



NORTH FALLS

Offshore Wind Farm

Without prejudice HRA / MCZA DCO Schedules (Tracked)

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Document Title	Without prejudice HRA / <u>MCZA</u> DCO Schedules <u>(Tracked)</u>
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Revision	Date	Status/Reason for Issue	Originator	Checked	Approved
0	May 2025	Deadline 5	Pinsent Masons	NFOW	NFOW
1	June 2025	Deadline 6	Pinsent Masons	NFOW	NFOW
2	July 2025	Deadline 7	Pinsent Masons	NFOW	NFOW
<u>3</u>	<u>July 2025</u>	<u>Deadline 8</u>	<u>Pinsent Masons</u>	<u>NFOW</u>	<u>NFOW</u>

This draft is provided on a without prejudice basis. The Applicant does not concede that there is any adverse effect on integrity for any National Site or any significant risk of hindering the achievement of the conservation objectives of a Marine Conservation Zone in relation to any the species or habitats to which the provisions set out in this draft would apply.

This drafting is provided in a form that can be inserted into schedule 15 of the draft DCO if required.

Drafting note: If it is determined there is a significant risk of hindering the achievement of the conservation objectives of the Kentish Knock East Marine Conservation Zone and the final part of this schedule is to be inserted into the DCO, update the Contents table and Article 51 of the DCO to delete reference to 'Schedule 15 – compensation to protect the coherence of the national site network', and add reference to 'Schedule 15 – compensation measures'.

Insert into Part 1 of the DCO:

Interpretation

“Outline Red-throated diver compensation implementation and monitoring plan” or “Outline RTD CIMP” means the document certified as the Outline Red-throated diver compensation implementation and monitoring plan by the Secretary of State for the purposes of this Order under article 41 (certification of plans and documents, etc.);

“Outline Benthic compensation / MEEB implementation and monitoring plan” or “Outline Benthic CIMP” means the document certified as the Outline Benthic compensation / MEEB implementation and monitoring plan by the Secretary of State for the purposes of this Order under article 41 (certification of plans and documents, etc.);

Insert into Schedule 15 of the DCO:

Drafting note: If it is determined there is an adverse effect on site integrity at the FFC SPA in respect of Razorbill requiring compensation, replace Part 2 (Guillemot Compensation) of Schedule 15 of the DCO with the Part (Guillemot and Razorbill Compensation) below:

PART []

GUILLEMOT AND RAZORBILL COMPENSATION

1. In this Part [] of Schedule 15 —

“compensation measure” means reduction of recreational disturbance on breeding colonies;

“Farne Islands SPA” means the site designated as the Farne Islands Special Protection Area;

“FFC SPA” means the site designated as the Flamborough and Filey Coast Special Protection Area;

“GRCSG” means the Guillemot and Razorbill Compensation Steering Group;

“Guillemot and Razorbill CIMP” means the Guillemot and Razorbill compensation implementation and monitoring plan for the delivery of measures to compensate for the predicted loss of adult Guillemot and adult Razorbill from the FFC SPA and adult Guillemot from the Farne Islands SPA as a result of the authorised development to be developed in accordance with the Outline Guillemot and Razorbill CIMP;

“relevant planning authority” means the district local planning authority for the area in which the relevant compensatory measure is to be located;

“strategic compensation fund” means the Marine Recovery Fund to be established and operated by Defra pursuant to section 292 of the Energy Act 2023, or any equivalent fund established by Defra or a Government body for the purpose of implementing strategic compensation measures; and

“strategic compensation fund payment” means a contribution to the Marine Recovery Fund or other equivalent fund to compensate for the predicted loss of adult Guillemot and adult Razorbill from the FFC SPA and adult Guillemot from the Farne Islands SPA as a result of the authorised development, the sum of which will be calculated in accordance with any guidance issued by Defra or the relevant Government body, or otherwise to be agreed with the Secretary of State.

2.—(1) Unless the strategic compensation fund payment has been made wholly in substitution for the compensation measure, the undertaker will form and administer the GRCSG before carrying out any works to deliver the compensation measure under a Guillemot and Razorbill CIMP to be approved under this Part [] of Schedule 15. The undertaker will invite representatives from the following organisations to participate in the GRCSG —

- (a) Marine Management Organisation;
- (b) the relevant SNCB;
- (c) the relevant planning authority; and
- (d) the Royal Society for the Protection of Birds.

