THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

NORTH FALLS OFFSHORE WIND FARM

Appendix C8.1 to the Natural England Deadline 8 Submission

Natural England's Benthic Ecology Advice on the Applicant's Deadline 7 Documents

For:

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

Planning Inspectorate Reference EN010119

23 July 2025

Appendix C8.1 Natural England's Benthic Ecology Advice on the Applicant's Deadline 7 Documents

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

- [REP7-024] 7.10 Offshore In-Principle Monitoring Plan (Rev 2) (Tracked)
- [REP7-039] 9.53 Cable Specification and Installation Plan (Rev 3) (Tracked).pdf
- [REP7-014] 7.1.2 RIAA Part 2 Benthic Ecology Annex I habitat in SACs and SPA supporting habitat Rev2
- [REP7-020] 7.3 Marine Conservation Zone Assessment Report (Rev 1) (Tracked).pdf

1. Summary comments

Table 1: Natural England's advice on: Monitoring Requirements

Document reviewed	Update made	Issue resolved?
[REP7-024] 7.10 Offshore In-Principle Monitoring Plan (Rev 2) (Tracked)/Table 8-2	We advise that the monitoring of indirect effects (Table 8-2) on Kentish Knock East MCZ and Margate and Long Sands SAC should be aligned with the related monitoring proposed for marine processes in Table 8-1. Please see our advice in Appendix B8.	No
[REP7-039] 9.53 Cable Specification and Installation Plan (Rev 3) (Tracked).pdf	Para 63 states that: "*The need for and scope of ongoing monitoring activities will be reviewed following installation (once as-built details are known) and during the operational lifetime of the project and will be in accordance with the In Principal Monitoring Plan [REP6-031/032], where applicable*." However, Natural England notes that this monitoring has not been secured through condition in the DCO. Given the importance of monitoring, as detailed in Appendix B8, we advise that the monitoring requirement is appropriately secured.	No

2. Detailed comments

Table 2: Natural England's Advice On: [REP7-014] 7.1.2 RIAA Part 2 Benthic Ecology Annex I Habitat in SAC and SPA Supporting Habitat

Document reviewed: REP7-014] 7.1.2 RIAA Part 2 Benthic Ecology Annex I Habitat in SAC and SPA Supporting Habitat			
NE Ref	**Section/Para**	**Key Concern and/or Update**	**Natural England's Advice to Resolve Issue**
1	Para 19	Natural England welcomes confirmation that the "*worst case scenario has been assessed based on cable protection in the part of the offshore cable corridor which is adjacent to the Margate and Long Sands SAC*."	This issue is resolved.
2	Table 2.3	Natural England welcomes the commitment of a minimum buffer of 150m between the MLS SAC and the installation of the offshore cables and any associated cable protection and securement of that commitment within the DCO. The updated modelling demonstrates that there the changes to current speed and bed shear stress due to the presence of cable protection adjacent to the SAC (with a 150m buffer) do not extend beyond the OECC and effects are localised to the OECC i.e. they do not extend to the SAC. Given that no pathways of effect to supporting processes of ecological features of the SAC have been demonstrated, Natural England are satisfied that an AEoI on MLS SAC from operational impacts can be ruled out.	This issue is resolved.
3	Para 28	Natural England agrees that ecological halo effects will not extend beyond the 150m buffer into MLS SAC.	N/A

4	RIAA Paragraphs 50 to 60, Hydrodynamic and Sediment Dispersion Modelling Report, Document Reference 9.54, Rev 2 [REP7-042] Figure 7-12	Natural England is concerned that contradictory information has been presented between the Hydrodynamic and Sediment Dispersion Modelling Report, and the RIAA Part 2. Natural England notes that within the RIAA "*Deposition of SSCs arising from the above works could result in 5cm to 15cm sediment depth in an area of c. 1.5km^2 (0.23% of the SAC) overlapping the MLS SAC, as shown by the sediment dispersion modelling (Hydrodynamic and Sediment Dispersion Modelling Report*, ***Document Reference 9.54, Rev 02****)."* However, within the modelling report it is stated that "*Figure 7-12 shows the total sediment deposition thickness greater than 5cm which occurs during export cable trenching activities. All sediment deposition occurs within the export cable corridor and is <5cm*". We also note that the Applicant's conclusion that "*there is no potential for an AEoI of this attribute due to increased SSC and sediment deposition*," has not been supported with consideration of the ecological implications or sensitivity of the species present. For example, the predicted deposition has not been set in the context of MarESA pressure benchmark thresholds for smothering or considered in light of the specific communities present and their likely sensitivity to the depths of deposition that are predicted.	Natural England advises that the information provided should be made consistent and the WCS clarified across the relevant documents. Overall, however, we advise that whilst the updated RIAA has not considered the ecological implications of the predicted sediment deposition within MLS SAC, we believe that the risk of an AEOI due constructed-related activities is low.

