



NORTH FALLS

Offshore Wind Farm

Statement of Common Ground

Environment Agency (Tracked)

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NORTH FALLS

Offshore Wind Farm

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Glossary of Acronyms

AONB	Area of Outstanding Natural Beauty
BNG	Biodiversity Net Gain
DCO	Development Consent Order
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement
ETG	Expert Topic Group
HDD	Horizontal Directional Drilling
HRA	Habitat Regulations Assessment
LONI	Letters of No Impediment
NFOW	North Falls Offshore Wind Farm Limited
OCOCP	Outline Code of Construction Practice
PEIR	Preliminary Environmental Impact Report
SAC	Special Area of Conservation
SoCG	Statement of Common Ground
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest

Glossary of Terminology

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.
onshore cable corridor(s)	Onshore corridor(s) considered at PEIR within which the onshore cable route, as assessed at ES, is located.
onshore substation zone	The area considered at PEIR, within which the onshore substation will be located.
Landfall	The location where the offshore export cables come ashore at Kirby Brook.
horizontal directional drill (HDD)	Trenchless technique to bring the offshore export cables ashore at landfall. The technique will also be the primary trenchless technique used for installation of the onshore export cables at sensitive areas of the onshore cable route.
onshore cable route	Onshore route within which the onshore export cables and associated infrastructure would be located.
haul road	The track along the onshore cable route used by construction traffic to access different sections of the onshore cable route.

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.
National Grid connection point	The grid connection location for the Project. National Grid are 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.

1 Introduction

1.1 Background

1. This Statement of Common Ground (SoCG) has been prepared by North Falls Offshore Wind Farm Limited (NFOW) (the Applicant) and Environment Agency. It identifies areas of North Falls Offshore Wind Farm (hereafter 'the Project' or 'North Falls') where matters are agreed, not agreed or that remain under discussion between the parties.
2. The Applicant has had regard to the Planning Inspectorate (2024) guidance regarding Statements of Common/Uncommon Ground for Hearings and Inquiries when compiling the SoCG.
3. This SoCG has been structured to reflect topics of the application which are of interest to Environment Agency. The applicable matters considered within the SoCG apply to Environment Agency's statutory and non-statutory remit.
4. Table 1.1 presents the topics included in the SoCG with the Applicant and Environment Agency.

Table 1.1 Topics included in the SoCG

Topic/Chapter	Development Consent Order (DCO) Document Reference
Project Description	APP-019
Onshore Site Selection	APP-016
Onshore Ecology	APP-037
Seabed	APP-022
Water Resources & Flood Risk	APP-035
Ground Conditions and Contamination	APP-033

5. Topic specific matters agreed, not agreed, and matters that remain under discussion between the Applicant and Environment Agency are included within this SoCG. Matters that are not yet agreed will be the subject of ongoing discussion between the Applicant and Environment Agency to reach agreement on each matter wherever possible or refine the extent of disagreement between parties.
6. Throughout the SoCG the phrase "Agreed" identifies any point of agreement between the Applicant and Environment Agency. The phrase "Not Agreed" identifies any point that is not agreed between the Applicant and Environment Agency.

1.2 Consultation with the Environment Agency

7. The Applicant has engaged with Environment Agency on the project during the pre-Application process, both in terms of informal non-statutory engagement and formal consultation carried out pursuant to Section 42 of the Planning Act 2008.

8. During statutory (Section 42) consultation, the Environment Agency provided comments on the Preliminary Environmental Information Report (PEIR) by way of letter dated 14th July 2023.
9. Further to the statutory Section 42 consultation, several meetings were held with Environment Agency through the Evidence Plan Process. These are detailed throughout the SoCG, Consultation Report **[APP-215]** and minutes of the meetings.

1.3 Summary of Agreed, Not Agreed and In Discussion

10. In order to easily identify whether a matter is 'agreed', 'not agreed', or 'in discussion' the position status colour coding system set out in Table 1.2 is used in the SoCG.
11. Details of specific topics that are 'agreed', 'not agreed', or 'in discussion' between the Applicant and Environment Agency are presented in Section 2.