(2) The GRCSG will develop a plan for the work of the GRCSG, to be submitted to and approved by the Secretary of State, which is to include –

- (a) its terms of reference;
- (b) details of its membership;
- (c) details of the proposed schedule of meetings, reporting and review periods;
- (d) a schedule for the preparation of the Guillemot and Razorbill CIMP;
- (e) the dispute resolution mechanism and confidentiality provisions;

(3) The GRCSG must be convened and consulted on the proposed Guillemot and Razorbill CIMP before any approval of the Guillemot and Razorbill CIMP is sought by the undertaker under paragraph 3.

3.(1) Unless the Secretary of State confirms in writing that the compensation measure has been delivered to their satisfaction or the strategic compensation fund payment has been made wholly in substitution for the compensation measure, then the following details contained within the Guillemot and Razorbill CIMP, which must be in accordance with the Outline Guillemot and Razorbill CIMP, must be submitted to the Secretary of State for approval in consultation with the relevant SNCB and the relevant planning authority for the compensation measure prior to the commencement of Work No. 1.

(2) The Guillemot and Razorbill CIMP must include—

- (a) details of the location(s) where the compensation measure will be delivered;
- (b) details of how any necessary land access rights, licences and approvals have or will be obtained and any biosecurity measures will be or have been secured;
- (c) an implementation timetable for delivery of the compensation measure;
- (d) details of survey methodologies, monitoring and maintenance programmes,
- (e) success criteria;
- (f) survey and reporting programmes for Guillemot and Razorbill;
- (g) details of any adaptive management measures, with details of the factors used to trigger any such measures;
- (h) provision for reporting to the Secretary of State;

- (i) a plan for reporting to the GRCSG and consulting the GRCSG on the details of any proposed adaptive management measures and/or amendments to the Guillemot and Razorbill CIMP;
- (j) provision for the option to be exercised by the undertaker, following consent in writing of the Secretary of State, to pay a contribution to the strategic compensation fund wholly or partly in substitution for the compensation measure or as an adaptive management measure for the purposes of paragraph (g). The sum of the contribution to be agreed between the undertaker and Defra or other Government body responsible for the operation of the strategic compensation fund in consultation with the GRCSG;
- (k) provision for the option to be exercised by the undertaker, following consent in writing of the Secretary of State, to pay a financial contribution towards the establishment of compensation measures by another party wholly or partly in substitution for the compensation measure or as an adaptive management measure for the purposes of paragraph (g). The sum of the contribution to be agreed between the undertaker and the other party in consultation with the GRCSG. The Secretary of State shall consult with the relevant SNCB prior to granting consent in terms of this paragraph; and
- (l) provision for the option to be exercised by the undertaker, following consent in writing of the Secretary of State, to collaborate with another party in the delivery of compensation measures wholly or partly in substitution for the compensation measure or as an adaptive management measure for the purposes of paragraph (g). The Secretary of State shall consult with the relevant SNCB prior to granting consent in terms of this paragraph.

4. The undertaker must carry out the compensation measure in accordance with the Guillemot and Razorbill CIMP as approved by the Secretary of State in consultation with the relevant SNCB and the relevant planning authority, unless otherwise provided for in this Part [] of Schedule 15.

5. Where the undertaker has made the strategic compensation fund payment wholly in substitution for the compensation measure the undertaker will not be required to implement the compensation measure.

6. No wind turbine generator forming part of Work No. 1 may commence operation until –

- (1) the compensation measure has been implemented for at least three breeding seasons, unless commencement of operation at an earlier date is approved in writing by the Secretary of State or unless otherwise provided for in this Part [] of Schedule 15. For the purposes of this paragraph each breeding season is 1 March to 31 July of each year inclusive, or
- (2) the strategic compensation fund payment has been quantified to be wholly in substitution for the compensation measure and such payment has been made, or where it has been agreed payment will be made in instalments the first instalment has been paid.

