



NORTH FALLS

Offshore Wind Farm

Applicant's Response to Secretary of State's Request for Information

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Revision	Date	Status/Reason for Issue	Originator	Checked	Approved
0	December 2025	Applicant's Response to SoS RFI	NFOW	NFOW	NFOW

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1. Introduction

1. The Applicant submits this response to the letter from the Secretary of State's request for information, dated 26 November 2025 (the RFI).

2. Applicant's Response to SoS Request for Information

Table 2.1 Applicant's Response to SoS Request for Information – Shipping and Navigation

Ref	SoS Request	Applicant's Response
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.	The Applicant can confirm that the removal of the GRR was raised and discussed at the 2025 UKSON session on the 16 th October 2025. The committee had no objections and confirmed it was content for the application to remove the GRR to be made to the International Maritime Organisation (IMO).
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.	<p>Following this confirmation of UKSON approval, the Applicant understands that, assuming a successful consent decision, the MCA intends to submit the application to remove the GRR in 2026, in time for the deadline for the Sub-Committee on Navigation, Communications and Search and Rescue (NCSR) 2027 session. If passed, then it is expected that the NSCR will recommend that the Maritime Safety Committee (MSC) adopt the removal in the 2028 MSC session. On this timeline, the GRR could be expected to be formally removed by the end of 2028, however confirmation that it will be removed would be received in mid-2028.</p> <p>As per the Applicant's Position Paper on Galloper Recommended Route [REP5-071], the Applicant reiterates that no legitimate shipping, navigation, safety or environmental basis for any IMO member to object to a proposal by the relevant coastal states (UK and Belgium) to remove the GRR has been identified. The Applicant is accordingly confident that the proposed removal of the Galloper RR will be ratified by the IMO following the application.</p>

Table 2.2 Applicant's Response to SoS Request for Information – Air Quality

Ref	SoS Request	Applicant's Response
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.	<p>The following wording has been added to the Air Quality Management section of the OCoCP [Document ref: 7.13, (rev 6)]:</p> <p><i>" Undertake dust deposition, dust flux and / or real-time indicative PM10 continuous monitoring with monitoring locations, monitoring type, and manner of reporting of monitoring to be agreed with the relevant planning authority. Baseline monitoring will be commenced at least three months before work commences on site where practicable or, if it is a large site, before work on a phase commences."</i></p> <p>The Applicant has included wording based on the IAQM Guidance on the Assessment of Dust from Demolition and Construction along with agreement to be made with the relevant planning authority as to the exact nature of the monitoring.</p> <p>Visual inspections are already included in the OCoCP.</p>

Table 2.3 Applicant's Response to SoS Request for Information – Landscape and Visual

Ref	SoS Request	Applicant's Response
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.	<p>The Applicant can confirm that no substantive elements of the Outline Landscape Strategy Masterplan relating to the onshore substation would be removed as a result of decommissioning works. While the detail of decommissioning activities is not known at this time, the activities of dismantling and removing the onshore substation can be carried out without removal of substantive areas of planting. The removal of areas of woodland, other planting or habitat, which would be well-established by the end of the Project's lifetime, would not form part of the decommissioning proposals.</p> <p>On this basis, the decommissioning activities (which are likely to be a reversal of the construction process) are likely to take place within a relatively screened area, and effects on landscape and visual receptors could therefore be more limited than the effects experienced during construction, when the landscape would be more open. The Applicant does not therefore consider it necessary to update Table 30.2 in ES Chapter 30 Landscape and Visual Impact Assessment [APP-044]. The likely significant environmental effects would not be any greater than those identified for the construction phase of the Proposed Development.</p>

Ref	SoS Request	Applicant's Response
		The Applicant has updated the OLEMS [Document ref: 7.14 (rev 7)] to include section 3.12 on the maintenance of the landscape planting during the decommissioning works.

Table 2.4 Applicant's Response to SoS Request for Information – National Landscape Enhancement Scheme

Ref	SoS Request	Applicant's Response
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.	<p>The Applicant maintains its position that the Applicant and the Secretary of State can discharge the duty to seek to further the purpose of conserving and enhancing the natural beauty of an area of outstanding natural beauty (Duty) contained in section 85(A1) of the <i>Countryside and Rights of Way Act 2000 (CRoW Act)</i> in respect of the Suffolk & Essex Coast & Heaths National Landscape (SECHNL) on the basis of actions already undertaken without the need to impose any additional measures or financial contributions. This submission is outlined in various documents submitted during Examination and listed at paragraph 3.1.1 of the Applicant's Closing Statement [REP8-036].</p> <p>This position is further supported by the recent decision made by the Secretary of State in relation to the DCO application for the Morecambe Offshore Windfarm Generation Assets (Morecambe Decision).¹ The Secretary of State referred to the <i>Wadhurst Parish Council v SoSHCLG</i> [2025] EWHC 1735 case and noted that it clarified that the Duty does not require that both elements (i.e. to seek to conserve and enhance) need to be fulfilled in order for the Duty to be discharged. The Secretary of State further stated that the Duty does not require minor adverse effects to be offset by enhancement measures and confirmed the general principle that relevant authorities (which include the Applicant and the Secretary of State in respect of the Project) should act proportionately when discharging the Duty.</p> <p>National Landscape Enhancement Scheme principles</p> <p>On a without prejudice base, the Applicant has reviewed the National Landscape Enhancement Scheme (NLES) principles set out by Suffolk & Essex Coast & Heaths National Landscape Partnership (SECHNLP) in [REP8-094] and has prepared an updated version of the Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes [Document ref: 9.89, (rev 2)].</p> <p>The Applicant has amended the relevant document to include the following (on a without prejudice basis):</p> <ol style="list-style-type: none"> 1. A statement that the NLES would relate solely to the Applicant's obligations under section 85(A1) of the CRoW Act and that it would be separate to any other mitigation or compensation requirements relating to the Project; 2. An amendment to the proposed draft DCO Requirement to confirm that Work No. 1 and Work No. 2 (which relate to the construction of the offshore wind turbine generating station and offshore substation platforms and offshore converter platform) must not be commenced until, if reasonably required, the Applicant and Essex County Council (ECC) (as the discharging authority in the draft DCO) have entered into a legal agreement which secures the allocation of the fund amount under the NLES as approved to the reasonable satisfaction of both parties; 3. Confirmation that the fund amount will be payable to the SECHNLP for onward payment to the relevant internal team either as a lump sum or phased payments to be agreed; and 4. A new principle requiring that a Scheme Delivery Panel must be established as part of the NLES comprising a representative from the Applicant, Suffolk County Council (SCC), Essex County Council (as the discharging authority) and the SECHNLP to oversee delivery of the NLES and facilitate reporting on expenditure and project/s delivered as part of the NLES. The principle also states that the Panel will have the power to unanimously approve non-material changes to the approved Scheme. <p>The Applicant notes that some of the amendments above incorporate minor, reasonable changes to the principles contained in [REP8-094]:</p> <ul style="list-style-type: none"> • In relation to Item 2, the Applicant has not included drafting stating that any legal agreement (if required) must be negotiated between SCC and the Applicant and in consultation with the SECHNLP. The Applicant has instead stated that any legal agreement must be negotiated between ECC and the Applicant. The Applicant considers that ECC is the relevant counterparty to any legal agreement securing delivery of the NLES because ECC would be the entity approving the NLES and is a partner member of the SECHNLP. Further, the Applicant understands that the SECHNLP would not be a party to a legal agreement entered into in relation to the NLES and it is therefore not reasonable to mandate that the Applicant must consult with the SECHNLP in relation to that agreement. • The Applicant has inserted drafting requiring payment under the NLES to be made to the SECHNLP rather than SCC. The Applicant considers that the SECHNLP is the most appropriate entity to make the relevant payment to because of its connection to the conservation and enhancement of the SECHNL. The Applicant understands that contributions under similar schemes have been made to similar bodies (e.g. in relation to the London Luton Airport Expansion

¹ Department for Energy Security and Net Zero, Planning Act 2008 - Application for Development Consent for the Morecambe Offshore Windfarm Generation Assets (1 December 2025), paragraphs 4.119 to 4.126. [Accessible at: this [link](#); Accessed on: 10 December 2025].

