



To:

The Applicant,
Essex County Council,
Tendring District Council,
Five Estuaries Offshore Wind Farm Limited,
National Grid Energy Transmission,
Maritime and Coastguard Agency,
Affinity Water,
Harwich Haven Authority,
The London Gateway Port Limited,
Port of London,
Network Rail,
Natural England,
Marine Management Organisation,
Suffolk County Council

Our Ref: EN010119

26 November 2025

Dear Sir or Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by North Falls Offshore Wind Farm Limited (“the Applicant”) for an Order granting Development Consent for the proposed North Falls Offshore Wind Farm (“the Proposed Development”)

REQUEST FOR INFORMATION

1. Following the completion of the Examination on 28 July 2025, the Examining Authority (“ExA”) submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 28 October 2025. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.
2. There are issues on which the Secretary of State would be grateful if **the Applicant, Essex County Council (“ECC”), Tendring District Council (“TDC”), Five Estuaries Offshore Wind Farm Limited (“FEOWFL”), National Grid Energy Transmission (“NGET”), the Maritime and Coastguard Agency (“MCA”), Affinity Water, Harwich Haven Authority (“HHA”), The London Gateway Port Limited (“LGPL”), Port of London, Network Rail (“NR”), Natural England (“NE”), the Marine Management Organisation (“MMO”), and Suffolk County Council (“SCC”)** could provide updates or information as appropriate.

SHIPPING AND NAVIGATION

3. At Deadline 8, the Applicant submitted REP8-036 in which the Applicant stated that the MCA had agreed to propose the removal of the Galloper Recommended Route (“GRR”) at the 2025 Autumn UK Safety of Navigation (“UKSON”) Committee session.
4. **The Applicant** and the **MCA** are requested to confirm if the removal of the GRR has been raised / or will be raised at the 2025 Autumn UKSON Committee session and provide a timeline detailing when the GRR removal is expected to be approved.

AIR QUALITY

5. **The Applicant** is requested to revise the Outline Code of Construction Practice (“OCoCP”) [REP7-025] to require dust deposition, dust flux, and real-time PM₁₀ continuous monitoring and/or visual inspections during construction, with the locations and reporting of any such monitoring to be agreed with the relevant planning authorities, in line with IAQM Guidance on the Assessment of Dust from Demolition and Construction. This must include baseline monitoring before work on each onshore phase commences.

LANDSCAPE AND VISUAL

6. **The Applicant** is requested to revise the Outline Landscape and Ecological Management Strategy (“OLEMS”) [REP7-027] and Table 30.2 in Environmental Statement (“ES”) Chapter 30: Landscape and Visual Impact Assessment [APP-044] to include parameters on the realistic worst-case scenario with regards to which elements of planting within the Outline Landscape Strategy Masterplan would be retained or removed as a result of the decommissioning of the onshore substation, and whether this would give rise to any likely significant environmental effects that differ from those identified for the construction phase of the Proposed Development.

NATIONAL LANDSCAPE ENHANCEMENT SCHEME

7. **The Applicant** is requested to update REP8-052 (which is understood to be REP6-062) to align this with the National Landscape Enhancement Scheme principles set out by Suffolk & Essex Coast & Heaths National Landscape Partnership in REP8-094. **The Applicant, SCC** and **ECC** are requested to comment on the costed proposals and revised fund recommended contribution provided in REP8-094.

NOISE AND VIBRATION

8. **The Applicant** is requested to revise the OCoCP, in accordance with British Standard 5228, to require continuous noise monitoring during construction to ensure that the noise level limits committed to are complied with, and the locations

and reporting of such monitoring to be agreed with the relevant planning authorities.

9. To aid the enforcement of paragraph 49 of the OCoCP, **the Applicant** is requested to revise the OCoCP to include the full definition of “*high impact activities*” as defined in Sections 26.4.3.3 to 26.4.3.4 of ES Chapter 26: Noise and Vibration [APP-040] for construction noise levels and Section 26.4.3.5 of ES Chapter 26: Noise and Vibration [APP-040] for construction vibration levels.

