

Date: 16 December 2025  
Our ref: 27843/534639  
Your ref: EN010119



Department for Energy Security and Net Zero  
1 Victoria Street,  
London  
SW1H 0ET

BY EMAIL ONLY

Dear Sir/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 ("Project")**

The following constitutes Natural England's (NE) formal statutory response to the Secretary of State's Request for Information (RFI) dated 26 November 2025. To inform this response Natural England have reviewed the following documents:

- [REP6-028] 7.6 Outline Project Environmental Management Plan (Rev 2) (Tracked)
- [REP7-050] 9.95 Updated Offshore Ornithology In-combination Tables (Rev 0)
- [REP8-010] 7.10 Offshore In-Principle Monitoring Plan (Rev 3) (Tracked)
- [REP8-016] 7.2.1 Appendix 1 Compensatory Measures Overview (Rev 4) (Tracked)
- [REP8-024] 7.20 Outline Offshore Operations and Maintenance Plan (Rev 3) (Tracked)
- [REP8-031] 7.7 Draft Marine Mammal Mitigation Protocol (Rev 4) (Tracked)
- [REP8-043] 9.115 Applicant's Response to Natural England's Deadline 7 submissions (Rev 0)
- [AS-056] 9.120 Applicant's Response to Natural England's Deadline 8 Submissions (Rev 0)

Natural England has been invited to comment upon:

**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.***

NE Response

Please see Natural England's detailed comments in Appendices 1 and 2 to this letter.

**Assessment of Effect in Respect to Red Throated Diver Disturbance**

***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.**

### NE Response

Natural England consider our position as stated in our Relevant Representation [RR243, F23] sufficiently details our consideration of the existing shipping disturbance in impact assessment. Essentially, this disturbance is considered as 'baseline condition' i.e. it was present when the Outer Thames Estuary SPA (OTE SPA) was classified. Thus, we consider the impact arising from the turbine array as being novel and entirely additional. Existing levels of shipping disturbance may well be influencing or depressing red-throated diver (RTD) utilisation of the area, though clearly not completely. We again highlight that the time of classification, this disturbance did not reduce usage by RTD in this area to a level where the densities did not warrant its inclusion within the SPA boundary.

This context does not diminish the impact of the North Falls project in any way, which is in clear contravention of the Supplementary Advice on Conservation Objectives (SACO) targets to *“reduce the frequency, duration and / or intensity of disturbance affecting roosting, foraging, feeding, moulting and/or loafing birds”* and to *“maintain the extent, distribution and availability of suitable habitat (either within or outside the site boundary) which supports the feature for all necessary stages of the non-breeding/wintering period (moulting, roosting, loafing, feeding).”* The turbine array would be a permanent structure adding significant ongoing additional displacement pressure over a substantial area of the SPA, further constraining the overall availability of habitat. It is of note that, to date, there is no evidence of RTD habituating to the presence of turbine arrays. As RTD do not *appear* to habituate to other disturbing activities such as vessel movements, this might be expected.

Natural England highlights the particular importance of the OTE SPA to over-wintering RTD in England. At the time of classification, 38% of the Great Britain RTD population could be found within the site. The OTE SPA is unique in supporting a very high abundance of birds at much higher densities relative to other SPAs where RTD is a feature. It should also be borne in mind that this species is essentially absent in most English coastal waters.

Natural England maintain our position that an adverse effect on the integrity of the SPA cannot be ruled out from the project alone, due to the proximity of the array to the SPA and the extent of displacement effects recorded from other offshore windfarms from post-construction studies. We also note the Applicants in-combination assessment confirms that at present 49% of the SPA is subject to some level of displacement impact from turbine arrays. This will rise to >50% of the SPA should the North Falls array be built, with the project impacting an additional 54.5km<sup>2</sup> (1.4% of the SPA), and potentially exacerbating existing displacement impacts over a further 33.9 km<sup>2</sup> (0.9% of the SPA). As such, the project represents a significant contribution to in-combination impacts on the SPA. Accordingly, we consider that significant effort should be made to secure adequate and preferably strategic compensation for the predicted level of impact at the SPA.

**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.**

### NE Response

Natural England welcome the commitment to a vessel disturbance reduction protocol, detailed in REP6-027 and in line with our advice that all vessels should follow our best practice guidelines during the development of both the export cable and array. We note that REP6-027 states, *“Situations where the protocol does not apply are specified as installation and maintenance of the export cables passing through the SPA”* (para 92), meaning that the protocol does not apply to the installation of the export cables. In any event, we continue to advise that construction and decommissioning of the export cable should not take place within the OTE SPA +2km buffer during the sensitive over wintering period for RTDs of 1<sup>st</sup> November to 31<sup>st</sup> March inclusive. This has been our consistent advice for all relevant projects in the Extensions and Round 4 leasing rounds. This mitigation by seasonal restriction should be appropriately secured in the DCO. We consider the need to mitigate the project's impact on the RTD feature during the export cable installation is heightened by the inability for an AEOL alone to be ruled out due to the turbine array.