Ref	SoS Request	Applicant's Response
		<p>where a Requirement was incorporated into the DCO requiring payment of a financial contribution to the Chilterns Conservation Board).²</p> <ul style="list-style-type: none"> The Applicant has added a representative from ECC to the composition of the Scheme Delivery Panel because it would be the entity approving the NLES. The Applicant has also specified that all representatives of the Scheme Delivery Panel must unanimously approve non-material changes to the approved Scheme. This makes sure that the Applicant and the benefactors of the NLES are aligned on any changes made post-approval. <p>The Applicant has not accepted or adopted the other principles proposed in [REP8-094] because it considers that they are either inappropriate or unreasonable for the reasons set out below.</p> <p>The SECHNLP states, at bullet point 2, that the measures proposed in the Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes [REP6-062] only relate to the elements of the SECHNL that the Applicant has identified may be impacted by the Project and that points of disagreement on this issue have not been included. Measures imposed to avoid and reduce impacts on the statutory purposes of areas of outstanding natural beauty / national landscapes or to enhance those areas (such as the NLES) must be sufficient, appropriate, reasonable and proportionate (see the Applicant's response to Item 1 and 5 of the Applicant's Position Statement on various issues relating to National Landscapes [REP5-068]). It follows that the NLES should be limited to addressing relevant effects that the Project may have on the SECHNL.</p> <p>As set out in various submissions, the Applicant considers that the effects on the SECHNL are visual in nature only and there will be significant effects on views from locations specifically along the southern coastal edge of the SECHNL, between the River Deben and Orford Ness but no significant effects on landscape character, and no significant effects on the special qualities of the SECHNL (see ES Chapter 29 Seascape, Landscape and Visual Impact Assessment (SLVIA) [APP-043] and the Assessment of Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast – Technical Note [REP5-038]). The principle in [Document ref: 9.89, (rev 2)] dictating the spatial and topical scope of any proposed NLES has been drafted accordingly. This accords with the Secretary of State's position in the Morecambe Decision that the Duty does not require minor adverse effects to be offset by enhancement measures.</p> <p>The SECHNLP proposes changes to the spatial extent of the NLES at bullet point 3 to extend from the River Deben to Adleburgh and 3km inland. As referred to above, the Applicant has consistently held that there will be significant effects on views from locations specifically along the southern coastal edge of the SECHNL, between the River Deben and Orford Ness and does not agree that these effects would extend 3km inland or north to Adleburgh (see ES Chapter 29 Seascape, Landscape and Visual Impact Assessment (SLVIA) [APP-043] and the Assessment of Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast – Technical Note [REP5-038]). Accordingly, the Applicant submits that a change in the spatial extent of the NLES as suggested would be inappropriate and unreasonable.</p> <p>The SECHNLP states, at bullet point 4, that the amount contributed as part of the NLES should reflect increases in costs as a result of inflation. The Applicant rejects this proposal and is not aware of any precedent which supports this submission (and notes that no supporting precedent has been provided as part of submissions in [REP8-094]). By way of example, the Applicant refers to the Secretary of State's decision in relation to the London Luton Airport Expansion Development Consent Order which inserted Requirement 54 into the DCO securing a one-off financial payment of £250,000 to the Chilterns Conservation Board to use towards projects that would further the purposes of conserving and enhancing the Chilterns National Landscape.³ This payment, like any payment made under a NLES for the Project, would be made and applied to projects post-2025. The Secretary of State did not impose a requirement that future increases in project costs as a result of inflation should be reflected in the contribution amount. The Applicant submits that this approach is reasonable and should be followed in respect of any requirement for an NLES for the Project.</p> <p>Proposed costings in [REP8-094]</p> <p>As noted in the Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes [Document ref: 9.89, (rev 2)], the purpose of the NLES is to deliver benefits to conserve or enhance the SECHNL in relation to the effects of the Project on the SECHNL. This ensures that the NLES (as a measure imposed to avoid and reduce impacts on the statutory purposes of areas of outstanding natural beauty / national landscapes or to enhance those areas) is appropriate, reasonable and proportionate.</p> <p>The Applicant has reviewed the proposed list of projects contained in Table 1 of [REP8-094] and submits that only Items 1, 4, 5, 6, 9 and 10 could feasibly be said to deliver benefits that conserve or enhance the SECHNL in relation to the Project's effects on the enjoyment of the coast and coastal views. Even then, to ensure that the NLES is appropriate, reasonable and proportionate, the Applicant would require confirmation that NLES funding applied to Items 4, 6 and 10 (which are drafted broadly) would be limited to addressing the effects of the Project on the SECHNL as part of those projects. The Applicant submits that the other suggested projects are not relevant to the potential effects of the Project on the SECHNL and should not, therefore, be considered as part of a costing proposal for the NLES.</p>

² Department for Transport, Planning Act 2008 - Application for the Proposed London Luton Airport Expansion Development Consent Order (3 April 2025), paragraph 209. [Accessible at: this [link](#); Accessed on: 11 December 2025]; and The London Luton Airport Expansion Development Consent Order 2025. [Accessible at: this [link](#); Accessed on: 11 December 2025].

³ Department for Transport, Planning Act 2008 - Application for the Proposed London Luton Airport Expansion Development Consent Order (3 April 2025), paragraph 209. [Accessible at: this [link](#); Accessed on: 11 December 2025]; and The London Luton Airport Expansion Development Consent Order 2025. [Accessible at: this [link](#); Accessed on: 11 December 2025].

Ref	SoS Request	Applicant's Response
		<p>The Applicant rejects the suggestion that the contribution made as part of the NLES should include provision for a full-time or part-time Project Officer within the National Landscape team at SCC to manage any contribution made under the NLES plus various other administrative costs. The Applicant is not aware of any precedent supporting this position (and none has been provided as part of submissions in [REP8-094]). The Applicant again notes that an equivalent requirement was not imposed as part of the £250,000 contribution incorporated in London Luton Airport Expansion Development Consent Order 2025.⁴</p> <p>The Applicant rejects Items 12 and 13 which require the Applicant to make contributions in addition to any funding provided under other proposed items to the Suffolk & Essex Coast & Heaths National Landscape Sustainable Development Fund and the Community Conservation Fund for a project lifetime of 25 years. The SECHNLP provides no explanation as to why it is appropriate, reasonable and proportionate that the Applicant should contribute 50% of each fund's annual grant nor why it recommends that the contribution be made over 25 years given the Project's estimated lifetime is 30 years. As submitted above, any funding applied under the NLES must clearly address the effects of the Project on the SECHNL. These Funds appear to be of broad application to the entire SECHNL and to conservation in general and are therefore not appropriate vehicles for funding under the NLES.</p> <p>It follows that the Applicant does not agree with the proposed quantum of £469,264 because it includes the costs of projects and other items that are not appropriate, reasonable and proportionate measures to address the effects of the Project on the SECHNL. Further, the Applicant notes that the revised recommended contribution amount is calculated on the assumption that the Project will affect 17% of the SECHNL (the area from the Deben River to Adleburgh and 3km inland). The Applicant does not accept this position for reasons set out above and submits that the proportion of the SECHNL that the Project may affect (the coastal edge of the SECHNL from the River Deben to Orford Ness) is significantly smaller. Therefore, it would be necessary to reduce the apportionment of costs applied to the Project.</p> <p>The total contribution recommended by the SECHNLP for Items 1, 4, 5, 6, 9 and 10 (which are feasibly relevant to addressing the effects of the Project on the SECHNL) is £74,555. The Applicant would be willing, on a without prejudice basis, to increase any contribution under the NLES to a maximum of £50,000. Should the Secretary of State consider that it is appropriate to require a financial contribution to be made to discharge the Duty in the specific circumstances of the Project, the Applicant considers that this is a reasonable and proportionate amount which reflects its submissions above.</p>