DESIGN

10. The Secretary of State notes that at the close of the Examination, the Applicant proposed a differing onshore substation Outline Landscape Strategy Masterplan to that proposed by FEOWFL. **The Applicant** is requested to provide an update on the Joint Design Guide and any subsequent changes made to the Outline Landscape Strategy Masterplan for the Proposed Development.

PROTECTIVE PROVISIONS

11. At Deadline 8, the Applicant submitted REP8-032 which stated “*The Applicant and Affinity Water are currently negotiating a short agreement related to the agreed protective provisions. The Applicant considers that this agreement will be finalised before the end of Examination or shortly afterwards.*”
12. **The Applicant** and **Affinity Water** are requested to provide an update on whether the agreement related to the agreed Protective Provisions (“PPs”) has been reached, and if not, when agreement is expected.
13. HHA in REP8-087 raised concerns regarding the navigational safety and pilotage operations in the Sunk area. The Secretary of State notes comments from HHA “*that controls over concurrent construction and maintenance Restricted Ability to Manoeuvre (RAM) operations in the Sunk area must be explicitly secured within the DCO itself, rather than being embedded solely within associated certified documentation.*”
14. **HHA** and **the Applicant** are invited to provide wording for PPs to address navigational safety in the Sunk area.
15. In REP8-088, LGPL stated that it did not agree with the form of the PPs submitted by the Applicant set out in REP7-079. **LGPL** and **the Applicant** are requested to provide an update on any further agreement regarding PPs.
16. **Port of London** and **the Applicant** are requested to provide an update on any further agreement regarding PPs.
17. At Deadline 8, the Applicant submitted REP8-036 which stated that it had not yet negotiated or completed a voluntary property agreement for the necessary rights to construct, use and maintain the Proposed Development on, or in respect of,

railway property with NR. **The Applicant** and **NR** are requested to provide an update on these matters.

ACQUISITION OF LANDS AND RIGHTS

18. **The Applicant** is requested to provide an update on outstanding agreement(s) and negotiation(s) with respect to Compulsory Acquisition or Temporary Possession matters relating to: Michael Hughes and Rebecca Mason, as Executors of the Estate of the late Charles Tabor represented by Gwyn Church of Brooks Leney; T. Fairley and Sons Limited represented by Gwyn Church of Brooks Leney; Strutt And Parker (Farms) Limited and Lianna Enterprises Limited, represented by Louis Fell; Holly Marie Florence Johnson; John Paul Jeffrey Traveller; Rachel Donna Thackery; and Russell Albert Johnson.

WORST-CASE SCENARIOS IN THE ENVIRONMENTAL STATEMENT AND THE HABITATS REGULATIONS ASSESSMENT

19. Noting National Policy Statement EN-1 paragraph 4.3.12 and Planning Inspectorate Advice Note 9, information contained in the ES submitted to the Secretary of State should be sufficient to fully assess the Proposed Development's impact on the environment and establish clearly defined worst-case scenarios for the assessment.
20. Noting that no final decision has been made on the location of the ports that will service the Proposed Development, **the Applicant** is requested to clarify how the relevant Environmental Impact Assessment ("EIA") and Habitat Regulations Assessment ("HRA") topics / documents suitably account for the worst-case scenario, as is noted in Appendix B of REP6-027.
21. In response to NE's Deadline 8 Risks and Issues Log comments [REP8-099] and the use of terms such as "*where practicable*" in the Schedule of Mitigation [REP7-004], **the Applicant** is requested to confirm that any mitigation which includes such caveat, and therefore may not be fully delivered, is considered in the assessed worst-case scenario.

HABITATS REGULATIONS ASSESSMENT AND MARINE CONSERVATION ZONE ASSESSMENT

22. Noting that HRA-related information was submitted after the publication of the Report on the Implications for European Sites which NE, as the statutory nature conservation body, may not have had the opportunity to comment on, **NE** is invited to provide any final comments on any outstanding HRA-related issues in addition to specific items below.