### **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.**

### NE Response

#### **a) Margate and Long Sands Special Area of Conservation (MLS SAC)**

Natural England welcomes the Applicant's clarification [AS-056] on the potential WCS sediment deposition effect on MLS SAC due to seabed preparation and trenching by the Project alone. Whilst this particular issue is resolved, we request that where required all named plans are updated accordingly to reflect this text to avoid ambiguity. We consider that our concerns regarding indirect effects on MLS SAC due to project-related changes to marine physical processes, have been sufficiently addressed by the Applicant. Although, we would advise that the monitoring proposed in [REP8-010] should validate the conclusions of the ES and RIAA with regards to significance of effects on the SAC. Furthermore, an appropriate threshold should be established to determine if 'significant' changes have occurred to the physical processes and physical environment within the SAC. This would, in turn, inform the benthic monitoring requirements in regard to changes in sediment depth and extent any deposition above 5cm within the MLS SAC and duration of recovery. Monitoring of these indirect effects on MLS SAC need to be appropriately secured.

#### **b) Kentish Knock East Marine Conservation Zone (KKE MCZ)**

With regards to changes to marine physical processes, although there remains some residual uncertainty in terms of seabed mobility, seabed morphology and the potential for erosion/deposition in KKE MCZ adjacent to the array, we consider that substantial monitoring proposed [REP8-010] should be used to validate the ES and MCZA conclusions and were required inform any remediation measures. Specifically, it should demonstrate that there are no 'significant' indirect effects on KKE MCZ due to the Project installation and operation and maintenance and confirm that impacts to physical attributes and targets of the MCZ are negligible. An appropriate threshold should be established to determine if 'significant' changes have occurred to the physical processes and physical environment within the MCZ. This in turn should inform the requirement for benthic monitoring, especially in relation to changes in sediment depth and extent of any deposition above 5cm within the MCZ and duration of recovery. The rationale for this monitoring is because whilst we believe the risk of the conservation objectives of the MCZ being hindered are low based the figures as set out in AS-056 of a deposition depth between 5-15cm, there is still residual concerns because

it no longer is considered light smothering under MarESA. We note that the deposition range of 5-15cm in AS-056, does not align with those secured in named plans, namely REP8-038 and REP8-043 where the deposition range is set out as <60cm over 1.5km radius of the MCZ. Whilst we believe this depth and distance is unrealistic; it is the worst case proposed. Therefore, Natural England advice in regard to hinderance of the MCZ conservation objectives not being excluded, as set out in Appendix K8 to our Deadline 8 response remains unchanged.

In addition, these residual uncertainties will need to be reconsidered and assessed prior to construction to inform project design and the cable burial assessment. A condition should also be added to secure a 50m buffer from any hard substrate such as foundations or scour protection between the array and MCZ. The monitoring of indirect effects on the KKE MCZ should be appropriately secured.

## OFFSHORE ECOLOGY

### Benthic and Intertidal Ecology

**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.**

#### NE Response

Natural England welcomes the proposal to secure that post construction monitoring of ‘reef’ features will be undertaken within an appropriate timeframe. In relation to the biogenic reef features found within the red line boundary of the NF project, Natural England advises that post construction surveys should be undertaken once seabed disturbance from construction activities has ceased for at least 12 months to ensure the greatest likelihood of capturing habitat recovery. Additionally, we consider the IPMP should be amended to note that, should the monitoring highlight an impact significantly greater than assessed, or a failure to recover further monitoring works and potentially remedial action may be required by the MMO after consideration of advice from the relevant SNCB.

**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.**

#### NE Response

As advised within our Relevant and Written Reps and summarised in our Risks and Issues log as Issue A25 the current DCO does not limit the Applicant to deployment of scour protection below the maximum volume assessed. Cable protection is limited to deployment over a maximum period of ten years from consent by condition 35, scour protection is not limited in the same way. We would assume based on the current drafted deemed marine licence Schedules 9,10 and 11 that deployment of scour protection as replenishment would be limited only by the maximum volume detailed in the Schedule and reported under condition 31 and once the maximum volume was reached a new Marine Licence would be required. We advise that this should be subject to similar provisions as cable protection replenishment i.e. that scour protection can be placed only up to a maximum of ten years post grant of consent, with exception of replacement of existing areas of scour protection that do not increase the footprint of the scour protection.

### Marine Mammals

**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;”***

NE Response

Natural England is in agreement with the proposed amendment.

**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.***

***(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”.***

NE Response

Natural England agrees with the proposed paragraphs, in particular, we welcome paragraph 3 relating to the timing of the SIP submission. However, it is not clear which JNCC Guidance the text is referring to (paragraphs 2, 4 and 5). Thus, Natural England advises that a new interpretation is included to specify which document the condition is referring to and to avoid any ambiguity. Additionally, we would recommend the interpretation of this JNCC Guidance state that it also includes any future iterations of this guidance document or any subsequent replacements. This would future proof the condition against any changes to standard guidance.