Table 1.2 Position status key

Position Status	Position Colour Coding
Agreed. The matter is considered to be agreed between the parties.	Agreed
Not Agreed- no material impact The matter is not yet agreed between the parties however the outcome of the approach taken by either the Applicant or Environment Agency is not considered to result in a material impact to the assessment conclusions and the matter is considered to be closed for the purposes of this SoCG. Discussion on these matters have concluded.	Not Agreed- no material impact
Not Agreed- material impact The matter is not agreed between the parties and the outcome of the approach taken by either the Applicant or Environment Agency is considered to result in a materially different impact to the assessment conclusions. Discussions on these matters have concluded.	Not Agreed- material impact
In discussion The matter is neither 'agreed' nor 'not agreed' and is a matter where further discussion is required between the parties (e.g. where documents are yet to be shared with the Environment Agency).	In discussion

2 Statement of Common Ground

12. A summary of the consultation undertaken to date with Environment Agency and the matters agreed or not agreed between the Applicant and Environment Agency (based on discussions and information exchanged between the Applicant and Environment Agency during the pre-application, pre-examination and Examination phases of the Application) are set out below for each of the SoCG topic areas.

2.1 Onshore Site Selection

Table 2.1 Summary of Consultation with Environment Agency regarding Onshore Site Selection

Date	Contact Type	Topic
Pre-Application		
17 th January 2022	Expert Topic Group (ETG) Meeting 1	The following topics were discussed during the meeting: • Site selection 'Golden Rules'; • Approach to site selection; • Update on site selection activity; and • Feedback provided.
9 th April 2022	ETG Meeting 2	The following topics were discussed during the meeting: • The process and initial outputs of the Project's onshore substation site selection exercise; and • Infrastructure required for the onshore substation.
15 th of June 2022	ETG Meeting 3	The following topics were discussed during the meeting: • The process and initial outputs of the Project's onshore cable corridor site selection exercise; and • Infrastructure required for the onshore cable corridor.

Table 2.2 Topics agreed, in discussion or not agreed in relation to Site Selection

ID	The Applicant Position	Environment Agency Position	Position Summary
1	The Project's 'Golden Rules' (as described in ES Appendix 4.1 Site Selection Golden Rules [APP-091]) for setting the framework for the site selection process for all aspects on transmission infrastructure, are appropriate for guiding the site selection process, and ensuring that the process is robust and that the appropriate environmental requirements have been considered during the process.	EA requested that groundwater aquifer/resources be considered within the Golden Rules as stresses on water supply is increasingly becoming an issue with development in south-east. We are not content with the statement in the last sentence 'and will ensure compliance with environmental requirements.' Site selection alone will not guarantee environmental compliance but the 'Golden Rules' should guide to sites with least environmental risk.	Agreed
2	The methodology for onshore cable corridor site selection as described in ES Chapter 4 Site Selection and Assessment of Alternatives [APP-018] is adequate for ensuring that the preferred option has been selected taking account of the appropriate environmental requirements.	No comment	Agreed
3	The methodology for onshore substation site selection (as described in ES Chapter 4 Site Selection and Assessment of Alternatives [APP-018]) is adequate for ensuring that the preferred option has been selected taking account of the appropriate environmental requirements.	No comment	Agreed
4	For onshore substation site selection, the 'Area of Search' for identifying onshore substation options includes all land within 3km of the projects provisional National Grid connection. Built up areas (>5,000 population), major linear infrastructure (A-roads, railway) and national nature conservation/ landscape designations (SAC, SPA, Ramsar, AONB) have also been	No comment	Agreed

ID	The Applicant Position	Environment Agency Position	Position Summary
	removed from the Area of Search boundary. This area of search is reasonable for identifying initial options for the onshore substation.		

2.2 Onshore Ecology

Table 2.3 Summary of Consultation with Environmental Agency regarding Onshore Ecology

Date	Contact Type	Topic
Pre-Application		
6 th July 2021	ETG Meeting 1	The following topics were discussed during the meeting: • The approach / methodology for Environmental Impact Assessment (EIA); • Desk-based data sources; • The study area; • The scope for the Extended Phase 1 Habitat surveys; • The scope of the invertebrate and botanical surveys; • The scope of the overwintering and breeding bird surveys; • Biodiversity net gain; • Letters of No Impediment; and • Great crested newt eDNA.
15 th November 2022	ETG Meeting 2	The following topics were discussed during the meeting: • Habitat Regulations Assessment (HRA) screening; and • Biodiversity net gain.
10 th October 2023	ETG Meeting 3	The following topics were discussed during the meeting: • Bat Activity Survey and Bat Emergence Survey; • Effects upon migratory Nathusius' pipistrelle; and • Works near Holland Mill Wood.
5 th February 2024	ETG Meeting 4	The following topics were discussed during the meeting: • Biodiversity net gain; • Temporary works; and • Hedgerows and habitat creations.