		We also refer the Applicant to our small-scale habitat loss policy provided in Annex 1 below.	
5	Section 2.4.3.5.1	Natural England accept that "*plumes from the installation of cables for other plans or projects would not interact with North Falls due to health and safety restrictions prohibiting the launch of vessels to work simultaneously in the same geographic location*." However, the assessment does not consider the in-combination effects of deposition which will persist beyond the working period of vessels and could result in depositional depths significantly greater than those predicted by the project alone. Owing to lack of quantification and evaluation, Natural England is unable to agree that sediment deposition/smothering in-combination will not result in the potential for an AEoI.	Natural England advises that the Applicant should consider potential concurrent construction activities due to other nearby Projects, and the potential for overlapping sediment plumes and associated deposition. A realistic worst-case scenario (WCS) estimate based on available information should be considered and assessed. Suitable mitigation should also be considered to avoid impacts on the SAC.
6	Para 53, 97 and 98	Natural England agrees that suspended sediment concentrations (SSCs) will not result in an AEoI either alone or in-combination.	This issue is resolved.

Table 3. Natural England's Advice on: [REP7-042] 9.54 Hydrodynamic and Dispersion Modelling Report (Rev 2) (Tracked)

Document reviewed: [REP7-042] 9.54 Hydrodynamic and Dispersion Modelling Report (Rev 2) (Tracked)			
NE Ref	**Section/Para**	**Key Concern and/or Update**	**Natural England's Advice to Resolve Issue**
1	Section 5.8	Natural England welcomes the commitment to in principle monitoring to *"validate that there will be no significant indirect effects on the KKE MCZ*," which is also secured via the DCO.	While we welcome this commitment; please see our advice on monitoring at the MCZ in Appendix B8 where we advise on the robustness of the required monitoring.

2	Para 112	Natural England welcomes the incorporation of updated condition assessment and SACO target information for KKE MCZ.	N/A
3	Section 7.4	Natural England agrees that ecological halo effects are unlikely to extend significantly into KKE MCZ.	N/A
4	Section 8.2.1.1.3 and Section 9	Natural England welcomes the additional information which has been provided and the consideration of likely sensitivity of site-specific benthic features to the pathways of effect which have been predicted within the hydrodynamic modelling. As a result of the additional information, Natural England can agree that the conservation objectives for the BCRC Estuaries MCZ will not be hindered. With regards to KKE MCZ, it is stated that sediment deposition within the MCZ due to construction-related activities is likely to be of a similar nature to that within the area of overlap for construction-related effects and that it will be re-distributed by the prevailing waves and tidal currents i.e. the effect will be temporar and the community can be expected to recover. Therefore, we believe that the risk of the conservation objectives being hindered is low. We advise that substantial monitoring should be carried out to validate the Applicant's predictions that there will be no significant changes to the physical processes and environment and in turn the benthic communities in KKE MCZ.	Whilst Natural England can now agree with the conclusions of the MCZ assessment, we would welcome consideration of additional mitigation, such as limiting seabed preparations to specific tidal windows to minimise effects and recovery times within KKE MCZ.

Annex 1. Small Scale Habitat Loss within Marine Conservation Zones (MCZs)

In relation to consideration of small scale habitat loss within Marine Conservation Zones (MCZs), such as that which results from cable protection, Natural England provides the following advice:

1. Natural England will usually consider permanent, long-lasting and irreversible loss to be an adverse effect/significant impact unless it can be clearly demonstrated otherwise.

2. The following points should be considered (but not exclusively) when providing evidence to underpin an assessment of whether an impact is likely to be an adverse effect/significant impact:

- Location of the predicted loss in terms of whether it sits on a designated or supporting feature of the site;
- Duration of the loss – for loss to be considered temporary it must be clearly time-limited to the point where the impact is predicted to return to the same pre-impact condition and must include a detailed remediation plan using proven techniques as part of the licence;
- Scale of the loss in relation to the feature / sub feature of the site including consideration of the quality and rarity of the affected area;
- Impact on structure, functioning or supporting processes of the habitat;
- Feature condition; and
- Existing habitat loss within the same site/ feature/ sub feature.

3. Whilst there are no hard and fast rules or thresholds, in order for Natural England to advise that there is no likelihood of an adverse effect the project would need to demonstrate the following:

1. That the loss is not on the priority habitat/feature/ sub feature/ supporting habitat and/or
2. That the loss is temporarily and reversible (within guidelines above) and/or
3. That the scale of loss is so small as to be de minimus alone and/ or
4. That the scale of loss is inconsequential including other impacts on the site/ feature/ sub feature

4. It is noted that Applicant's will argue that they have provided the above information and provided the necessary assessment and evidence. However, as set out in (C-294/17 Cooperative Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others) and other case law relating to People over Wind (2018) for a plan/project to be consented within a designated site there needs to be sufficient certainty in the evidence presented and the recoverability of the features and/or absolute certainty that any proposed mitigation measures will remove an adverse effect on integrity.