
Natural England's comments on the Examining Authority's 3rd Written
Questions on the North Falls OWF Application [PD-016 & PD-017]

For:

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

Planning Inspectorate Reference EN010119

15 July 2025

ExQ3	Question to:	Question:	Natural England's response:
10. Ecology/Biodiversity/BNG/HRA			
Q10.0.2	NE	<p>Outer Thames Estuary (OTE) Special Protection Area (SPA)– Red Throated Diver (RTD)</p> <p>NE. Given the assessment in [APP-175], what specifically (if anything) are you seeking in further assessment of supporting habitats and prey availability. For the avoidance of any doubt is it your current advice that you cannot exclude AEol of OTE SPA (for RTD)?</p>	<p>Natural England considers that from a benthic perspective, the impacts to SPA supporting habitat have been appropriately identified, quantified and evaluated. The AEOL on the OTE SPA relates specifically to the displacement effects of the array on RTD, with an additional contribution to adverse effects from the disturbance/displacement from the cable installation phase. Please see our Deadline 7 R&I log Appendix K7</p>
Q10.0.3	NE The Applicant	<p>Marine Environment and Physical Processes - Worst Case Scenario (WCS) modelling parameters</p> <p>(i) NE. Confirm the exact information required regarding WCS parameters for sediment deposition due to construction and why information provided to date is not sufficient to ascertain worst case effects. And clarify intention of pre-and post-construction survey inclusion.</p> <p>(ii) Does NE advise that there should also be provision for establishing additional mitigation if the survey data does not support the applicant's current conclusions on long-term stability of bedforms etc. Confirm if WCS for sediment disturbance volume due to sand wave levelling is reduced - if not, why not?</p> <p>(iii) Applicant. If you have not already done so comment on NE requests for commitment to pre- and post-construction bedform migration analysis and if the IPMP can be updated to</p>	<p>(i) Currently, we seek clarification of the realistic WCS sediment deposition thickness and footprint within KKE MCZ due to construction-related activities to inform the EIA and MCZA. However, in [REP6-059] the Applicant has stated that the potential for concurrent construction activities and overlapping sediment deposition can be clarified in further updates to the hydrodynamic and dispersion modelling by Deadline 7. This will inform understanding of the WCS sediment deposition thickness and extent at the MCZ and may resolve this issue. It will also inform any requirements for pre- and post-construction surveys at the MCZ.</p> <p>(ii) The Applicant has included sandwave recovery monitoring in the IPMP [REP6-032], which is welcomed. We would also advise that where impacts to sandwave-sandbank systems (e.g. Annex I sandbanks within/adjacent to the array) are found to be greater than predicted then the Applicant should ensure remedial action is undertaken. In [REP4-041] the Applicant demonstrated that there was a small</p>

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		include such a commitment. If yes, please update the IPMP. If no, explain your reasoning why it is not required.	decrease in seabed preparation/sandwave levelling sediment volume whereas the export cable seabed preparation sediment volume increased significantly.
Q10.0.4	The Applicant NE	<p>Margate Long Sands SAC / Kentish Knock East MCZ</p> <p>Further comments are sought by the ExA on the buffers derived for MCZ and MLS SAC. The ExA note that the Applicant via [REP4-028] undertook bespoke hydrodynamic and dispersion modelling [REP4-040], accompanied by a technical note presenting the interpretation of sediments dispersion modelling results [REP4-042] and supporting information on offshore additional mitigation [REP4-041] which includes consideration of the Margate Long Sands SAC and KKE MCZ and confirms there will be no AEol or hinderance of the conservation objectives of these sites.</p> <ul style="list-style-type: none"> (i) Applicant. Further clarify how buffers (50/150/200m or otherwise) relative to the MCZ and MLS SAC have been determined. Include regard to all relevant best practice (if any) and highlight what this entails. Also clarify how the buffers are secured by the DCO. (ii) NE. Specify the additional information and modelling required beyond existing information available. Specify if anything else is needed to gauge the effects to the MLS SAC. (iii) NE/Applicant. Can any further feasible avoidance measure or mitigation be applied to safeguard against any unwanted sediment dispersion and deposition? 	<p>(ii) MLS SAC: Natural England is satisfied that the hydrodynamic and dispersion modelling [REP4-040] has demonstrated that sediment dispersion and subsequent deposition within MLS SAC is below MarESA thresholds. As a result, we can advise that sediment deposition impacts from construction are unlikely to result in an AEol of the site. However, we seek clarification on the WCS cable protection placement adjacent to MLS SAC (both alone and in-combination) and an understanding of whether that WCS has been considered in the modelling assessment, considering potential changes to patterns of erosion and accretion and seabed morphology and features, within MLS SAC. Natural England advises that once this information has been provided it is likely that an AEol of MLS SAC can ruled out, but that this information is needed to in order to provide the necessary level of transparency in assessment conclusions.</p> <p>For KKE MCZ: please see our response to ExQ 10.0.3.</p> <p>(iii) Natural England advises that additional potential mitigation options could include conducting seabed preparation during specific tidal conditions (direction and/or flow rate) which would avoid/reduce deposition within KKE MCZ. Firm commitments to the use of measures such as a downpipe and disposal in areas of the same sediment type should also be made in all instances where there is a</p>