Table 2.4 Topics agreed, in discussion or not agreed in relation to Onshore Ecology

ID	The Applicant Position	Environment Agency Position	Position Summary
1	The approach / methodology for EIA as set out in Section 23.4 of ES Chapter 23 Onshore Ecology [APP-037] and Section 24.4 of ES Chapter 24 Onshore Ornithology [APP-038] is appropriate for assessing impacts on onshore ecology / ornithology receptors.	No comment	Agreed
2	The list of desk-based data sources set out in Section 23.4 of ES Chapter 23 Onshore Ecology [APP-037] and Section 24.4 of ES Chapter 24 Onshore Ornithology [APP-038] are sufficient to inform the EIA.	Ornithology is outside the Environment Agency's remit and therefore it is not appropriate for us to adopt a formal position on this. We defer to Natural England in these matters	Not Agreed – no material impact
3	The study area buffers for designated sites, habitats and species set out in Section 23.4 of ES Chapter 23 Onshore Ecology [APP-037] and Section 24.4 of ES Chapter 24 Onshore Ornithology [APP-038] are appropriate.	No comment	Agreed
4	The scope of the Extended Phase 1 Habitat surveys is appropriate and is suitable to characterise the baseline for the EIA.	Agreed for those areas in our remit	Agreed
5	The scope of the invertebrate and botanical surveys undertaken at Holland Haven Marshes are appropriate and are suitable to characterise the baseline for the EIA.	No comment	Agreed
6	The scope of the water vole and otter surveys undertaken are appropriate and are suitable to characterise the baseline for the EIA.	No comment	Agreed
7	The scope of the overwintering and breeding bird surveys undertaken are appropriate and are suitable to characterise the baseline for the EIA.	Ornithology is outside the Environment Agency's remit and therefore it is not appropriate for us to adopt a formal position on this. We defer to Natural England in these matters	Not Agreed – no material impact

ID	The Applicant Position	Environment Agency Position	Position Summary
8	The approach to setting out how the project will achieve 10% biodiversity net gain, as set out during the 15 November 2022 ETG, is appropriate for ensuring enough information is available prior to consent to have comfort about how the 10% net gain will be delivered.	Natural England is the statutory consultee for this matter and we defer to them in formal consultation	Not agreed – no material impact
9	Assessment of effects arising from Horizontal Directional Drilling (HDD) breakout is best assessed in the ES through a risk assessment, and geotechnical data is not required at this stage to inform this.	This is agreed. However, it should be recognised that geotechnical data may indicate that HDD is not suitable and that consent under protective provisions may not be granted under those circumstances and that crossing redesign may be necessary	Agreed
10	Undertaking BNG calculations based on the onshore project infrastructure, not the project red line boundary, is appropriate due to the use of the Rochdale envelope approach.	Natural England is the statutory consultee for this matter and we defer to them in formal consultation	Not agreed – no material impact
11	Assuming that all subject to temporary works for less than two years will be 'retained' within the metric, and all arable land will be returned to target condition once back in its original use.	Natural England is the statutory consultee for this matter and we defer to them in formal consultation	Not agreed – no material impact
12	Hedgerows will be subject to post reinstatement surveys to ensure successful establishment of habitat and that they have achieved their target condition, up to ten years after scheme completion. After ten years it will be assumed that the landowner will continue to maintain the area as they deem fit. These areas will be specifically excluded from the 30-year monitoring and management plan, once they have been confirmed as reaching their target condition. Any habitat creation and enhancement which takes place and contributes towards the project's BNG target will require a minimum 30-year	These matters lie within Natural England's remit and so it is inappropriate for us to record a formal position instead deferring to Natural England.	Not agreed – no material impact