7. The undertaker must notify the Secretary of State of completion of implementation of the compensation measure, unless otherwise provided for in this Part [] of Schedule 15.

8. The details approved under paragraph 3 include any amendments that may subsequently be approved in writing by the Secretary of State.

9. In the event of any conflict between the terms of this Order and the Guillemot and Razorbill CIMP then the provisions of this Order shall prevail.

10. The undertaker shall not be required to implement the compensation measure to the extent that—

- (a) following consent of the Secretary of State, a contribution to the strategic compensation fund has been elected wholly in substitution for the compensation measure for the purposes of paragraph 3(2)(j);
- (b) following consent of the Secretary of State, a financial contribution towards the establishment of compensation measures by another party has been elected wholly in substitution for the compensation measure for the purposes of paragraph 3(2)(k); or

- (c) following consent of the Secretary of State, the undertaker has elected to collaborate with another party in the delivery of compensation measures wholly in substitution for the compensation measure for the purposes of paragraph 3(2)(1).

PART []

RED THROATED DIVER COMPENSATION

1. In this Part [] of Schedule 15 —

“compensation measure” means breeding enhancement;

“OTE SPA” means the site designated as the Outer Thames Estuary Special Protection Area;

“relevant planning authority” means the district local planning authority for the area in which the relevant compensatory measure is to be located;

“RTD” means red throated diver (*Gavia stellata*);

“RTD CIMP” means the RTD compensation implementation and monitoring plan for the delivery of measures to compensate for the effects of predicted disturbance and displacement of RTD from the OTE SPA as a result of the authorised development, to be developed in accordance with the Outline RTD CIMP;

“RTDCSG” means the Red-throated Diver Compensation Steering Group;

“strategic compensation fund” means the Marine Recovery Fund to be established and operated by Defra pursuant to section 292 of the Energy Act 2023, or any equivalent fund established by Defra or a Government body, including the Scottish Ministers, for the purpose of implementing strategic compensation measures; and

“strategic compensation fund payment” means a contribution to the Marine Recovery Fund or other equivalent fund to compensate for the predicted effects on RTD from the OTE SPA as a result of the authorised development, the sum of which will be calculated in accordance with any guidance issued by Defra or the relevant Government body, including the Scottish Ministers where relevant, or otherwise to be agreed with the Secretary of State.

2.—(1) Unless the strategic compensation fund payment has been made wholly in substitution for the compensation measure, the undertaker will form and administer the RTDCSG before carrying out any works to deliver the compensation measure under a RTD CIMP to be approved under this Part [] of Schedule 15. The undertaker will invite representatives from the following organisations to participate in the RTDCSG —

- (a) Marine Management Organisation;
- (b) the relevant SNCB;
- (c) the relevant planning authority;
- (d) the Royal Society for the Protection of Birds; and
- (e) NatureScot.

(2) The RTDCSG will develop a plan for the work of the RTDCSG, to be submitted to and approved by the Secretary of State, which is to include —

- (a) its terms of reference;
- (b) details of its membership;
- (c) details of the proposed schedule of meetings, reporting and review periods;
- (d) a schedule for the preparation of the RTD CIMP;
- (e) the dispute resolution mechanism and confidentiality provisions;

(3) The RTDCSG must be convened and consulted on the proposed RTD CIMP before any approval of the RTD CIMP is sought by the undertaker under paragraph 3.

3.—(1) Unless the Secretary of State confirms in writing that the compensation measure has been delivered to their satisfaction or the strategic compensation fund payment has been made wholly in substitution for the compensation measure, then the following details contained within the RTD CIMP, which must be in accordance with the Outline RTD CIMP, must be submitted to the Secretary of State for approval in

consultation with the relevant SNCB and the relevant planning authority for the compensation measure prior to the commencement of Work No. 1.