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			<p>pathway of effect to KKE MCZ unless otherwise agreed with the MMO in consultation with the relevant SNCB.</p> <p>We also advise that the dispersal and depositional modelling assessment should be updated to incorporate the mitigation measures (including those outlined in [REP6-050]), and all relevant assessments updated in the context of the ecological implications of the modelling results. This will increase understanding of the suitability of the proposed mitigation measures to address the potential hindrance of the MCZ's conservation objectives during construction.</p> <p>Furthermore, whilst not mitigation, we would wish to see the Applicant commit to intensive monitoring of the affected area within the MCZ. This should include consideration of changes to sediment composition, seabed level and morphology and should include thresholds of change to trigger remedial action if impacts are observed to be greater than predicted. This monitoring would need to be included in the IPMP and secured in the DCO/dML.</p>
Q10.0.5	The Applicant NE IPs	<p>Compensation – Schedule 15 wording</p> <p>It is the RSPB's view compensation measures should remain in place for as long as the project's adverse impacts on the SAC/SPA/Ramsar site continue. Typically, they state this has needed to be "in perpetuity" as impacts have been permanent. The lifetime of the development wording as proposed by the Applicant within Schedule 15, paragraph 8 in [REP3-008] may need to be adapted.</p>	<p>(i) For compensatory measures to address seabird collision mortality impacts on SPA populations we advise that the measure must remain in place at least for the operational lifespan of the OWF. It may be necessary for the measure to persist beyond this timeframe if monitoring suggests that the impacts estimated as arising at the OWF have not been</p>

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		<p>(i) Applicant/NE – Should the length of time the compensation measures the DCO secures for this project be based on the combination of the lifetime of the development plus the time it will take the affected bird population to recover from the impacts?</p> <p>(ii) Applicant - Please provide your updated preferred without prejudice draft wording for Schedule 15 to cover (i).</p> <p>(iii) IPs make whatever comment you deem necessary.</p>	<p>adequately compensated, leading to the accrual of mortality debt which must be addressed by the measure. We highlight that where appropriate e.g. for Artificial Nest Structures, previous OWF consents have required developers to seek permission from the Secretary of State (SoS), in consultation with Natural England. before decommissioning their compensation.</p> <p>For disturbance/displacement seabird impacts quantified as area of habitat loss, we advise that the compensatory measure should remain in place as long as that impact persists.</p>
Q10.0.7	NE MMO NatureScot RSPB Essex Wildlife Trust Tendring Council The Applicant	<p>Report on the Implications for European Sites (RIES)</p> <p>The ExA notes that the Report on the Implications for European Sites (RIES) was published 1 July 2025. The ExA requests that the series of questions featuring within the RIES are answered by the relevant parties. The questions within the RIES detail to whom each question is asked.</p> <p>All responses must be submitted by no later than Examination Deadline 7 which is 15 July 2025.</p>	Please see Natural England's response to Q26 in the RIES in the Cover Letter to our Deadline 7 submission.
Q10.0.9	The Applicant NE	<p>Margate Long Sands SAC (MLS SAC) / HRA / Derogations and compensation</p> <p>The ExA notes it may not be possible for the competent authority to exclude AEoI beyond reasonable scientific doubt on MLS SAC. As such, and in line with the relevant NPS EN-1 should the Applicant be unable to reach agreement with NE that there would be no AEoI from the</p>	(a) Please see Natural England's response to Q26 in the RIES in the Cover Letter to our Deadline 7 submission. We will review any without prejudice derogations case submitted by the Applicant and respond at Deadline 8.