ID	The Applicant Position	Environment Agency Position	Position Summary
	monitoring and maintenance period of its condition. This excludes arable habitats as they do not receive a condition score within the Defra Statutory Biodiversity Metric.		
13	The approach set out in the North Falls Draft BNG Strategy [APP-257] is appropriate for characterising the baseline and post-development habitat requirements both pre- and post-consent, and the list of information to be provided pre-consent is sufficient to adequately identify the project's outline BNG requirements when exploring opportunities to achieve 10% BNG.	Natural England is the statutory consultee for this matter and we defer to them in formal consultation.	Not agreed – no material impact

2.3 Seabed

13. The Environment Agency were invited to the meetings listed in Table 2.5 but did not attend. Meeting minutes were shared with the Environment Agency.

Table 2.5 Summary of Consultation with Environment Agency regarding Seabed

Date	Contact Type	Topic
Pre-Application		
5 th July 2021	ETG Meeting 1	The following topics were discussed during the ETG meeting: The approach / methodology for EIA; • Desk-based data sources; • Specific surveys; • Contaminants analysis; • Receptors; • Definitions informing impact significance; • Worst case scenarios; and • Conclusions.
19 th October 2023	ETG Meeting 2	
Post-Application		
18 th October 2024	Relevant Representation	Environment Agency response to the relevant representation consultation.

Table 2.6 Topics agreed, in discussion or not agreed in relation to Seabed

ID	The Applicant Position	Environment Agency Position	Position Summary
Landfall			
1	North Falls are working closely with Five Estuaries, and both projects are jointly engaging in design work based on historical drawings provided previously. Engagement will continue moving forward as design work develops, post consent.	The export cables make landfall at a point where drawings for the defence pre-date the formation of the Environment Agency and therefore there may be some variation to what is shown on the drawings that we hold. There are several complexities to crossing the defences without causing harm and recognising potential future works, which we are content can be agreed post consent. Our discussions with the partner project of Five Estuaries are more advance but we would welcome agreeing and approach to take this forward in parallel.	Agreed

2.4 Water Resources and Flood Risk

Table 2.7 Summary of Consultation with Environment Agency regarding Water Resources and Flood Risk

Date	Contact Type	Topic
Pre-Application		
29 th June 2021	ETG Meeting 1	The following topics were discussed during the ETG meeting: • Approach / methodology for EIA; • Baseline data sources; • Impact from Horizontal Directional Drilling (HDD), HDD method statement and HDD contingency plan.
19 th September 2023	ETG Meeting 2- Joint North Falls and Five Estuaries.	The following topics were discussed during the ETG meeting: • PEIR feedback • Agree and approach to the DCO assessment • Engagement Strategy
Post-Application		
18 th October 2024	Relevant Representation	Environment Agency response to the relevant representation consultation.
9 th January 2025	ETG Meeting 7	The following topics were discussed during the meeting: • Outline HDD Method Statement and Contingency Plan • Review of the Environment Agency Relevant Reps
9 th January 2025	Consultation Meeting	Meeting to discuss the SoCG.
26 th June 2025	Consultation Meeting	Meeting to discuss the outstanding items in the SoCG.

Table 2.8 Topics agreed, in discussion or not agreed in relation to Water Resources and Flood Risk

ID	The Applicant Position	Environment Agency Position	Position Summary
1	The approach / methodology EIA as set out in Section 21.4 of ES Chapter 21 Water Resources and Flood Risk [APP-035] is appropriate for assessing impacts on water resources receptors	No comment	Agreed
2	The list of baseline data sources set out in Section 21.4 of ES Chapter 21 Water Resources and Flood Risk [APP-035] and Section 3 of Appendix 21.3 Flood Risk Assessment [APP-121] are sufficient to inform the EIA. Groundwater abstraction data sets have been included in the list of baseline data sources.	The list should include groundwater abstractions (data sets available from EA and local council).	Agreed
3	The provision of the following information prior to consent will be sufficient to determine impacts from Horizontal Direction Drilling (HDD) on the Holland Brook: • Baseline data on sensitive ecological receptors within the Holland Haven Marshes SSSI, derived from botanical and invertebrate surveys • Provision of an outline breakout contingency plan • Provision of an outline HDD method statement • with detailed information regarding HDD breakout contingency planning devised pre-construction, once a contractor has been appointed. Table 4.1 of the Outline HDD Method Statement and Contingency Plan [APP-250] will be updated to include the summary of detailed impacts discussed in ES Chapter 23 Onshore Ecology [APP-037]. The Outline HDD Method Statement and Contingency Plan [APP-250] will be updated to provide evidence of the assumption that 1500m is achievable in HDD. The Applicant intends to reconsult with the Environment Agency on the final version of HDD	The Environment Agency is satisfied with the Outline HDD Method Statement and Contingency Plan. The Bentonite Breakout Plan appears thorough, incorporating both emergency contact details and a well-structured decision tree for managing potential leakage incidents. Additionally, the inclusion of mitigation measures to help prevent leaks is welcomed.	Agreed