Table 2.5 Applicant's Response to SoS Request for Information – Noise and Vibration

Ref	SoS Request	Applicant's Response
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.	A description of the noise monitoring to be undertaken during construction in accordance with British Standard 5228 has been added to the Noise and Vibration section of the OCoCP [Document ref: 7.13, (rev 6)]. The Applicant has also confirmed that relevant monitoring locations and reporting practices will 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.	<p>The following wording has been inserted into the OCoCP [Document ref: 7.13, (rev 6)]:</p> <p><i>"Between 1300 – 1900 on Saturdays no 'high impact' activities (grading, use of loading shovels or dumper trucks, piling, vibratory compaction, breaking out using a hydraulic hammer) shall take place, unless required by the circumstances set out below or it is shown within the final CoCP that the associated noise and vibration impacts will not be significant, in accordance the construction noise and vibration level thresholds stated in Table 26.7 and Table 26.12 respectively of ES Chapter 26 Noise and Vibration [APP-040]."</i></p>

Table 2.6 Applicant's Response to SoS Request for Information – Design

Ref	SoS Request	Applicant's Response
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.	<p>The Applicant can confirm that since the close of examination there has been significant progress on the development of the Joint Design Guide with FEOWFL with ECC and the EQRP (Essex Quality Review Panel) having since carried out a series of joint design reviews on the 2nd of July 2025 and 5th of November 2025 .In addition a public information day held on the 2nd of September 2025.</p> <p>The Joint Design Guide process has more closely aligned the Applicant's and FEOWFL's proposals following feedback through the design review process and from landowners with further written work planned in Q1 2026 with ECC to finalise the guide with no changes currently proposed to the principles outlined within the North Falls Outline Landscape Strategy Masterplan or the FEOWFL proposal.</p>

⁴ The London Luton Airport Expansion Development Consent Order 2025. [Accessible at: this [link](#); Accessed on: 11 December 2025].

Table 2.7 Applicant's Response to SoS Request for Information – Protective Provisions

Ref	SoS Request	Applicant's Response
11 and 12	At Deadline 8, the Applicant submitted REP8-032 which stated <i>"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."</i> 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.	The Applicant confirms that the short agreement between the Applicant and Affinity Water relating to the agreed protective provisions has been agreed and was completed on 27 November 2025.
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 <i>"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."</i>	See below.
14	HHA and the Applicant are invited to provide wording for PPs to address navigational safety in the Sunk area.	The Applicant and HHA have agreed that the control of concurrent Restricted Ability to Manoeuvre (RAM) operations in the relevant Sunk area can be secured by the following condition: Condition 22(1)(n), Schedule 9: <i>"(n) a navigation and installation plan for the relevant stage which accords with the principles set out in the outline navigation and installation plan and which must include details of any controls over RAM vessels concurrently working within the area shown on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan coloured blue and labelled the Area For Controls For RAM Vessels; and"</i> The condition and the extent of the area (as shown on the updated Deep Water Route Cable Installation Area (Future Dredging Depths) Plan (Document Reference 9.57, Rev 2) where the controls operate have been agreed between the Applicant and HHA, and resolves the matter of 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.	There is no further update to be provided, and the position of the Applicant remains as of the close of Examination, which is that the Applicant engaged with LGPL and addressed issues it raised through a series of updates to the dDCO and DML – including, but not limited to, Requirement 2(3) of the dDCO and condition 22(1) of Schedule 9 (Document Reference 6.1, Rev 10). The Applicant's position is that no PPs are required on the basis that to impose PPs would be unnecessary and excessive as it would duplicate controls contained in the dDCO/DMLs. Nevertheless, the Applicant provided without prejudice PPs at the close of Examination [REP7-059].
16	Port of London and the Applicant are requested to provide an update on any further agreement regarding PPs.	There is no further update to be provided, and the position of the Applicant remains as of the close of Examination, namely that the Applicant engaged with PLA and addressed issues it raised through a series of updates to the dDCO and DML – including, but not limited to, Requirement 2(3) of the dDCO and condition 22(1) of Schedule 9 (Document Reference 6.1, Rev 10). The Applicant's position is that no PPs are required on the basis that to impose PPs would be unnecessary and excessive as it would duplicate controls contained in the dDCO/DMLs. Nevertheless, the Applicant provided without prejudice PPs at the close of Examination [REP7-059].
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.	The Applicant continues to hold productive discussions with Network Rail in regard to the necessary agreements including Protective Provisions, Framework Agreement and voluntary property agreement. In respect of the Protective Provisions and Framework Agreement, the documents are in an agreed form. Following a meeting between parties on 5 December 2025 the final points of disagreement were addressed. Updated documents reflecting the agreed position are being prepared for review and both parties are working towards execution shortly after 16 December 2025. In respect of the voluntary property agreement, constructive discussions have taken place with initial drafts having been reviewed and marked-up copies returned. Positive negotiations continue to be held and the Applicant is confident that a voluntary property agreement can be concluded in the near future which will ensure Network Rail's interests are appropriately protected while providing the Applicant with the necessary rights by voluntary agreement. The Applicant remains confident the Protective Provisions and Framework Agreement will be imminently agreed and executed and the property agreement shortly after. The Applicant is happy to provide an update to the Secretary of State once all agreements have been signed and the final position confirmed.

Table 2.8 Applicant's Response to SoS Request for Information – Acquisition of Lands and Rights

Ref	SoS Request	Applicant's Response
18	<p>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.</p>	<p>Following the conclusion of Examination, the Applicant has continued to proactively progress discussions and negotiations with relevant land interests to acquire the necessary freehold interests, new rights and temporary use of land by voluntary agreement wherever possible to ensure the North Falls project can be implemented. The Applicant remains committed to securing agreement by voluntary agreement where practicable.</p> <p>a) An update on the outstanding agreements and negotiations with the land interests identified within the Secretary of State's request for information is provided below: Michael Hughes and Rebecca Mason, as Executors of the Estate of the late Charles Tabor (represented by Gwyn Church of Brooks Leney) – The Applicant has continued to engage constructively with this land interest and their agent to resolve outstanding matters and reach voluntary agreement. Signed Heads of Terms were received on 10 October 2025 and the Applicant is currently drafting an option agreement to be issued to the landowner's solicitor to formalise the agreement. The Applicant is confident that the necessary land and rights can be acquired by voluntary agreement.</p> <p>b) T. Fairley and Sons Limited (represented by Gwyn Church of Brooks Leney) – The Applicant has continued to engage constructively with this land interest and their agent to resolve outstanding matters and reach voluntary agreement. Signed Heads of Terms were received on 23 October 2025 and the Applicant is currently drafting an option agreement to be issued to the landowner's solicitor to formalise the agreement. The Applicant is confident that the necessary land and rights can be acquired by voluntary agreement.</p> <p>c) Strutt And Parker (Farms) Limited and Lianna Enterprises Limited (represented by Louis Fell) – The Applicant continues to engage with the land interest and their agent to reach a voluntary agreement, most recently meeting on 10 November 2025 to discuss the Heads of Terms for a voluntary agreement. Following this meeting the Applicant issued updated Heads of Terms on 9 December 2025 for the land interest's consideration. The Applicant notes that the principal outstanding matter relates to the land interest's future aspirations for a housing project as outlined in their submission during examination [REP4-091]. The Applicant is actively seeking to resolve and progress this matter and is confident that the land interest's aspirations for development in respect of the land interest's Phase 1 proposals, can coexist with the Project as outlined in the Applicant's Response to Actions List for CAH1 [REP6-069]. The Applicant remains committed to securing the necessary rights through voluntary agreement.</p> <p>d) Holly Marie Florence Johnson; John Paul Jeffrey Traveller; Rachel Donna Thackery; and Russell Albert Johnson – Since the conclusion of Examination, the Applicant has continued efforts to engage with this land interest most recently writing on 20 November 2025 to offer a meeting. To date, no response has been received and the Applicant has not been able to engage further on the terms offered or the Project generally. The Applicant remains committed to engaging with the land interest to secure the necessary land and rights by voluntary agreement. The Applicant considers that should the land interest choose to engage, there is no reason why a voluntary agreement could not be reached.</p> <p>While the Applicant remains committed to reaching voluntary agreements wherever practicable, the Applicant maintains that it has demonstrated that the land rights sought for the Project are necessary and proportionate and that there is a compelling case in the public interest for the grant of compulsory acquisition powers as set out in detail within the Statement of Reasons [REP7-011] and reflected in the draft Development Consent Order [REP8-005].</p>