Please also note that the primary point of contact details for Natural England on Pages 89, 110 and 132 of [REP8-006] are now out of date and should be updated as follows: Natural England, Teville Gate House, 25 Railway Approach, Worthing, BN11 1UR.

**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.”**

#### NE Response

Natural England is encouraged by the Applicant's continued commitment to provide BNG for this project, however, we advise that it is for Essex County Council (ECC) as the Local Planning Authority (LPA) to sign off the strategy, not in consultation with Natural England.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours faithfully,

██████████  
Sussex and Kent Team  
██████████@naturalengland.org.uk  
██████████

## Appendix 1

### Natural England's Detailed Advice on HRA - Benthic Ecology & Benthic Compensation

Upon review of the documents submitted by the Applicant at Deadline 8, and potential changes to Natural England's advice provided during examination we draw your attention to our response to Q31b above. We also highlight the updated CSIP [REP8 – 048] has removed the use of grabs to move boulder clearance, which we consider to be acceptable as long as our advice presented in [REP6-028] in relation to placement of boulders not being placed in a linear formation is secured. We also query if these changes are reflected in 7.6 Outline Project Environmental Management Plan.

In relation to all other matters Natural England's advice remains unchanged from that provided in our following responses:

- [\[REP7-087\] Appendix C7 to the Natural England Deadline 7 Submission Natural England's Benthic Ecology Advice on the Applicant's Deadline 6 Documents](#)
- [\[REP7-092\] Appendix M7 to the Natural England Deadline 7 Submission Natural England's comments on the Examining Authority's 3rd Written Questions on the North Falls OWF Application \[PD-016 & PD-017\]](#)
- [\[REP8-096\] Appendix B8 to the natural England Deadline 8 Submission – Natural England's Marine Processes Advice on the Applicant's Deadline 7 Documents](#)
- [\[REP8-097\] Appendix C8.1 to the Natural England Deadline 8 Submission Natural England's Benthic Ecology Advice on the Applicant's Deadline 7 Documents](#)
- [\[REP8-098\] Appendix C8.2 to the Natural England Deadline 8 Submission Natural England's advice on the Applicant's without prejudice Benthic Compensation Implementation and Monitoring Deadline 7 documents](#)
- [\[REP8-095\] Natural England's Deadline 8 Cover Letter](#)

Whilst our preference remains for strategic compensation to be adopted, where the Secretary of State deems it necessary, Natural England provides the following without prejudice advice on the Applicant's [REP08-050] Without prejudice HRA - MCZA DCO Schedules (Rev 3).

Natural England notes the inclusion of wording to include in the event Measures of Equivalent Environmental Benefit (MEEB) are required. The wording regarding the Benthic MEEB Steering group is similar to wording used on compensation schedules and our comments within our Relevant and Written Reps A18 apply here as well.

Wording at condition 4 (3) of this schedule does not provide sufficiently to ensure appropriate monitoring, or adaptive management. As per our Relevant and Written Reps Comment A19, more detail on the timing of this requirement and the factors triggering a need for adaptive management should be included.

The proposed wording does not state when MEEB need to be in place, i.e. prior to works. There appears to be no condition stating the MEEB measures need to be maintained for the lifetime of the project (or potentially longer). Nor does there appear to be any condition related to any decommissioning, or a need for approval for any stop in maintenance of the MEEB. Similar to comments raised in our Relevant and Written Reps A22. We would advise that these issues should be secured through appropriate wording.

## Appendix 2

### Natural England's Marine Mammal Advice on the Applicant's Deadlines 7 and 8 Submissions

#### 1. [REP8-031] 7.7 Draft Marine Mammal Mitigation Protocol, Rev 4

Natural England acknowledges that the Applicant included the statement on the alternative monitoring strategies in the main body text in the Draft MMMP v4 as per our advice. Also, we note that the text (Section 1.4.3.2.2) has been amended to ensure PAM, if required, will be used in conjunction with the MMObs for the UXO clearance mitigation procedures. However, we note that this amendment does not fully reflect our advice since the use of PAM remains tentative. Thus,

Natural England will engage further with the Applicant during the post-consent phase in order to agree the details of the mitigation measures in the final MMMP.

## **2. [REP8-043] 9.115 Applicant's Response to Natural England's Deadline 7 submissions (Rev 0)**

Table 2.6 Applicant's Response to Natural England's comments regarding Appendix K7 [REP7-090], Applicants response at Deadline 8:

Natural England considers the following issues now resolved:

- REP7-090\_e4 (worst case scenarios),
- REP7-090\_e5 (harbour seal density),
- REP7-090\_e6 (underwater noise modelling period),
- REP7-090\_e7 (PTS),
- REP7-090\_e8 (SIP requirements),
- REP7-090\_e8 (disturbance by UXO clearance),
- REP7-090\_e8 (soft start duration),
- REP7-090\_e12 (sub bottom profiler licence),
- REP7-090\_e14 (EDRs)