ExQ3	Question to:	Question:	Natural England's response:
		<p>proposed development alone or in combination with other plans and projects by Deadline 7, the ExA considers that a derogations case (without prejudice or otherwise) is required to be submitted.</p> <p>This is to enable the ExA to assess information during the examination and make a recommendation to the SoS, and so that the SoS has all relevant information available to them at the point of decision.</p> <ul style="list-style-type: none"> a. The Applicant and NE are requested to confirm at Deadline 7 whether an AEoI on MLS SAC can be excluded. b. If agreement of no AEoI with NE is not possible the Applicant is requested to submit a without prejudice derogation case at Deadline 7. c. The Applicant must also provide any associated updated without prejudice compensatory requirements including all relevant Schedule 15 wording which would be necessary must be provided by the Applicant (on a without prejudice basis or otherwise) by Deadline 7. d. The Applicant must also provide an up-to-date revised Compensation Funding Statement [APP-186] demonstrating all project related compensation (without prejudice or otherwise) can be provided. This document should include due reference to the potential costs for ensuring effective compensation delivery. Alongside an updated Compensation Overview document reflecting all relevant changes. Also submitted by Deadline 7. The ExA requests [APP-186] includes more detail on how funds would be spent towards 	

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		<p>actual physical ecological compensation delivery itself.</p> <p>e. Applicant. The above (a-d) would also apply to any other potential derogation case matter not yet made related to NE advice (including the Stour and Orwell Estuaries SPA and Ramsar site).</p>	
Q.10.0.10	The Applicant NE	<p>Kentish Knock East MCZ (KKE MCZ)</p> <p>(i) Confirm if AEoI can be excluded to the KKE MCZ by Deadline 7.</p> <p>(ii) The applicant should otherwise submit a derogations case (on a without prejudice basis) also by Deadline 7.</p>	<p>(i) Natural England advises that based on the results of the hydrodynamic and dispersion modelling [REP4-040] at present, that unless further evidence and assessment can be presented to demonstrate otherwise, we consider it likely that the achievement of the KKE MCZ conservation objectives, which have a 'restore target' will be hindered. However, we consider that if the Applicant can provide clarification on the WCS sediment deposition thickness and extent within the MCZ, and commit to intensive monitoring of the affected area within the MCZ (including changes to seabed sediment composition, morphology and level) including establishing triggers for remedial intervention if impacts are greater than predicted, then we do not consider that MEEB/compensation will be required.</p>
Q14.0.3	Natural England, Applicant and Local Authorities	<p>Natural England Risk and Issues Log: Landscaping and Outline Landscape and Ecological Management Strategy (OLEMS)</p> <p>Natural England states in its Risk & Issues Log [REP6-089] that it expects "<i>the landscaping requirements to also cover survey methods, monitoring requirements and the requirement to maintain, including the potential for re-planting due to plant failures. Further, we would expect to be consulted on the plans prior to their approval by the relevant LPA</i>". The ExA notes that the dDCO [REP6-005]</p>	<p>(i) The comment referred to within the Risks and Issues log is related to the sufficiency of the wording of Requirement 7 and not to the details provided within the OLEMS. Our comments on the OLEMS remain as per our Risk and Issues Log</p> <p>(ii) Natural England considers that key aspects of the Landscape mitigation should be captured within the requirement to appropriately secure the required mitigation. The OLEMS are high level and do not</p>