(2) The RTD CIMP must include—

- (a) details of the location(s) where the compensation measure will be delivered;
- (b) details of how any necessary land access rights, licences and approvals have or will be obtained and any biosecurity measures will be or have been secured;
- (c) an implementation timetable for delivery of the compensation measure;
- (d) details of survey methodologies, monitoring and maintenance programmes,
- (e) success criteria;
- (f) survey and reporting programmes for RTD;
- (g) details of any adaptive management measures, with details of the factors used to trigger any such measures;
- (h) provision for reporting to the Secretary of State;
- (i) a plan for reporting to the RTDCSG and consulting the RTDCSG on the details of any proposed adaptive management measures and/or amendments to the RTD CIMP;
- (j) provision for the option to be exercised by the undertaker, following consent in writing of the Secretary of State, to pay a contribution to the strategic compensation fund wholly or partly in substitution for the compensation measure or as an adaptive management measure for the purposes of paragraph (g). The sum of the contribution to be agreed between the undertaker and Defra or other Government body responsible for the operation of the strategic compensation fund in consultation with the RTDCSG;
- (k) provision for the option to be exercised by the undertaker, following consent in writing of the Secretary of State, to pay a financial contribution towards the establishment of compensation measures by another party wholly or partly in substitution for the compensation measure or as an adaptive management measure for the purposes of paragraph (g). The sum of the contribution to be agreed between the undertaker and the other party in consultation with the RTDCSG. The Secretary of State shall consult with the relevant SNCB prior to granting consent in terms of this paragraph; and
- (l) provision for the option to be exercised by the undertaker, following consent in writing of the Secretary of State, to collaborate with another party in the delivery of compensation measures wholly or partly in substitution for the compensation measure or as an adaptive management measure for the purposes of paragraph (g). The Secretary of State shall consult with the relevant SNCB prior to granting consent in terms of this paragraph.

4. The undertaker must carry out the compensation measure in accordance with the RTD CIMP as approved by the Secretary of State in consultation with the relevant SNCB and the relevant planning authority, unless otherwise provided for in this Part [] of Schedule 15.

5. Where the undertaker has made the strategic compensation fund payment wholly in substitution of the compensation measure the undertaker will not be required to implement the compensation measure.

6. No wind turbine generator forming part of Work No. 1 may commence operation until –

(1) the compensation measure has been implemented for at least one breeding season, unless commencement of operation at an earlier date is approved in writing by the Secretary of State or unless otherwise provided for in this Part [] of Schedule 15. For the purposes of this paragraph each breeding season is 1 April to 15 September of each year inclusive, or

(2) the strategic compensation fund payment has been quantified to be wholly in substitution for the compensation measure and such payment has been made, or where it has been agreed payment will be made in instalments the first instalment has been paid.

7. The undertaker must notify the Secretary of State of completion of implementation of the compensation measure, unless otherwise provided for in this Part [] of Schedule 15.

8. The details approved under paragraph 3 include any amendments that may subsequently be approved in writing by the Secretary of State.

9. In the event of any conflict between the terms of this Order and the RTD CIMP then the provisions of this Order shall prevail.

10. The undertaker shall not be required to implement the compensation measure to the extent that—

- (a) following consent of the Secretary of State, a contribution to the strategic compensation fund has been elected wholly in substitution for the compensation measure for the purposes of paragraph 3(2)(j);
- (b) following consent of the Secretary of State, a financial contribution towards the establishment of compensation measures by another party has been elected wholly in substitution for the compensation measure for the purposes of paragraph 3(2)(k); or
- (c) following consent of the Secretary of State, the undertaker has elected to collaborate with another party in the delivery of compensation measures wholly in substitution for the compensation measure for the purposes of paragraph 3(2)(l).

PART []
BENTHIC COMPENSATION

1. In this Part [] of Schedule 15 —

“BCSG” means Benthic Compensation Steering Group;

“Benthic CIMP” means the Benthic compensation implementation and monitoring plan for the delivery of measures to compensate for the predicted indirect impacts to Annex I Sandbank features at the MLS SAC as a result of the authorised development, to be developed in accordance with the Outline Benthic CIMP;

“compensation measure” means any appropriate measure(s) to compensate for the indirect impacts to Annex I Sandbank features of the MLS SAC as a result of the authorised development, as agreed with the Secretary of State, in consultation with the relevant SNCB and the MMO;

“MLS SAC” means the site designated as the Margate and Long Sands Special Area of Conservation;

“strategic compensation fund” means the Marine Recovery Fund to be established and operated by Defra pursuant to section 292 of the Energy Act 2023, or any equivalent fund established by Defra or a Government body for the purpose of implementing strategic compensation measures; and

“strategic compensation fund payment” means a contribution to the Marine Recovery Fund or other equivalent fund to compensate for the predicted indirect impacts to Annex I Sandbank features of the MLS SAC as a result of the authorised development, the sum of which will be calculated in accordance with any guidance issued by Defra or the relevant Government body, or otherwise to be agreed with the Secretary of State.