Table 2.9 Applicant's Response to SoS Request for Information – Worst-Case Scenarios in the Environmental Statement and the Habitats Regulations Assessment

Ref	SoS Request	Applicant's Response
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.	Please see Section 2.1 of Document 11.3, Appendix to Applicant's Response to Secretary of State Request for further information. This demonstrates that the Applicant has assessed the worst-case scenario in the EIA and HRA with respect to ports that will service the Project.
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.	Please see Section 2.2 of Document 11.3, Appendix to Applicant's Response to Secretary of State Request for further information. This demonstrates that the Applicant has assessed the worst-case scenario and explains the circumstances where mitigation which will be undertaken "where practicable".

Table 2.10 Applicant's Response to SoS Request for Information – Habitats Regulations Assessment and Marine Conservation Zone Assessment

Ref	SoS Request	Applicant's Response
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.	An updated HRA Land Rights Tracker [Document reference: 9.75, (rev 3)] providing updates on progress made in securing compensation sites for Lesser Black-backed Gull, Kittiwake, Guillemot and Razorbill has been submitted by the Applicant as requested.
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.	A response is provided in Section 3.1 of Document 11.3, Appendix to Applicant's Response to Secretary of State Request for further information.
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.	<p>The Applicant proposes the below without prejudice wording for Condition 22, Schedule 9 and updated wording in Section 7.5 and Appendix B of the Outline Project Environmental Management Plan (oPEMP) [Document reference 7.6, Rev 6] to secure a seasonal restriction which ensures there would be no cable laying within the OTE SPA from 1 November to 1 March inclusive; and provides a mitigation strategy within the offshore cable corridor where it overlaps with the OTE SPA plus 2km buffer. This is provided without prejudice to the Applicant's position that there will be no adverse effect on integrity of the OTE SPA as a result of works in the offshore cable corridor, as discussed in Section 4.4.1.4.3.2 of the RIAA Part 4 [APP-178].</p> <p>No exemptions for shipping coordination are required based on the without prejudice wording as drafted.</p> <p>The wording would secure a seasonal restriction in the body of the DCO, whilst also requiring that the PEMP must be in accordance with the oPEMP, ensuring the final plan must align with the details in terms of the seasonal restrictions and other measures, whilst allowing for further details regarding the strategy in the 2km buffer to be considered at the post-consent stage. <u>Condition 22(1)(d), Schedule 9.</u></p> <p><i>(d) a project environmental management plan covering the period of construction for the relevant stage in accordance with the outline project environmental management plan to include details of—</i></p> <p>(i) <i>a marine pollution contingency plan to address the risks, methods and procedures to deal with and report any spills and collision incidents of the authorised development in relation to all activities carried out;</i></p> <p>(ii) <i>a chemical risk register for all chemicals that have a pathway to the marine environment and may be used for the licensed activities (with the exception of any chemicals used in the course of normal navigation), submitted to the MMO for approval at least ten weeks prior to the use of such chemical</i></p> <p>(iii) <i>, to include details of—</i></p> <p><i>(aa) the function of the chemicals;</i></p> <p><i>(bb) the quantities being used and the frequency of use; and</i></p>
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.	

Ref	SoS Request	Applicant's Response
		<p>(cc) the physical, chemical and ecotoxicological properties of the chemical (save for any chemicals present on the OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment (PLONOR);</p> <p>(iv) a marine biosecurity plan detailing how the risk of introduction and spread of invasive non-native species will be minimised; and</p> <p>(v) waste management and disposal arrangements; <i>and</i></p> <p>(vi) <i>details of a protocol for the protection of red throated divers restricting the laying of the offshore cables within the site designated as the Outer Thames Estuary Special Protection Area between 1 November and 1 March (inclusive) in any year unless otherwise agreed in writing with the MMO in consultation with the relevant SNCB.</i></p>
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].	A confidential report is provided on the red-throated diver site investigations in 2025 (Document reference 11.5), noting that breeding red-throated diver are protected under Schedule 1 of the Wildlife and Countryside Act (as amended) which is why the information must be kept confidential. The report provides information on the site selection, the survey findings, proposed measures and next steps.
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.	<p>An Expert Topic Group meeting was held with Natural England and the RSPB on the 19th November 2025 to provide an overview of the 2025 survey findings.</p> <p>The 2025 surveys identified potentially suitable sites and work is ongoing to select sites for further surveys in 2026 and to secure land access.</p> <p>Land referencing is required for a significant number of sites in order to survey a sufficient number to ultimately select the proposed 20 sites. The work required to identify land owners in Scotland and secure access for surveys takes significant time as outlined in Section 3.4 of the Red-throated Diver Compensation Site Investigations 2025, Confidential Report (Document Reference 11.5).</p> <p>If red-throated diver compensation is required, final site selection would be undertaken post-consent, in consultation with the steering group, informed by surveys.</p> <p>Following the surveys in 2025, the Applicant remains confident that 20 appropriate sites can be secured in sufficient time for the compensation to be deployed one breeding season prior to construction, in accordance with the Without prejudice HRA DCO Schedules [REP7-043].</p> <p>Please note that the Without Prejudice HRA DCO Schedules contain an error in respect of the Part for Red Throated Diver Compensation, namely that the compensation measure (if required) to be implemented must be implemented 'prior to operation' of the wind turbines, as opposed to 'prior to the construction' of the wind turbines (as per the Outline Red Throated Diver Compensation Implementation and Monitoring Plan (Document Reference 7.2.2.1, Rev 3).</p> <p>Paragraph 6 of the RTD Part of the Without Prejudice HRA DCO Schedules is required to be amended as follows:-</p> <p>6. No wind turbine generator forming part construction of Work No. 1 may commence operation until –</p> <p>(1) the compensation measure has been implemented for at least three breeding seasons, unless commencement of operation construction 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</p> <p>(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.</p>
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 [AS056] 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 AEoI 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.	The Outline Kittiwake Compensation Implementation and Monitoring Plan [Document reference 7.2.4.1, Rev 3] Section 3.7.2 has been updated to address this request.
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.	<p>The Applicant has made this update in the following documents:</p> <ul style="list-style-type: none"> Annex 2A Lesser Black-backed Gull Compensation Implementation and Monitoring Plan (Document reference 7.2.2.1, Rev 4)

Ref	SoS Request	Applicant's Response
		<ul style="list-style-type: none"> Annex 3A Outline Red Throated Diver Compensation Implementation and Monitoring Plan (Document reference 7.2.3.1, Rev 3) Annex 4A Outline Kittiwake Compensation Implementation and Monitoring Plan (Document reference 7.2.4.1, Rev 3) Annex 5A Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan (Document reference 7.2.5.1, Rev 3)

Table 2.11 Applicant's Response to SoS Request for Information – Offshore Ecology