Progression of Land Right Negotiations and Securing Compensation Sites

23. Noting the remaining concerns identified by NE in REP8-099 and the RSPB in REP8-103, **the Applicant** is requested to provide any available updates to the HRA Land Rights Tracker [REP8-051], and associated commentary as required, in regard to securing compensation sites for Lesser Black-backed Gull, Kittiwake,

Guillemot and Razorbill. This should include, as relevant, any progression of negotiations with relevant stakeholders, other developers and landowners in connection with the compensation measures.

Assessment of Effect in Respect to Red Throated Diver Disturbance

24. There remains disagreement between the Applicant and NE on the conclusions of the Report to Inform Appropriate Assessment ("RIAA") [APP-178] with respect to disturbance effects on the Outer Thames Estuary ("OTE") Special Protection Area ("SPA") during operation of the Proposed Development (array displacement), as well as the mitigations required for cable construction within the OTE SPA.
25. **The Applicant** is requested to provide further detailed information and analysis (as available) regarding the spatial extent and event frequency (including seasonal considerations) of the existing shipping disturbance that overlaps with the 12km buffer from the Proposed Development array area, to further expand the detail provided in paragraph 107 of the RIAA [APP-178]. It would also aid the Secretary of State for the 12km buffer from the Proposed Development array to be added to Figure 4.2 of the RIAA [APP-178].
26. **NE** is requested to further comment (beyond that outlined in its Relevant Representation [RR-243, F23]) on the OTE SPA area overlapped by the Proposed Development 12km array buffer and the interaction with existing sources of shipping disturbance; explaining how the overlap with existing high density shipping is factored into its assessment of the area considered to be impacted and the level of potential disturbance from the Proposed Development.
27. For effects during construction, **NE** is requested to comment on whether mitigation secured by the Applicant to reduce vessel disturbance in the Outline Project Environmental Management Plan ("OPEMP") [REP6-027] enables NE to rule out Adverse Effects on Integrity ("AEol"), for both the Proposed Development alone and in-combination effects, or if a seasonal restriction for cable construction works is considered to be required to rule out AEol. **The Applicant** is requested to provide any further comments on the viability of a seasonal restriction for cable construction works.
28. **The Applicant** is also requested to provide without prejudice wording for a DCO condition that secures a seasonal restriction within the OTE SPA, and a mitigation strategy that allows for restrictions within 2km of the OTE SPA but provides for exemptions due to required coordination with shipping activities.

Detail within the Outline Compensation Implementation and Monitoring Plan for Red Throated Diver

29. The Secretary of State notes that NE [REP8-099] has outstanding concerns around the sufficiency of the Red Throated Diver ("RTD") Outline Compensation Implementation and Monitoring Plan ("OCIMP") [REP6-017], as well as those outlined by NatureScot [REP7-097] and the RSPB [REP8-103].

30. **The Applicant** is requested to provide an update on any ongoing survey work and any progression made on the shortlist of locations proposed for the RTD compensation measures, along with the supporting rationale for site selection and any progress made in securing sites with landowners. This should also include if there has been further progress of the type of measure to be delivered across the proposed 20 sites in order to provide further evidence of the sufficiency of the compensation measure.

Risk of an Adverse Effect on Integrity of Margate and Long Sands Special Area of Conservation and the hinderance of the Kentish Knock East Marine Conservation Zone Conservation Objectives

31. **NE** is asked to consider the additional submissions made by the Applicant [AS-056] relating to some matters that NE regarded to be outstanding at Deadline 8, and provide final clarity on its position on the conclusions made by the Applicant (i.e. that there would be no AEol on the Margate and Long Sands (“MLS”) Special Area of Conservation (“SAC”) and no hindrance to Kentish Knock East (“KKE”) Marine Conservation Zone (“MCZ”) conservation objectives), as well as any specific advice on the detail of recommended monitoring requirements.