2.—(1) Seabed preparation within the area defined by the coordinates as specified in the table in paragraph 87 must not commence until the undertaker has confirmed in writing to the Secretary of State whether it will

(a) Make a strategic compensation fund payment; or

(b) Submit a Benthic CIMP in accordance with the Outline Benthic CIMP to the Secretary of State, in consultation with the relevant SNCB and the MMO, for approval.

3.(1) Where the undertaker has confirmed under paragraph 2(a) that it will pay a strategic compensation fund payment, seabed preparation within the area defined by the coordinates as specified in the table in paragraph 8 must not commence unless and until the strategic compensation fund payment has been quantified and such payment has been made;

(2) Following payment under sub-paragraph (1) the undertaker will not be required to implement any further compensation measure for impacts to Annex I Sandbank features of the MLS SAC pursuant to this Part [] of Schedule 15.

3-4.(1) Where the undertaker has confirmed under ~~sub~~-paragraph 2(b+) that it will submit a Benthic CIMP, the undertaker will form and administer the BCSG before carrying out any works to deliver the compensation measure under a Benthic CIMP to be approved under this Part [] of Schedule 15. The undertaker will invite representatives from the following organisations to participate in the BCSG —

(a) Marine Management Organisation; and

(b) the relevant SNCB;

(2) The BCSG must be convened and consulted on the proposed Benthic CIMP before any approval of the Benthic CIMP is sought by the undertaker under this paragraph.

(3) Any Benthic CIMP submitted under this paragraph must include a plan for reporting to the BCSG on the implementation of the Benthic CIMP, and consulting the BCSG on the details of any proposed adaptive management measures and/or amendments to the Benthic CIMP;

(4) Where a Benthic CIMP is required under ~~sub-paragraph 2(b)1~~, the undertaker must carry out the compensation in the Benthic CIMP as approved by the Secretary of State unless otherwise agreed by the Secretary of State following consultation with the relevant SNCB and the MMO.

~~4. (1) Where the undertaker has confirmed under paragraph 2(1) that it will pay a strategic compensation fund payment, seabed preparation works within the area defined by the coordinates as specified in the table in paragraph 7 must not commence unless and until the strategic compensation fund payment has been quantified and such payment has been made;~~

~~(2) Following payment under sub-paragraph (1) the undertaker will not be required to implement any further compensation measure for impacts to Annex I Sandbank features of the MLS SAC pursuant to this Part [] of Schedule 15;~~

5.- The undertaker must notify the Secretary of State of the implementation of the compensation measure.

6. The details approved under paragraph ~~42~~ include any amendments that may subsequently be approved in writing by the Secretary of State.

7. In the event of any conflict between the terms of this Order and the Benthic CIMP then the provisions of this Order shall prevail.

8. The coordinates referred to in paragraphs 2(1) and 3(1) are specified in the table –

(1) Point	(2) Latitude	(3) Longitude
1	001° 40.74' E	51° 51.452' N
2	001° 40.789' E	51° 51.438' N
3	001° 40.911' E	51° 51.396' N
4	001° 41.017' E	51° 51.337' N
5	001° 41.101' E	51° 51.27' N
6	001° 41.194' E	51° 51.18' N
7	001° 42.426' E	51° 49.971' N
8	001° 43.475' E	51° 48.937' N
9	001° 43.499' E	51° 48.899' N
10	001° 43.543' E	51° 48.804' N
11	001° 43.625' E	51° 48.472' N
12	001° 42.782' E	51° 48.587' N
13	001° 42.796' E	51° 48.697' N
14	001° 42.796' E	51° 48.715' N
15	001° 42.788' E	51° 48.737' N
16	001° 42.776' E	51° 48.751' N
17	001° 40.575' E	51° 50.9' N
18	001° 40.423' E	51° 50.925' N
19	001° 39.623' E	51° 50.715' N