ID	The Applicant Position	Environment Agency Position	Position Summary
	Method Statement and Contingency Plan, as secured under Requirement 23 of the draft DCO [REP4-004] .		
4	The Applicant confirms that the details of haul road crossings outlined in Appendix 5.1 Crossing Schedule [APP-092] paragraphs 111 and 113 will not be confirmed until detailed design has been undertaken, however, the Applicant would like to clarify the flood risk assessment has been undertaken on a worst-case assumption that these potential haul road crossings are required, and therefore the appointed Contractor will be required to adopt the appropriate mitigation measures as outlined in Section 1.8.1.3 of the Outline Code of Construction Practice (OCoCP) [APP-248]. The Applicant would like to clarify that for those Ordinary Watercourse crossings where a trenched crossing may be used (and the preferred technique will not be selected until detailed design post-consent), the flood risk assessment has assumed a worst case that trenched crossing is used. The appointed Contractor will be required to adopt the appropriate mitigation measures as outlined in Section 1.8.1.3 of the OCoCP [APP-248]. With regard to Ordinary Watercourses and associated fluvial Flood Zones 2 and 3a, the Applicant notes that this is only relevant at crossing WX-23; however, the Applicant has already committed to crossing the watercourse in this location using trenchless techniques. Furthermore, at crossings WX-22 / WX-22A where the onshore cable route(s) is required to cross a Main River (Tendring Brook), the Applicant has also committed to using trenchless techniques, as shown in ES Appendix 5.1 Crossing Schedule [APP-092].	Flood Risk Assessment (Clarification regarding flood risk associated with watercourse crossings) - Technical Note [REP4-032] considers the flood risk associated with the watercourse crossings rather than leaving this until detailed design post consent. The Environment Agency is of the opinion the technical note is adequate to present to the Examining Authority for consideration.	Agreed

ID	The Applicant Position	Environment Agency Position	Position Summary
Draft DCO and Protective Provisions			
5	The Applicant engaged with the Environment Agency as part of consultation for the Preliminary Environmental Information Report, please refer to Table 21.1 of ES Chapter 21 Water Resources and Flood Risk [APP-035]. The Applicant has confirmed that activities will be undertaken in line with the Flood Risk Assessment which assesses flood risk from all sources. The Applicant has also undertaken a Water Environment Regulations Compliance Assessment [APP-120], confirming that development is compliant with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. The relevant Protective Provisions do not disapply the relevant regulations, and Article 17(7) of the draft DCO [AS-022] specifically confirms that the water discharge powers do not discharge the requirement of a permit under regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016. The Applicant will engage with the Environment Agency in relation to relevant Protective Provisions as necessary.	The Environment Agency is of the position that due to the low flood risk associated with these crossings, it would be appropriate to disapply the requirement for flood risk activity permits (FRAP), equally these could be dealt with through the FRAP process. Part 3 – Requirements A significant number of the issues of concern to the Environment Agency are addressed through embedded mitigation in post consent processes and approvals. We are content that those environmental concerns can be managed in this way. The Environment Agency does not wish to host any Requirement, but we believe that we should be listed as name consultees because these processes fall under our remit. We request that we are named consultees for the following Requirements: Requirement 8: Code of Construction Practice. Requirement 12: Ecological Management Plan Requirement 14: European Protected Species; onshore Requirement 15: Groundwater Monitoring Requirement 22: Operational Drainage Strategy Requirement 23: Horizontal Directional Drilling Method Statement	Agreed