Compensation and Implementation Plans

32. The Outline Kittiwake Compensation Implementation and Monitoring Plan [REP6-021] notes that consideration would be given to colour-ringing of chicks. **The Applicant** is requested to secure, within the Outline Kittiwake Compensation Implementation and Monitoring Plan, the establishment, or contribution to, a colour ringing scheme to track natal philopatry at the “kittiwakery” for the purposes of understanding philopatric recruitment.
33. **The Applicant** is requested to include the provision of data-sharing within each Compensation Implementation and Monitoring Plan, which must require the regular submission of all relevant pre-implementation and operational survey and monitoring data to the Marine Data Exchange (The Crown Estate) and relevant Local Environmental Records Centres.

OFFSHORE ECOLOGY

Benthic and Intertidal Ecology

34. **The Applicant** is requested to add the proposed Five Estuaries Offshore Wind Farm offshore cable route to Figure 10.5 of the ES and Figure 8.1 of the MCZ Assessment [REP7-019]. In addition, **the Applicant** is requested to identify or provide a figure/s that clearly displays the other plans and projects included in the in-combination assessment in regard to Benthic Ecology (Annex I Habitat in SACs and SPA Supporting Habitat).
35. The Secretary of State notes that there is an inherent buffer between the Proposed Development’s turbine foundations and the KKE MCZ, as turbine blades are not permitted to extend beyond the Order Limits. **The Applicant** is requested, noting the new benthic issue and marine processes issue in NE’s Deadline 8 Risks and

Issues Log [REP8-099], to comment on how the dDCO allows for a suitable buffer between the KKE MCZ and turbines (foundations and scour protection), as well as comment on any proximity afforded in regard to inter-array cable protection and clarify the worst-case scenario assessed in the ES and Marine Conservation Zone Assessment.

36. It is noted that the offshore In-Principle Monitoring Plan (“IPMP”) [REP8-009] allows for post-construction monitoring of biogenic or geogenic reef features. **The Applicant** is requested to comment on the suitability of securing the monitoring to be completed within 12 months of construction activities, unless otherwise agreed with the MMO. The **MMO** and **NE** are also requested to identify any concerns to the timescales proposed.
37. **The Applicant** is requested to provide any updates on the timings of site investigations required to provide further geotechnical information, to aid detailed horizontal direction drilling design, and any further comments on the associated worst-case scenario assessed within the ES, and how further surveys have been secured in the dDCO/or could be secured in the Order.
38. While the total volume of scour protection permitted to be installed is secured in the dDCO, according with point A25 of the Deadline 8 NE Risks and Issues Log [REP8-099] (noting no resulting issues are raised by the MMO), **the Applicant, MMO** and **NE** are requested to clarify their understanding of how the permitted replacement of scour protection during operation would be controlled. Responses may wish to include information about the circumstances in which an additional marine licence would be required, reference to the dDCO and Outline Offshore Operations and Maintenance Plan [REP8-023] and the level of scour protection replacement assessed within the ES.

Fish and Shellfish

39. In light of the progression of both herring heat mapping and further hydrodynamic and dispersion modelling during examination, the **MMO** (and in consultation with its advisors) is requested to provide any final comments on the suitability of the Applicant’s assessment conclusions and secured mitigation with regard to effects from sediment on the Downs herring spawning grounds, noting the comments made by NE in the Deadline 8 Risks and Issues Log [REP8-099].
40. **The Applicant** and the **MMO** are also requested to confirm the dates understood to be required for the piling seasonal restriction and provide commentary on the suitability of the restriction encompassing cable construction activities.

Marine Mammals

41. **The Applicant** is requested to revise the Outline Marine Mammal Mitigation Protocol (for piling) [REP8-030] (“oMMMP”) to reduce the soft-start maximum hammer energy from 15% to 10% to align with JNCC guidance¹.

