



N O R T H F A L L S

Offshore Wind Farm

Without Prejudice In-Principle Farmland Bird Compensation Plan

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Glossary of Acronyms

BMV	Best and Most Versatile
EIA	Environmental Impact Assessment
FBCP	In-Principle Farmland Bird Compensation Plan
NERC	Natural Environment and Rural Communities
NPS	National Planning Statement



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1 Introduction

1. This document provides a without prejudice In-Principle Farmland Bird Compensation Plan (FBCP) to compensate for the predicted significant adverse effect (in EIA terms) on corn bunting *Emberiza calandra* from the North Falls Offshore Wind Farm ('the Proposed Development') primarily within the onshore substation area, as stipulated in the Request for Information letter (dated 26th November 2025) from the Department of Energy Security & Net Zero.
2. Although included on the UK Red List of Birds of Conservation Concern (Stanbury et al. 2021), Natural England's (2022a) Red List of England and Section 41 of the Natural Environment and Rural Communities (NERC) Act (Natural England, 2022b), corn bunting is not classified as a protected species and according to Wilkins *et al.* (2022) is considered "near threatened", thereby not falling within the 'Threatened' taxa categories.
3. 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-threatened species and therefore North Falls Offshore Wind Farm Limited ('the Applicant') considers that the requirement for compensation measures for corn bunting is neither appropriate, nor justified.
4. In considering and assessing the impact on farmland birds, the Applicant has fully applied the mitigation hierarchy as required by the Infrastructure Planning (EIA) Regulations 2017 and the National Policy Statement (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. Given the scale and nature of the impact upon this species (minor-moderate adverse at a regional level), off-site compensation which could give rise to such effects was not considered appropriate or proportionate.
5. The Applicant therefore considers that the impact of the compensation measures would be disproportionate to the impact on farmland birds.
6. The Applicant has not sought compulsory acquisition powers to provide farmland bird compensation, as this would be unjustified. Such powers would also require the imposition of long-term restrictions on landowners, limiting their ability to adapt to changing agricultural practices, climate conditions, and government policy.

7. The Applicant cannot establish any evidence which was before the Examining Authority, or which is before the Secretary of State, which justifies the imposition of a requirement for farmland bird compensation, or which demonstrates that the Applicant's position is incorrect or unreasonable.

2 Without Prejudice Wording of Planning Requirement for Farmland Bird Compensation Plan

8. Without prejudice to the Applicant's position summarised above, requirement wording for a FBCP planning requirement is presented here. This provides the basis for the scope of the FBCP.

(1) Any part of Work No. 11 must not be commenced until a FBCP has been submitted to and approved by the discharging authority in consultation with the local planning authority for the area in which the compensation measure is to be provided.

(2) The FBCP must include —

a) An updated assessment of the impact (if any) that Work No. 11 is likely to have on corn bunting based on the detailed design of Work No. 11 to include loss or displacement of territories;

b) Where off-site habitat compensation is proposed to be taken forward to offset any impact identified in the updated assessment required under subparagraph (a) —

(i) A calculation of the quantum of compensation required to offset any impact identified in the updated assessment required under subparagraph (a) to be proportionate to the scale of likely impact;

(ii) The location(s) where the compensation measures will be delivered and the suitability of that location or locations (including why the location(s) is appropriate ecologically and likely to support successful compensation), and confirmation that the necessary landowner agreement(s) are in place, including a review mechanism to provide for the scenario where it is necessary to amend the location(s) where the compensation measures will be delivered;

(iii) Details of the capacity and ability of the compensation areas to compensate for the impact of the authorised development on corn bunting;

(iv) An implementation timetable for delivery including any arrangements made with a third party for implementation of the measures;

(v) Details for the ongoing management and maintenance of the compensation measures;

(vi) Details for the ongoing monitoring and reporting of the effectiveness of the compensation measures identified in the FBCP including survey methods, survey programmes, success criteria, and timescales for the monitoring reports to be delivered;

(vii) Details of any adaptive management measures, with details of the factors used to trigger any alternative and/or adaptive management measures; and,

(viii) Details of how survey and monitoring data will be shared in the appropriate formats with the relevant Local Environmental Records Centre(s) and relevant national/regional environmental recording schemes, and any potential research collaborations.

c) Provision for the option to be exercised by the undertaker, following consent in writing from the discharging authority, to pay a financial contribution to the Nature Restoration Fund wholly or partly in substitution for the provision of off-site habitat compensation or as an adaptive management measure for the purposes of sub-paragraph (b)(vii) above. The sum of the contribution is to be agreed between the undertaker and Defra or other Government body responsible for the operation of the Nature Restoration Fund;

d) Provision for the option to be exercised by the undertaker, following consent in writing from the discharging authority, to pay a financial contribution towards the establishment of compensation measures by another party wholly or partly in substitution for the provision of off-site habitat compensation or as an adaptive management measure for the purposes of sub-paragraph (b)(vii) above. The sum of the contribution is to be agreed between the undertaker and the discharging authority; and,

e) Provision for the option to be exercised by the undertaker, following consent in writing from the discharging authority, to collaborate with another party in the delivery of compensation measures wholly or partly in substitute for the provision of off-site habitat compensation or as an adaptive management measure for the purposes of sub-paragraph (b)(vii) above.

(3) The undertaker must implement the measures set out in the FBCP approved by the discharging authority, unless otherwise agreed by the discharging authority following consultation with the local planning authority for the area in which the compensation measure is to be provided.

(4) Results from the monitoring and reporting scheme referred to in paragraph (2)(b)(vi) must be submitted to the discharging authority in accordance with the approved FBCP and any adaptive management measures (if any are required) referred to in paragraph 2(b)(vii) must be implemented by the undertaker in accordance with the approved FBCP.

(5) The FBCP approved under paragraph (1) includes any amendments that may subsequently be approved in writing by the discharging authority, including any amendments to the location where the compensation measures will be delivered as referred to in paragraph (2)(b)(ii).

(6) This requirement ceases to have effect on the date that the onshore decommissioning of the authorised development is commenced.

(7) In this requirement— “Defra” means the Department for Environment, Food and Rural Affairs; and “Nature Restoration Fund” means any fund established by Defra or a Government body for the purpose of implementing strategic

mitigation measures to offset the adverse environmental impacts from development.



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3 References

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