ExQ3	Question to:	Question:	Natural England's response:
		<p>was amended and now includes provision for consultation with the SNCB within Requirement 7.</p> <p>With reference to the Outline Landscape and Ecological Management Strategy [REP6-035], the ExA notes that it will form the basis for a final Written Landscape Scheme, which will both be prepared and submitted to the Local Planning Authority for approval prior to construction of the Project secured by DCO Requirement. It includes various survey methods and monitoring measures are referred to, for example:</p> <p><u>Survey Methods:</u> Paragraph 12 sets out that the OLEMS has been drafted based on the findings of pre-consent surveys undertaken between 2021 and 2023. Further information and full survey results is found within the range of 17 documents listed, and informed by other documents e.g. Biodiversity Net Gain (BNG) Strategy [REP3-028] and Green Infrastructure Plan [APP-134].</p> <p><u>Monitoring requirements and a requirement to maintain, including potential for re-planting:</u> Section 3.11 of the OLEMS [REP6-035] includes maintenance of landscape planting. It includes that <i>"The success of landscape planting will be monitored over a 10-year aftercare period after planting. During this period any plants which fail, die, are removed, or become seriously damaged or diseased, shall be replaced in the first available planting season with a specimen of the same species and size as that originally planted"</i> (see Paragraph 248 and following).</p>	<p>provide the final detail as it is not possible at this stage. The details will be provided pre-construction within the written landscaping scheme. It is our opinion that Requirement 7 should be amended to ensure that the written landscaping scheme submitted must include details of survey methods, proposed monitoring, and the requirement to maintain and replant due to plant or tree failures. This is needed as these are key aspects of successful mitigation and should be appropriately secured.</p> <p>(iii) The onus is on the Applicant to ensure that ecological functionality is established/reestablished as quickly as possible and this varies depending on the location. Therefore, Natural England advice remains unchanged.</p>

ExQ3	Question to:	Question:	Natural England's response:
		<p>Please can the IPs identified comment on, and respond to, the following:</p> <ul style="list-style-type: none"> i) Does the OLEMS sufficiently cover survey methods, monitoring requirements and requirement to maintain, including potential for re-planting due to plant failures. ii) Whether or not, in their view, the associated Requirement 7 for a Written Landscape Scheme can rely on the detail within the OLEMS to address NE's concerns regarding landscaping requirements as set out above. iii) Regarding the replacement of failed planting, it is noted that the Applicants commit to the replacement of failed planting for a period of ten years. Given that the provided photomontages provide assessments of the effect of landscaping at 15 years, do you consider ten years to be long enough for this provision? 	
Q14.0.4	Applicant, SCC, other IPs	<p>Duty to Enhance National Landscape</p> <p>The Applicant's response to ExQ2 Q14.0.1 confirmed that the Applicant is a statutory undertaker as defined in s85 of the CRow Act, and that it is therefore a relevant authority for the purposes of the Act. The Applicant set out its position within its Position Statement [REP5-068], as well as [REP5-055] and in further information submitted at Deadline 6, in response the ExA's Rule 17 request dated June 6 2025 [PD-014].</p>	<p>Please see Natural England's comments on the Applicant's without prejudice response to the ExA's Rule 17 request [REP6-062] in Appendix I7 to our Deadline 7 submission.</p>

ExQ3	Question to:	Question:	Natural England's response:
		<p>In summary, the response [REP6-062] considers, on a without prejudice basis, specific additional compensatory measures that could be applied to enable the Applicant and the Secretary of State to discharge the Duty should the Secretary of State consider that such measures are required, including consideration of principles to form the basis for the development and delivery of a National Landscape Enhancement Scheme (or similar) together with a list of projects identified and a mechanism for securing such a scheme [REP6-062].</p> <p>The Applicant considers that the effects on the SECHNL are visual in nature only. Environmental Statement (ES) Chapter 29 Seascape, Landscape and Visual Impact Assessment (SLVIA) [APP-043] concludes that there will be significant effects on views from locations along the southern coastal edge of the SECHNL, between the River Deben and Orford Ness. There will be no significant effects on landscape character, and no significant effects on the special qualities of the SECHNL [REP5-038].</p> <p>The ExA now seeks views from IPs on the response [REP6-062] including the without prejudice Requirement and the content of the National Landscape Enhancement Strategy. Further specific questions are also set out below.</p>	
Q14.0.5	IPs, Applicant	<p>National Landscape Enhancement Scheme Principles:</p> <p>Mechanism for Delivery The ExA notes the Applicant's suggested wording for a Requirement to deliver the National Landscape Enhancement Scheme (below), submitted on a without prejudice basis at Deadline 6 [REP6-062]:</p>	<p>Please refer to Appendix I7 to Natural England's Deadline 7 submission.</p> <p>Further to our comments provided in Appendix I7 we would like to request the draft wording be amended to include a requirement to consult the relevant SNCB on the National</p>