42. **The Applicant** and **NE** are invited to comment on a proposed amendment to condition 22(1)g in Schedule 9 and condition 21(1)(g) of Schedule 10 to the Deemed Marine License (“DML”), below:

“1(g) in the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol (in accordance with the outline marine mammal mitigation protocol), the intention of which is to prevent injury to marine mammals, following current best practice as advised by the relevant SNCB and which must include details of noise reduction methods through project design (primary measures) and/or, deployment of noise mitigation systems or noise abatement systems (secondary measures) that will be utilised to manage sounds from those piling activities and such protocol must include full details and justification for the mitigation chosen or excluded for deployment;”

43. The Secretary of State notes that the oMMMP [REP8-030] states there is a 30-minute minimum ramp up time, while Chapter 12 of the ES states an 80-minute minimum ramp up time in relation to the worst-case scenario. **The Applicant** is requested to provide clarification on the correct minimum ramp up time and update the oMMMP accordingly.

44. **The Applicant**, **MMO** and **NE** are invited to comment on the proposed insertion of a new condition within the DML, in Part 2 of Schedule 9:

“Site Integrity Plan —(1) No piling activities can take place until a southern north sea special area of conservation site integrity plan (“SIP”), which accords with the principles set out in the outline southern north sea special area of conservation site integrity plan, has been submitted to, and approved in writing, by the MMO in consultation with the relevant statutory nature conservation body.

(2) The SIP submitted for approval must contain a description of the conservation objectives for the Southern North Sea Special Area of Conservation (“SNS SAC”) as well as any relevant management measures and it must set out the key statutory nature conservation body advice on activities within the SNS SAC relating to piling as set out within the JNCC Guidance and how this has been considered in the context of the authorised scheme.

¹<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUK EwiGidOm5PuQAxW6dUEAHcFRPEIQFnoECBkQAQ&url=https%3A%2F%2Fjncc.gov.uk%2Fmedia%2F9379%2Fdraft-jncc-geophysical-guidelines-2025.pdf&usq=AOvVaw08Q60cP9DDxrAoH2n9oDXw&opi=89978449>

(3) The SIP must be submitted in writing to the MMO no earlier than 9 months and no later than six months prior to the commencement of piling activities.

(4) In approving the SIP, the MMO must determine whether the authorised scheme at the preconstruction stage, in-combination with other plans and projects, would be in line with the JNCC Guidance.

(5) The approved SIP may be amended with the prior written approval of the MMO, in consultation with the relevant statutory nature conservation body, where the MMO determines that the authorised development, in-combination with other plans or projects at the pre-construction stage, is in line with the JNCC Guidance”.

In-Principle Monitoring Plan

45. **The Applicant** is requested to update the offshore IPMP [REP-009] to include an option to provide monetary support or participate in future strategic monitoring schemes in relation to offshore bats, in addition to the option to contribute to currently existing schemes.
46. **The Applicant** is requested to include the provision of data-sharing within the offshore IPMP, which must require the regular submission of all relevant monitoring data to the Marine Data Exchange (The Crown Estate) and relevant Local Environmental Records Centres.

ONSHORE ECOLOGY

47. Noting concern raised by NE in its Risk and Issues Log [REP8-099] (Point 32-35 in H- Onshore Ecology), **the Applicant, ECC and NE** are invited to provide comments on the proposed wording below for an amended Biodiversity Net Gain Condition within the Order:

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

(a) a biodiversity net gain strategy has been approved in writing by the relevant planning authority;

(b) the biodiversity gain strategy must set out how it will secure a minimum of 10% biodiversity net gain for all of the onshore works of the authorised development, using a biodiversity metric approved by the relevant planning authority; and

(c) the biodiversity net gain strategy must be accompanied by copies of any legal agreements with any offsite provider which demonstrate that the delivery of any offsite biodiversity units which contribute towards achieving a minimum of 10% biodiversity net gain for the onshore works of the authorised development, and the maintenance of the offsite works for a period of thirty years from the date of the final commissioning of the authorised development, is secured.