Ref	SoS Request	Applicant's Response
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).	The requested figures are provided in Section 4 of Document 11.3, Appendix to Applicant's Response to Secretary of State Request for further information.
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.	<p>Natural England's new issue in [REP8-099] questioned whether the "scour protection hard substrate out to 75m from WTGs" has been considered as part of the 50m buffer from the KKE MCZ. Section 2.1.6 of the Applicant's Supporting Information on Offshore Additional Mitigation [REP4-041] shows that the diameter of scour protection is 75m and that the radius of 37.5m has been incorporated in the 50m buffer.</p> <p>The Applicant proposes the below new condition (condition 35) to Schedule 8 of the draft DCO [REP8-005] to secure this buffer. This also secures that there will be no inter array cables or cable protection within the 50m buffer.</p> <p>New condition 35, Schedule 8:</p> <p><i>“Placement of infrastructure in proximity to Kentish Knock East Marine Conservation Zone</i></p> <p>35 — (1) Unless otherwise agreed in writing by the MMO in consultation with the relevant SNCB, no part of the works specified in sub-paragraphs (1)(a), (b) or (c) shall be installed within 50 metres of the boundary of the site designated as the Kentish Knock East Marine Conservation Zone:</p> <p>(a) the foundations fixing the wind turbine generators to the seabed which form part of Work No. 1;</p> <p>(b) the network of cables between the wind turbine generators and between the wind turbine generators and Work No. 2, including any cable crossings which form part of Work No. 1;</p> <p>(c) cable protection measures which are associated development for the works specified in sub-paragraph (a) or (b).</p> <p>(2) If agreement with the MMO is obtained pursuant to sub-paragraph (1), the undertaker must install any infrastructure in accordance with the details approved under sub-paragraph (1).”</p>
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.	The Applicant could commit to <u>commencing</u> the post-construction monitoring of biogenic or geogenic reef features within 12 months of construction. A commitment to complete surveys within 12 months may limit capacity to undertake surveys in optimum seasons, where applicable, subject to when the construction works are completed. A commitment to commence surveys within 12 months, would enable consideration of the optimum season(s) for surveys, where applicable.
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.	<p>The Applicant is in receipt of onshore site investigation (SI) information, gathered in 2022 by Five Estuaries. Five Estuaries carried out SI on the offshore section of the landfall in 2021. This SI information fed into the worst-case scenario assessed in the Environmental Statement (ES) for North Falls. Confirmatory SIG covering the offshore section was gathered in August this year (2025). The initial results identify no change in the outputs from the original 2021 SI campaign, with the 2025 results currently in laboratory testing. More detailed investigations are planned for future years (2026 to 2028) to refine and locate exact exit pit locations and micro-route the drill profile to avoid sensitive receptors and difficult geology.</p> <p>The outputs of the surveys and testing confirm that the realistic worst-case scenario has been robustly evaluated taking into account the uncertainties of the design envelope, at the pre-application consultation stage and tested via the subsequent examination stage. Therefore, any future offshore SI campaigns to refine the design, will show that resulting effects of final design all fall within the worst-case scenario evaluated and assessed as part of the ES.</p> <p>As is standard for offshore wind DCOs, any future surveys will be individually licensed by the MMO as part of either a separate Marine License, or a Marine License exemption, in line with MMO's requirements. As a result, there is nothing that could appropriately be secured in the Order in this respect.</p>

Ref	SoS Request	Applicant's Response
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.	<p>In [REP1-045], the Applicant confirmed “<i>Scour protection would be deployed in proximity to WTG and OSP/OCP foundations and therefore, provided the areas and volumes are within the parameters assessed in the ES and secured in the DCO, no further licences should be required</i>”. In the MMO's response [AS-051], Ref MMO-98, the MMO confirmed agreement with this approach as reflected in the Outline Offshore Operations and Maintenance Plan submitted at Deadline 3⁵ As such, the Applicant's position is that the approach as agreed with MMO provides control over both the volume of scour protection (see condition 10(7), condition 11(3) and condition 11(3) of the DMLs in Schedules 8, 9, 10 respectively [REP8-005]), and the location of it (because the scour protection is deployed at the WTG and OSP/OCP foundations, the location of which are controlled by the Offshore Order Limits and Boundary Coordinates Plan [REP6-004] secured under condition 5 of each DML in Schedule 8, 9 and 10, and which is a certified plan under the dDCO).</p> <p>The activity of replacement of scour protection is controlled as it falls within the scope of the maintenance activities, and the final OOMP to be approved by MMO must include details of these activities, ensuring that the activities and methodologies associated with scour protection replacement are controlled and have regulatory oversight (see condition 12 / 13 / 12 of Schedules 8 / 9 / 10 of the DMLs of the dDCO respectively).</p> <p>In addition, an annual maintenance report must be submitted to the MMO until cessation of operation of the Project, which must include maintenance activities (incl. scour protection replacement) during the preceding year, including the timing of activities and methodologies used. A consolidated report must also be submitted to the MMO every 5 years, reconfirming applicability of the methodologies and frequencies of the licensable activities (including scour protection replacement) (see condition 30 / 31 / 30 of Schedules 8 / 9 / 10 of the DMLs of the dDCO respectively),</p> <p>The OOMP [REP8-023] itself is also required to be reviewed every 3 years to the extent there is any new aspect of maintenance activities identified during the operational phase, which would capture any additional scour replacement activity.</p> <p>The Applicant could also commit to an updated condition that ensures that the MMO is notified in advance of scour replacement activities, imposing additional control: Condition 15 /16 / 15 of Schedules 8 / 9 / 10 respectively: <i>(13) The undertaker must notify the MMO in writing a minimum of 14 days in advance of the commencement of each discrete incident of cable repair, replacement, or protection replenishment activity or scour protection replacement activity. Such a notification must include proposed timings and a description of proposed methodologies.</i></p> <p>It is not expected that further scour protection would be required beyond the worst case scenario assessed in the ES and secured in the DCO, however in the unlikely event this became required, it would be subject to further licencing, supported by environmental information and consultation.</p>
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].	<p>While this question is directed to the MMO, the Applicant notes that the outputs of the hydrodynamic modelling carried out during the Examination [REP7-041] show that worst case increased suspended sediment concentrations associated with sediment plumes will be localised and very short term (hours) and initial sediment deposition will be rapidly re-distributed by the prevailing waves and tidal currents. This is in line with the assumptions made in the impact assessment presented in Environmental Statement Chapter 11 Fish and Shellfish Ecology (APP-025).</p> <p>As described in the Sandeel and Herring Habitat heat Mapping Clarification Note [REP3-047] the outputs of the herring habitat heat map produced following the updated methodology in Kyle-Henney et al. (2024)⁶ are broadly consistent with those in the heat map included in support of the Application in the Environmental Statement Appendix 11.1 Fish And Shellfish Ecology Technical Report [APP-095].</p> <p>With the above in mind and taking account of the limited overlap between areas potentially affected by increased SSC and deposition from Project works and known defined Downs herring spawning grounds (i.e. Coull et al. 1998⁷; Ellis et al 2012⁸) (see Section 4.4 of the Appendix to the Applicant's Response to Secretary of State Request for further information [Document reference 11.3]; Figures 1 and 2) it is considered that the Applicant's assessment presented in Environmental Statement Chapter 11 Fish and Shellfish Ecology [APP-025] remains valid.</p>
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.	<p>The Applicant has committed to a piling restriction to cover the Down's herring spawning period from 1st November to 31st January, unless otherwise agreed with the MMO.</p> <p>This is secured in Outline Project Environmental Management Plan [Document reference 7.6, Rev 6] where it is noted that:</p>

⁵ The MMO noted in AS-051 that they may have further comments at Deadline 4 which did not occur.

⁶ Kyle-Henney M., Reach I., Barr N., Warner I., Lowe S., and Lloyd Jones D. (2024). Identifying and Mapping Atlantic Herring Potential Spawning Habitat: An Updated Method Statement.