PART []

MEASURES OF EQUIVALENT ENVIRONMENTAL BENEFIT

1. In this Part [] of Schedule 15 —

“BMSG” means Benthic MEEB Steering Group;

“Benthic MIMP” means the Benthic MEEB implementation and monitoring plan for the delivery of measures to provide MEEB in respect of the predicted indirect impacts to subtidal coarse sediment, subtidal mixed sediments and subtidal sand features of the KKE MCZ as a result of the authorised development, to be developed in accordance with the Outline Benthic CIMP;

“KKE MCZ” means the site designated as the Kentish Knock East Marine Conservation Zone by the Kentish Knock East Marine Conservation Order 2019;

“MEEB” means measures of equivalent environmental benefit, as that term is used in section 126(7)(c) of the 2009 Act, as agreed with the Secretary of State, in consultation with the relevant SNCB and the MMO ;

“strategic compensation fund” means the Marine Recovery Fund to be established and operated by Defra pursuant to section 292 of the Energy Act 2023, or any equivalent fund established by Defra or a Government body for the purpose of implementing strategic compensation measures; and

“strategic compensation fund payment” means a contribution to the Marine Recovery Fund or other equivalent fund to provide MEEB in respect of the predicted indirect impacts to subtidal coarse sediment, subtidal mixed sediments and subtidal sand features of the KKE MCZ as a result of the authorised development, the sum of which will be calculated in accordance with any guidance issued by Defra or the relevant Government body, or otherwise to be agreed with the Secretary of State.

2.—Seabed preparation for Work No. 1 and Work No. 2 must not commence until the undertaker has confirmed in writing to the Secretary of State whether it will —

(a) Make a strategic compensation fund payment; or

(b) Submit a Benthic MIMP in accordance with the Outline Benthic CIMP to the Secretary of State, in consultation with the relevant SNCB and the MMO, for approval;

3. (1) Where the undertaker has confirmed under paragraph 2(a) that it will pay a strategic compensation fund payment, seabed preparation for Work No. 1 and Work No. 2 must not commence unless and until the strategic compensation fund payment has been quantified and such payment has been made;

(2) Following payment under sub-paragraph (1) the undertaker will not be required to implement any further MEEB for impacts to subtidal coarse sediment, subtidal mixed sediments and subtidal sand features of the KKE MCZ pursuant to this Part [] of Schedule 15.

4. (1) Where the undertaker has confirmed under paragraph 2(b) that it will submit a Benthic MIMP, the undertaker will form and administer the BMSG before carrying out any works to deliver MEEB under a Benthic MIMP to be approved under this Part [] of Schedule 15. The undertaker will invite representatives from the following organisations to participate in the BMSG —

(a) Marine Management Organisation; and

(b) the relevant SNCB;

(2) The BMSG must be convened and consulted on the proposed Benthic MIMP before any approval of the Benthic MIMP is sought by the undertaker under this paragraph.

(3) Any Benthic MIMP submitted under this paragraph must include a plan for reporting to the BMSG on the implementation of the Benthic MIMP, and consulting the BMSG on the details of any proposed adaptive management measures and/or amendments to the Benthic MIMP;

(4) Where a Benthic MIMP is required under paragraph 2(b), the undertaker must carry out the MEEB in the Benthic MIMP as approved by the Secretary of State unless otherwise agreed by the Secretary of State following consultation with the relevant SNCB and the MMO.

5. The undertaker must notify the Secretary of State of the implementation of the MEEB.

6. The details approved under paragraph 4 include any amendments that may subsequently be approved in writing by the Secretary of State.

7. In the event of any conflict between the terms of this Order and the Benthic MIMP then the provisions of this Order shall prevail.



NORTH FALLS

Offshore Wind Farm



RWE

HARNESSING THE POWER OF NORTH SEA WIND

North Falls Offshore Wind Farm Ltd

A joint venture company owned equally by SSE Renewables and RWE.

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