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

(3) The biodiversity net gain strategy must be implemented as approved.

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

(5) In this paragraph “offsite biodiversity units” means any contribution to the minimum 10% biodiversity net gain for the onshore works of the authorised development that are to take place outside of the Order limits.”

48. **The Applicant** is requested to revise the Biodiversity Net Gain Strategy [REP8-025] to include a commitment to 30 years of management in line with the Best Practice guidance set out by DEFRA².
49. The Secretary of State notes that ES Chapter 34: Onshore Ornithology [APP-038] details the potential for habitat loss due to the construction of the onshore substation affecting up to two corn bunting territories alone, and with further potential cumulative impacts with other projects. The Secretary of State notes that a minor to moderate adverse effect on corn bunting was concluded, and that no suitable mitigation could be secured to reduce this impact. Furthermore, no compensation measures were proposed, therefore the full application of the mitigation hierarchy has not been explored.
50. **The Applicant** is therefore requested to provide a without prejudice In-Principle Farmland Bird Compensation Plan detailing how habitat compensation (on or off-site) for corn bunting could be delivered to compensate for the significant adverse effect (in EIA terms) from the Proposed Development. This must also include details of long-term management, monitoring, potential research collaborations, adaptive management, reporting and data sharing. **The Applicant** is also requested to provide without prejudice drafting to secure this plan within the DCO and relevant control documents, in the event that consent is granted.
51. Noting the concern raised by NE in the Risk and Issues Log [REP8-099] (Point 18-19 in H – Onshore Ecology), **the Applicant** is requested to revise the OCoCP [REP7-025] and OLEMS [REP7-027] to require a detailed environmental risk assessment, supported by local ground investigation data, to be carried out prior to onshore works commencing, assessing the likelihood of frac-out at Holland Haven Marshes Site of Special Scientific Interest (“SSSI”), and the potential impacts from this with reference to the features that the SSSI is notified for. **The**

² [Nationally Significant Infrastructure: action plan for reforms to the planning process - GOV.UK](#)

Applicant is also requested to provide without prejudice drafting to secure this within the DCO, in the event that consent is granted.

52. **The Applicant** is requested to revise the OCoCP [REP7-025] and the OLEMS [REP7-027] to ensure all relevant pre-construction, construction, and post-construction / operational survey and monitoring data is shared in the appropriate formats with the relevant Local Environmental Records Centre(s) and relevant national / regional environmental recording schemes to ensure that future environmental records of the area are accessible and accurate, in accordance with CIEEM Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK (2023).

COMMERCIAL FISHERIES

53. The Statement of Common Ground with the Commercial Fisheries Working Group [REP8-062] references the consideration of alternative measures in the final Fisheries Liaison and Coexistence plan ("FLCP"). **The Applicant** is requested to confirm commitments made, and how these are provided in the outline FLCP, or the process for developing measures post-consent. **The Applicant** is also requested to confirm how (as listed in the outline FLCP) the Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Disruption Settlements and Community Funds Fisheries Liaison with Offshore Wind and Wet Renewables Group (FLOWW, 2015) has been considered in the outline FLCP.

ADAPTIVE MANAGEMENT

54. Noting the final points raised by the MMO [REP8-102] on adaptive management, **the Applicant** and the **MMO** are requested to provide proposed DCO amendments.

DEADLINE FOR RESPONSE

55. Responses to the requested information should be submitted by email only to NorthFalls@planninginspectorate.gov.uk by 23:59 on 16 December 2025.
56. Responses will be published on the North Falls Offshore Wind Farm project page of the National Infrastructure Planning website as soon as possible **after 16 December 2025**: <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010119>
57. This letter is without prejudice to the Secretary of State's consideration of whether to grant or withhold development consent for the Proposed Development or any part of the project. Nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully,

John Wheadon

John Wheadon

Head of Energy Infrastructure Planning Delivery & Innovation

Department of Energy Security & Net Zero