⁷ Coull, K., Johnstone, R., and Rogers, S. (1998). Fisheries sensitivity maps in British Waters. UKOOA Ltd, Aberdeen

⁸ Ellis, J.R., Milligan, S.P., Readdy, L., Taylor, N., and Brown, M. (2012). Spawning and nursery grounds of selected fish species in UK waters. Science Series Technical Report. Cefas, Lowestoft, 147, pp. 56

Ref	SoS Request	Applicant's Response
		<p><i>In order to reduce impacts to Downs herring, there will be no piling activities during 1 November and 31 January, unless otherwise agreed with the MMO.</i></p> <p><i>Should the Applicant require the restriction period to be refined, further data and evidence to justify that piling during this period would not have a significant effect on spawning herring would be provided to the MMO to inform the agreement of a suitable period.</i></p> <p><i>Further data and evidence may include a back-calculation exercise using at least 10 years of International Herring Larval Survey (IHLS) data and an updated 'heat' map of potential herring spawning habitat, alongside underwater noise contours for behavioural impacts of herring from piling.</i></p> <p>The Applicant notes that the offshore cable corridor is not located in the immediate proximity of defined Downs herring spawning grounds. These are located further offshore, towards the southeast of the North Falls Array Area (Section 11.6.1.2.1 of Environmental Statement Chapter 11 Fish and Shellfish Ecology [APP-025]). This is also supported by the heat mapping of herring habitat carried out in support of the Application, including updates issued during the examination (Sandeel and Herring Habitat Heat Mapping [REP3-047] which indicates highest potential for herring habitat to be found towards the south-east of North Falls Array Area, adjacent to known defined Downs herring grounds (Coull et al 1998, Ellis et al 2012) and not in areas of relevance to the offshore cable corridor. With this in mind, and taking account of the findings of the hydrodynamic modelling carried out during the Examination [REP7-041] which show that worst case increased suspended sediment concentrations associated with sediment plumes will be localised and very short term (hours) and initial deposition of sediment will be rapidly re-distributed by prevailing waves and tidal currents, restrictions on cable construction activities with regards to herring spawning are not considered appropriate.</p>
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 guidance.	The Applicant is willing to make this change if considered necessary by the SoS, and an updated draft MMMP [Document reference 7.7, Rev 5] has been provided. However, it is noted that the guidance referenced in the RFI relates to geophysical surveys, rather than piling. It is also noted that Natural England has not commented on this issue during the North Falls Examination. It should also be noted that not all projects use the same hammer energy or ramp up steps and have different site specific conditions which influence the noise production. Taken together, the Applicant is unclear on the context for the change.
42	<p>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:</p> <p><i>"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;"</i></p>	<p>The Applicant confirms that it is willing to accept the updated condition in the form below, which includes a minor amendment changing the wording "full details" to "reasonable details". This is considered justified both on the basis that it is not clear what "full details" means, and because in accepting this condition the Applicant agrees to the imposition of a further requirement where it has to justify the inclusion and/or exclusion of primary and secondary noise reduction and mitigation measures. That such justification must be 'reasonable' keeps the requirement proportionate (whereas 'full details' would risk making the extent of what the condition requires the Applicant provide indeterminate).</p> <p><i>"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 reasonable details and justification for the mitigation chosen or excluded for deployment;"</i></p>
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.	The underwater noise modelling and ES Chapter 12 [APP-026] considered a realistic worst case ramp up scenario, up to the maximum hammer energy and with no noise abatement or reduction mitigation. The final ramp up duration will take into account the final hammer energy and additional mitigation measures. This will be detailed in the final MMMP and agreed with the MMO. This position has been clarified in the updated draft MMMP [Document reference 7.7, Rev 5] submitted by the Applicant in response to this RFI.
44	<p>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:</p> <p><i>"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.</i></p> <p><i>(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.</i></p> <p><i>(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.</i></p> <p><i>(4) In approving the SIP, the MMO must be determine whether the authorised scheme at the preconstruction stage, in-combination with other plans and projects, would be in line with the JNCC Guidance.</i></p>	<p>The Applicant suggests minor amendments to align the terms used with the existing dDCO and sub paragraph cross references.</p> <p>The Applicant notes that the request has only been made in respect of Schedule 9, however, piling activities form part of the licensed activities under Schedules 8 and 10 too, and so the Applicant invites the Secretary of State to include the condition in each DML schedule, if deemed necessary.</p> <p>As a result of including this new condition in relation to a site integrity plan, condition 21(m) condition 22(m) and condition 21(m) of Schedules 8, 9 and 10 respectively should be removed.</p> <p>JNCC Guidance will require to be defined, and the Applicant proposes the following definition, which refers to the relevant guidance (see the draft MMMP (Document Reference 7.7., Rev 5)), and which aligns with previously decided offshore wind DCOs relying on the guidance.</p> <p><i>"JNCC Guidance" means the statutory nature conservation body 'Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs' Joint Nature Conservation Committee Report No.654, May 2020 published in June 2020 as amended, updated or superseded from time to time;</i></p>

Ref	SoS Request	Applicant's Response
	(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".	<p>"SNS SAC" means the site designated as the Southern North Sea Special Area of Conversation;</p> <p>Southern north sea special area of conservation site integrity plan</p> <p>—(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 SNCB.</p> <p>(2) The southern north sea special area of conservation site integrity plan submitted for approval under sub-paragraph (1) 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 SNCB 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 licensed activities authorised scheme.</p> <p>(3) The SIP southern north sea special area of conservation site integrity plan submitted for approval under sub-paragraph (1) must be submitted in writing to the MMO no earlier than 9 nine months and no later than six months prior to the commencement of piling activities.</p> <p>(4) In approving the SIP, southern north sea special area of conservation site integrity plan under sub-paragraph (1) the MMO must be determine whether the licensed activities authorised scheme at the pre-construction stage, in-combination with other plans and projects, would be in line with the JNCC Guidance.</p> <p>(5) The southern north sea special area of conservation site integrity plan approved by the MMO under sub-paragraph (1) may be amended with the prior written approval of the MMO, in consultation with the relevant statutory nature conservation body SNCB, where the MMO determines that the licensed activities authorised scheme, in-combination with other plans or projects at the pre-construction stage, is in line with the JNCC Guidance.</p>
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.	The Applicant agrees with this addition and has updated Table 5-5 of the Offshore In-Principle Monitoring Plan [Document Reference 7.10, Rev 4] to reflect this.
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.	The Applicant has now committed to this data sharing in Section 3 of the Offshore In-Principle Monitoring Plan [Document reference 7.10, Rev 4].