2.5 Ground Conditions and Contamination

Table 2.9 Summary of Consultation with Environment Agency regarding Ground Conditions and Contamination

Date	Contact Type	Topic
Pre-Application		
29 th June 2021	ETG Meeting 1	The following topics were discussed during the ETG meeting: • Approach / methodology for EIA; • Baseline data sources; • Impact from Horizontal Directional Drilling (HDD), HDD method statement and HDD contingency plan.
19 th September 2023	ETG Meeting 2- Joint North Falls and Five Estuaries.	The following topics were discussed during the ETG meeting: • PEIR feedback • Agree and approach to the DCO assessment • Engagement Strategy
Post-Application		
18 th October 2024	Relevant Representation	Environment Agency response to the relevant representation consultation.
9 th January 2025	Consultation Meeting	Meeting to discuss the SoCG.
26 th June 2025	Consultation Meeting	Meeting to discuss the outstanding items in the SoCG.

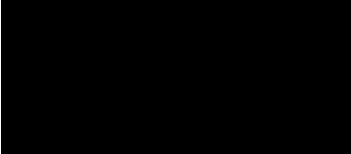
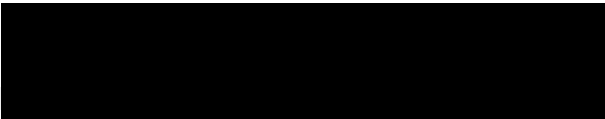
Table 2.10 Topics agreed, in discussion or not agreed in relation to Ground Conditions and Contamination

ID	The Applicant Position	Environment Agency Position	Position Summary
1	The approach / methodology EIA as set out in Section 4 the Land Quality and Geology Method Statement.	No comment	Agreed
2	The list of baseline data sources set out in Section 3 the Land Quality and Geology Method Statement are sufficient to inform the EIA, Contaminated land has been included in the list of baseline data sources.	The list should include contaminated land.	Agreed
3	The Applicant is keen to consult with the Environment Agency during the development of the Code of Construction Practice <u>and has named the Environment Agency as named consultee in the draft DCO [REP7-007] for the following requirements:</u> <u>Requirement 8 Code of Construction Practice;</u> <u>Requirement 12 Ecological Management Plan;</u> <u>Requirement 15 Groundwater Monitoring;</u> <u>Requirement 22 Operational Drainage Strategy;</u> <u>Requirement 23 Horizontal Directional Drilling Method Statement.</u> however the Applicant does not intend to add names consultees to any of the Requirements of the draft DCO [AS-022] at this stage. The Applicant will seek further discussion with the Environment Agency on this point prior to the commencement of Examination. A Piling Risk Assessment is only proposed in the event that piling is required at the onshore	As set out within their Relevant Representation [RR-091], the Environment Agency requests that they are a named consultee in the Code of Construction Practice. We note that Natural England has been identified as a named consultee, which is not consistent with the Applicant' Additionally, the Environment Agency requests to be consulted regarding the Piling Risk Assessment as an embedded mitigation measure, due to the potential impacts on groundwater and the source protection zone.	In discussion Agreed

ID	The Applicant Position	Environment Agency Position	Position Summary
	substation. This is not covered by a DCO requirement, but is detailed in the OCoGP [APP-248]. The Applicant would liaise with the Environment Agency at the time, but does not propose to add the Environment Agency as a named consultee to the DCO Requirement regarding the Code of Construction Practice.		

3 Signatures

14. The above SoCG is agreed between the Applicant and the Environment Agency on the day specified below.


Signed: Print Name: Barbara Moss-Taylor Job Title: Planning Specialist Date: 24 April 2025 <i>Duly authorised for and on behalf of the Environment Agency N.B. Formal sign off is only made by an authorised Environment Agency manager for the finalised document. Confirmation at interim stages is given by the Project Manager</i>
Signed  Print Name: CORMAC ROONEY Job Title: Consents Manager Date: 23/07/2025 Duly authorised for and on behalf of North Falls



NORTH FALLS

Offshore Wind Farm



RWE

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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Registered in England and Wales Company Number: 12435947

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