ExQ3	Question to:	Question:	Natural England's response:
		<p>National Landscape Enhancement Scheme</p> <p>(1) Work No. 1 and Work No. 2 must not be commenced until a National Landscape Enhancement Scheme has been submitted to and approved by the discharging authority in consultation with Suffolk & Essex Coast & Heaths National Landscape Partnership.</p> <p>(2) The National Landscape Enhancement Scheme must accord with the principles and fund size set out in the National Landscape Enhancement Scheme principles document.</p> <p>(3) The National Landscape Enhancement Scheme must be implemented as approved.</p> <p>(4) In this Requirement "the National Landscape Enhancement Scheme principles document" means the principles set out in Table 1 of Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes.</p> <p>Comments from IPs are specifically sought in relation on the wording of above suggested Requirement, submitted on a without prejudice basis.</p>	<p>Landscape Enhancement Scheme prior to its approval and discharge.</p>
Q14.0.11	Applicant, Natural England, ECC, SCC, SECHNLP	<p>Impact on LCTs</p> <p>In response to ExQ2 14.0.5 the Applicant confirmed that in its view, at a distance of over 40km from any onshore LCT (Landscape Character Type), that it is satisfied that "<i>the magnitude of change is correctly recorded as 'low'</i>" in each case.</p>	<p>We signpost the ExA to our Relevant Representations [REP1-071] advice (including Table 3) where we disagree with the Applicant's assessment regarding the magnitude of change for different landscape character types.</p>

ExQ3	Question to:	Question:	Natural England's response:
		<p>i) Please can the Applicant confirm what, if any other criteria than distance have been used to estimate the magnitude of change.</p> <p>ii) Please can NE (and others, optionally) comment on factors other than distance which they consider would contradict the Applicant's assertion regarding the 40km distance to any onshore LCT.</p>	
Q14.0.12	Natural England	<p>Natural England: Risk and Issues Log</p> <p>NE's advice in its Risk & Issues Log [REP6-089] I-Seascape has remained unchanged throughout. Deadline 6 submission states that NE will not be responding further on these issues unless new information is forthcoming, or the Applicant's conclusions change.</p> <p>Following the submission of the Applicant's without prejudice response [REP6-062] to the ExA's Rule 17 [PD-014] request, please can NE update this advice and risk log in respect of those issues to which [REP6-062] relates.</p>	Please see Natural England's advice on the Applicant's without prejudice response [REP6-062] to the ExA's Rule 17 request in Appendix I7 to our Deadline 7 submission.
Q14.0.13	Applicant, Natural England	<p>Underestimation of Effects</p> <p>NE has stated that, in its view, the ES underestimates the effects of the proposed development in landscape and seascape terms on the National Landscape. The Applicant's response to ExQ2 14.0.6 refers to its technical note [REP3-044] and states that it does not consider that NE's precise steps to overcome this are necessary or appropriate.</p> <p>Please can the Applicant</p>	(ii) As advised in our Relevant Representations [REP1-071], we consider that significance of effects have been underestimated. For further detail please see Table 3 of our Relevant Representations. Where there is a disagreement between the Applicant's and Natural England's assessment in Table 3, it is always the case that the Applicant has in our view underestimated the effects.

ExQ3	Question to:	Question:	Natural England's response:
		<p>i) Summarise how it considers that effects have not been underestimated.</p> <p>And</p> <p>ii) Please can NE set out specifically which of the effects have been underestimated, including by reference to specific points set out in the ES.</p>	