Table 2.12 Applicant's Response to SoS Request for Information – Onshore Ecology

Ref	SoS Request	Applicant's Response
47	<p>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:</p> <p><i>"(1) No stage of the authorised project within the onshore Order limits (excluding any onshore site preparation works) may commence until—</i></p> <p><i>(a) a biodiversity net gain strategy has been approved in writing by the relevant planning authority;</i></p> <p><i>(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</i></p> <p><i>(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.</i></p> <p><i>(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).</i></p> <p><i>(3) The biodiversity net gain strategy must be implemented as approved.</i></p> <p><i>(4) Any remaining shortfall in biodiversity units identified following detailed design will be secured prior to construction works being completed.</i></p> <p><i>(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."</i></p>	<p>The Applicant does not agree with the proposed wording and submits that these amendments are not necessary or reasonable because the Applicant's commitment to providing BNG is already adequately secured by Requirement 21 in the draft DCO [REP8-005].</p> <p>The Applicant has committed to exploring opportunities to deliver a minimum 10% biodiversity net gain (BNG) as set out in its Biodiversity Net Gain Strategy [REP8-025]. This commitment demonstrates compliance with the duty to conserve and enhance biodiversity under the Natural Environment and Rural Communities Act 2006 and other policy documents.</p> <p>The Applicant has submitted in Examination that because the Project's boundary at the detailed design stage will be more refined and smaller than that presented pre-consent, it is likely that the percentage BNG provided by the Project will increase post-consent and may exceed the 10% being explored as a minimum threshold (see, e.g. the Applicant's response to Q10.2.1 in the Applicant's Response to Written Questions (ExQ1) [REP2-020]). However, this cannot be guaranteed at this stage of the Project development.</p> <p>Importantly, the Applicant notes that the provision of 10% BNG is not mandatory for this DCO Application as the requirement to provide BNG on nationally significant infrastructure projects has not yet come into force. It is not justifiable to impose a requirement on the Applicant in the DCO which is designed to enforce a legal obligation that does not apply to this Project. The Applicant considers that its approach to BNG (in the absence of a legal obligation) is consistent with section 4.6 of the Overarching National Policy Statement for energy (NPS EN-1) which requires the Applicant to <i>"seek opportunities to contribute to and enhance the natural environment by providing net gains for biodiversity, and the wider environment where possible"</i> (paragraph 4.6.6). The Biodiversity Net Gain Strategy [REP8-025] includes details of how the Applicant has considered opportunities to deliver BNG in accordance with paragraph 4.6.15 of NPS EN1.</p> <p>The Applicant's BNG delivery approach (as set out in the Biodiversity Net Gain Strategy [REP8-025]) intends to maximise BNG delivery at the onshore substation site through the Project's landscape mitigation and ecological enhancement works. These works are set out in the Outline Landscape and Ecological Management Strategy [REP 7-027] and secured by Requirement 7 of the draft DCO [REP8-005].</p> <p>The design and delivery of landscaping mitigation and ecological enhancement at the onshore substation site will have a material impact on the BNG metric. However, the Applicant notes that the final design of these works (and, therefore, the final calculations as to what percentage of BNG units can be delivered at the onshore substation site in accordance with the final</p>

Ref	SoS Request	Applicant's Response
		<p>BNG Assessment Report) is not currently finalised. Opportunities for 'on-site' net gain will be revisited once the final BNG Assessment Report is provided and attempts to maximise the opportunities on-site will be considered as part of the final landscaping design at the onshore substation works area. Off-site BNG outside the Order limits will not be considered until the amount of on-site BNG has been established at the detailed design stage. Accordingly, the Applicant is not able, at this stage of the Project's development, to confirm whether offsite biodiversity units located outside of the Order limits will be required.</p> <p>The current drafting of Requirement 21 (see draft DCO [REP8-005]) requires that Works No. 11 and Works No. 12 (which comprise the onshore substation works) must not be commenced until a biodiversity net gain assessment (which must accord with the outline biodiversity net gain strategy) in relation to that stage has been submitted to and approved by the discharging authority in consultation with the relevant SNCB.</p> <p>This drafting accords with the approach taken by the Secretary of State in respect of the Hornsea Four Offshore Wind Farm Order 2023 (see Requirement 6).⁹ In that project, the delivery of BNG was also focused on the onshore substation area as set out in the Outline Net Gain Strategy¹⁰ and accepted by the ExA and Secretary of State.¹¹</p> <p>This also accords with the drafting and approach included in the Five Estuaries draft Development Consent Order (rev I) submitted at Deadline 8A in the Five Estuaries Offshore Wind Farm (VEOWF) examination [REP8A-004].¹² The interaction between the Project and VEOWF at the onshore substation site means that the requirements and approach to delivering BNG should be aligned across both projects.</p> <p>In that context, the Applicant submits that it would not be appropriate or reasonable to adopt the proposed drafting amendments to Requirement 21.</p>
48	<p>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. (footnote: ²Nationally Significant Infrastructure: action plan for reforms to the planning process - GOV.UK)</p>	<p>The Applicant maintains its objection to imposing a 30-year management period on habitats outwith the Onshore Substation Area. Statutory BNG under the Environment Act 2021 does not apply to the Project, thus neither does the requirement of a 30-year management period associated with statutory BNG. The BNG delivered by the Project instead relates to the Project's duty to conserve and enhance biodiversity under the Natural Environment and Rural Communities (NERC) Act 2006, as well as other related policy requirements under NPS EN1.</p> <p>As stated in the Applicant's Response to ExA's Second Written Questions (ExQ2) (Rev 0) [REP5-054] Q10.0.32, paragraph 105 of Biodiversity Net Gain Strategy (Rev 2) [REP8-025] highlights that management of reinstated hedgerows is limited as North Falls would not have the appropriate rights to manage the habitats in question beyond the extents needed to deliver the Project. Additionally, reinstated habitats are only subject to temporary works and will be returned to landowners' ownership following the completion of construction and reinstatement. Committing to a 10-year management plan for reinstated habitats, rather than until the end of operations, in light of such issues ensures North Falls' reinstatement plans are achievable and realistically consider the need for such areas to remain functional as agricultural land.</p> <p>Where landownership rights are not a barrier to long-term habitat management, namely habitat creation within the Onshore Substation works area and any off-site compensation areas (if required), the Applicant has committed to delivering a minimum 30-year management and maintenance period (see section 3.11.2 of the Outline Landscape and Ecological Management Strategy [Document no. 7.14, (rev 7)] and section 2 of the Biodiversity Net Gain Strategy [REP8-025]).</p> <p>Natural England agreed with the Applicant's position on this in their Deadline 4 Submission Natural England's Biodiversity Net Gain Advice on the Applicant's Deadline 1 and 3 Documents [REP4-065], stating a 10-year management plan is reasonable given the lack of clarity on land that is temporarily acquired for NSIPs. Essex County Council also agreed with the Applicant's position on this within their Responses to ExQ2 [REP5-091] (Q10.0.30), stating enhancements for hedgerow re-establishment for the onshore cable route will only be managed and monitored for a 10-year period.</p>
49	<p>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</p>	<p>Although included on the UK Red List of Birds of Conservation Concern¹³, Natural England's Red List of England¹⁴ and Section 41 of the Natural Environment and Rural Communities (NERC) Act¹⁵, corn bunting is not classified as a protected species and according to Wilkins <i>et al.</i> (2022) ¹⁶ is considered "near threatened", thereby not falling within the 'Threatened' taxa categories.</p>

⁹ PINS, The Hornsea Four Offshore Wind Farm Order 2023. (Available at: [this link](#); Accessed on: 5 December 2025).

¹⁰ Royal HaskoningDHV and Orsted, Hornsea Project Four: Environmental Statement – Volume F2.16: Outline Net Gain Strategy (September 2021). [Accessible at: [this link](#); Accessed on: 5 December 2025).

¹¹ Department for Energy Security and Net Zero, Planning Act 2008: Application for Development Consent for the Hornsea Project Four Offshore Wind Farm (12 July 2023), paragraphs 4.161 and 4.165. [Accessible at: [this link](#); Accessed on: 5 December 2025).

¹² Document 3.1 Draft Development Consent Order (Clean) (rev I), Schedule 1, Part 3, [20]. (Available at: [this link](#); Accessed: 4 December 2025).

¹³ Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D., and Win I. (2021). The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. British Birds 114: 723-747.

¹⁴ Natural England (2022a). Research Report 124: Outcome Indicator Framework for England's 25 Year Environment Plan: D5 Conservation status of our native species – Data Sheet 2022

¹⁵ Natural England (2022). Habitats and species of principal importance in England. Available at: <https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england>

¹⁶ Wilkins, T.C., Wilson, R.J., and Brown, A.F. (2022a). Outcome Indicator Framework for England's 25 Year Environment Plan: D5 Conservation status of our native species – Technical Document 2022. NERR124. Natural England, York, UK..

Ref	SoS Request	Applicant's Response
	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.	<p>There is no statutory duty under the Conservation of Habitats and Species Regulations 2017, the Environmental Targets (Biodiversity) (England) Regulations 2023, nor any other legislation, to provide compensation for impacts on non-protected or non-threatened species and therefore the Applicant considers that the requirement for compensation measures for corn bunting is neither appropriate nor justified.</p> <p>In considering and assessing the impact on farmland birds, the Applicant has fully applied the mitigation hierarchy as required by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and relevant National Policy Statements (NPS). On-site mitigation at the onshore substation site is not feasible due to landscape screening requirements. Off-site compensation was considered but discounted, as it would have the potential to result in adverse impacts on best and most versatile (BMV) land, and unduly interfere with farming businesses and food production, as outlined in the without prejudice In-Principle Farmland Bird Compensation Plan [Document ref:11.6]. The Applicant therefore considers that the impact of the compensation measures would be disproportionate to the impact on farmland birds.</p>
50	The Applicant is therefore requested to provide a without prejudice In-Principle Farmland Bird Compensation Plan detailing how habitat compensation (on or offsite) 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.	<p>A without prejudice In-Principle Farmland Bird Compensation Plan is presented in [Document ref: 11.6, (rev 0)] to compensate for the predicted significant adverse effect (in EIA terms) on corn bunting from the Project within the onshore substation area. This details the without prejudice draft DCO requirement wording which would form the basis for the scope of the Farmland Bird Compensation Plan.</p> <p>The Applicant notes this also accords with the drafting and approach in relation to a potential without prejudice Farmland Bird Compensation Plan submitted by Five Estuaries Offshore Wind Farm Limited (EN010115) to the Secretary of State in November 2025 (EN010115).¹⁷ The interaction between the Project and the Five Estuaries Offshore Wind Farm at the onshore substation site means that the requirements and approach to delivering farmland bird compensation (if required) should be aligned across both projects.</p>
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 Applicant is also requested to provide without prejudice drafting to secure this within the DCO, in the event that consent is granted.	<p>As stated within Table 1.3 of the OCoCP [Document ref: 7.13, (rev 6)] and paragraph 105 of the OLEMS [Document ref: 7.14, (rev 7)], the Outline Horizontal Directional Drill Method Statement and Contingency Plan [REP8-011] already includes the Applicant's commitments in relation to HDD and a frac-out scenario. Paragraph 28 of the Outline Horizontal Directional Drill Method Statement and Contingency Plan [REP8-011] states pre-construction surveys (such as further geophysical, geotechnical, ecological or archaeological surveys) will be carried out prior to the commencement of works, and the results will be used to inform final locations of TJBs and HDD alignments. Paragraph 111 of the Outline Horizontal Directional Drill Method Statement and Contingency Plan [REP8-011] states that robust risk assessments and method statements including suitable contingency planning will be considered in pre-construction planning.</p> <p>As such, the Applicant believes these points are already addressed in the Outline Horizontal Directional Drill Method Statement and Contingency Plan [REP8-011].</p> <p>The measures in the Outline Horizontal Directional Drill Method Statement and Contingency Plan [REP8-011] are adequately secured by Requirement 23 in the draft DCO [REP8-005] which states that no parts of Work Nos. 4B, 4C, 4D, 6 or 12 (relating to landfall and onshore connection works and the onshore substation compound) may commence until a horizontal directional drill method statement and contingency plan for that part has been submitted to and approved by the discharging authority in consultation with the relevant SNCB and the Environment Agency. The horizontal directional drill method statement and contingency plan must accord with the principles set out in the outline horizontal directional drill method statement and contingency plan which is a certified document in the draft DCO.</p> <p>The OCoCP [Document ref: 7.13, (rev 6)] and OLEMS [Document ref: 7.14, (rev 7)] have been revised with a cross reference to the Outline Horizontal Directional Drill Method Statement and Contingency Plan.</p>
52	The Applicant is requested to revise the OCoCP [REP7-025] and the OLEMS [REP7-027] to ensure all relevant pre-construction, construction, and postconstruction / 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).	The Applicant agrees with this addition and has updated the OLEMS and OCoCP to reflect this.

¹⁷ Document 10.82 Applicant's response to the information requests of 21 August 2025 and 26 September 2025 (rev A), section 2.7. (Available at: [this link](#); Accessed: 15 December 2025).

Table 2.13 Applicant's Response to SoS Request for Information – Commercial Fisheries

Ref	SoS Request	Applicant's Response
53	<p>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.</p>	<p>The alternative measures referenced in the Statement of Common Ground (SoCG) with the Commercial Fisheries Working Group (CFWG) [REP8-062] refer to the explicit request from the CFWG that fishing vessels engaged in fishing are given priority over survey vessels as far as possible.</p> <p>This commitment was included in the outline FLCP submitted at deadline 7 [REP7-021]. The request made by the CFWG to extend priority to fishing vessels more widely was not agreed in the SoCG and therefore no specific commitment was made in the updated Outline FLCP [REP7-021]. Giving priority to fishing vessels may not always be feasible and may pose a health and safety risk, particularly for Project vessels during construction works.</p> <p>The Applicant notes, that whilst the Project is unable to accommodate this request, in order to reduce negative interactions with fishing during construction and reduce disruption, a range of embedded mitigation measures have already been committed to by the Project. These are outlined in Table 4.1 Embedded mitigation measures of the Outline FLCP [REP7-021] and in Table 14.4 of Chapter 14 Commercial Fisheries, and include the timely and efficient distribution of information and navigational warning of the position and nature of works as well as the appointment of an FLO during the construction phase of the Project.</p> <p>The other additional mitigation measure included in the SoCG [REP8-062] makes reference to the exploration of measures regarding science projects and monitoring, including monitoring the status of commercially targeted fish and shellfish stocks or of commercial fishing activity across phases of North Falls development. As noted in the SoCG [REP8-062], this is yet to be discussed, and therefore no explicit reference was included in the Outline FLCP [REP7-021].</p> <p>The Applicant notes that as stated in the Outline FLCP [REP7-021], consultation with relevant stakeholders will be key to the development and finalisation of the FLCP, including with the CFWG. This would include consultation on the alternative measures if relevant.</p> <p>The Applicant also notes that the FLCP is a live document that will be subject to updates and reviews as appropriate during the lifetime of the Project. FLCP updates will be carried out in consultation with the fisheries stakeholders and will require MMO approval.</p> <p>As noted in the outline FLCP [REP7-021], 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) was being updated (now available, released in late November 2025). The outline FLCP [REP7-021] confirms that the FLOWW guidance has been considered and the final FLCP will take account of the latest guidance as applicable.</p>

Table 2.14 Applicant's Response to SoS Request for Information – Adaptive Management

Ref	SoS Request	Applicant's Response
54	<p>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.</p>	<p>The Applicant proposes a condition in the form below. The form of condition is an amended version of the condition in [REP8-102] to remove the requirement that the 'adaptive management plan' must be submitted along with the survey reports which must be submitted under the preceding sub-paragraph. As the survey reports submitted dictate whether the adaptive management plan is required in the first place, having to submit the plan with the reports is practically not possible to comply with.</p> <p>Condition 26(5)</p> <p><i>(5) If, in the reasonable opinion of the MMO, the reports provided under sub-paragraph (4) show impacts significantly in excess to those assessed in the environmental statement an adaptive management plan to reduce impacts to a level within those assessed in the environmental statement must, unless otherwise agreed with the MMO in writing. The adaptive management plan must be agreed with the MMO and should be implemented in full in accordance with the timetable set out in the plan. In the event that the adaptive management measures require separate consent, the undertaker shall apply for such consent but only be required to undertake the relevant adaptive management once the consent is granted, with the timetable in the plan adjusted accordingly.</i></p>



HARNESSING THE POWER OF NORTH SEA WIND

North Falls Offshore Wind Farm Ltd

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