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BY EMAIL ONLY

Dear Sir/Madam,

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

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

The following constitutes Natural England’s formal statutory response to the Secretary of State’s Request for Information (RFI) dated 18 December 2025. To inform this response Natural England have reviewed the following documents:

- [C1-036] 7.2.2.1 Volume 7 Annex 2A Outline Lesser Black-Backed Gull Compensation Implementation and Monitoring Plan (Tracked) (Rev 4)
 - [C1-031] 7.2.3.1 Volume 7 Annex 3A Outline Red-Throated Diver Compensation Implementation and Monitoring Plan (Tracked) (Rev 3)
 - [C1-028] 7.2.4.1 Volume 7 Annex 4A Outline Kittiwake Compensation Implementation and Monitoring Plan (Tracked) (Rev 3)
 - [C1-037] 7.2.5.1 Volume 7 Annex 5A Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan (Tracked) (Rev 3)
 - [C1-026] 7.6 Outline Project Environmental Management Plan (Tracked) (Rev 3)
 - [C1-025] 7.7 Draft Marine Mammal Mitigation Protocol (Tracked) (Rev 5)
 - [C1-021] 7.10 Offshore In-Principle Monitoring Plan (Tracked) (Rev 4)
 - [C1-019] 7.13 Outline Code of Construction Practice (Tracked) (Rev 6)
 - [C1-018] 7.14 Outline Landscape and Ecological Management Plan (Tracked) (Rev 7)
 - [C1-017] 9.57 Deep Water Route Cable Installation Areas (Future Dredging Depths) Plan (Rev 2)
 - [C1-013] 9.75 Habitats Regulations Assessment Land Rights Tracker (Rev 3)
 - [C1-014] 11.2 Applicant’s Response to SoS Request for Information Dec 25
 - [C1-012] *11.3 Appendix to the Applicant’s Response to the SoS Request for Information Dec 25
 - [C1-012] *11.5 Red-Throated Diver Compensation Site Investigations 2025 (Clean) (Rev 0)
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(*Note that there are two documents with the same reference number.)

1. Offshore Ornithology

1.1 [C1-036] 7.2.2.1 Volume 7 Annex 2A Outline Lesser Black-Backed Gull Compensation Implementation and Monitoring Plan (Tracked) (Rev 4)

We note that the main update to the Compensation Implementation and Monitoring Plan (CIMP) is the inclusion of a new compensation area location on Orford Ness adjacent to that proposed by Five Estuaries for their lesser black-backed gull compensation (LBBG) to address impacts to the Alde-Ore Estuary Special Protection Area (SPA). This raises a new issue for consideration, as this site has not previously been assessed or taken through the Habitats Regulations Assessment (HRA) screening process.

This option is added to 'provide additionality' in the event of North Falls OWF electing to collaborate with, or deliver adaptive management through, the adjacent Five Estuaries OWF compensation proposal. Nevertheless, it remains the case that minimal information on the proposal has been presented in the CIMP. For example, there is no map of the proposed location. Surveys of the new compensation area have not been undertaken, and in their absence no qualitative assessment of the habitats present and the associated environmental risks have been made. Furthermore, the CIMP does not include any information on how the site will be accessed or any additional construction (e.g. temporary bridges, culverts) that may be required.

Therefore, there is insufficient information to support a meaningful assessment of impacts on designated sites and features. In order to take it through e.g. the HRA process. Without such information, likely significant effects (LSE) on the Orfordness – Shingle Street Special Area of Conservation cannot be excluded, and Natural England cannot determine if adverse effects on integrity (AEol) can be ruled out. Further, significant impacts on the Alde-Ore Estuary SSSI and/or Alde-Ore Estuary Ramsar site receptors cannot be excluded. We note that vegetated shingle may be present at or adjacent to the proposed site, and therefore potential habitat disturbance and changes due to the installation and maintenance of predator fencing could have significant impacts on SAC, SSSI or Ramsar site receptors.

The text states that surveys would be undertaken post-consent when the compensation location is finalised, and that these would inform mitigation that may be required, which is welcomed and reflects the approach secured in the Five Estuaries OWF consent. We advise that seasonally appropriate surveys and an adaptive mitigation strategy covering the installation and maintenance of the predator fence will need to be secured in the DCO. This approach may give comfort that impacts on the SAC, Ramsar site and SSSI can be avoided or mitigated, subject to a more detailed description of the proposals and a fuller consideration of environmental risk.

We highlight that the existing compensatory predator fencing on Orfordness (delivered by the Norfolk and East Anglia OWF projects) has yet to yield any pairs of LBBG after three breeding seasons. This raises the risk level of too many projects being reliant on delivering compensation in the same area and as such gives greater weight to progressing either of the Gedgrave Marshes and Outer Trial Bank options included in the CIMP.

1.2 [C1-026] 7.6 Outline Project Environmental Management Plan (Tracked) (Rev 3)

Natural England welcomes the draft wording (para 7.5.1 and Appendix B) that could secure a seasonal restriction on cable laying at the Outer Thames Estuary (OTE) Special Protection Area (SPA) to avoid contributing further impact to the red-throated diver (RTD) feature. We note that the text proposes a seasonal restriction between 1st November and 1st March within the SPA. Natural England advise that the restriction should cover the period **1st November to 31st March** (i.e. November - March inclusive) and should also apply to a 2km buffer around the SPA, given the potential for vessels outside the SPA to impact birds within it at that distance. Natural England do not consider the proposed mitigation strategy, rather than a restriction, for the 2km buffer area to be

sufficient mitigation to avoid an AEOL.

However, Natural England notes the recent decision on the Five Estuaries OWF which includes a seasonal restriction for both the SPA and the 2km buffer, but with the potential to amend the 2km buffer after discussion and agreement of the MMO and relevant SNCB, following submission of the Applicant of a RTD Deep Water Route Mitigation Strategy. We would support the use of a similar provision here for the North Falls project.

1.3 [C1-012] 11.5 Red-Throated Diver Compensation Site Investigations 2025 (Clean) (Rev 0) CONFIDENTIAL

Natural England acknowledges, and commends, the rigorous and detailed approach to site investigation presented here. Considerable progress has been made toward shortlisting sites where raft installation or peatland management might be possible, appropriate, and ecologically beneficial. We highlight the peatland restoration works are attractive in the sense that they offer broader conservation benefits in concert with potentially greater gains for red-throated divers compared to raft installation.

Securing sites for either raft installation or peatland management appears highly challenging, primarily due to landowner preferences, and potentially conflicting interests such as grazing. Noting the small number of sites where works are deemed possible at this stage, it must also be considered that the shortlist is likely to be subject to further attrition as progress is made to secure those sites. Thus, it might not be possible to expand the delivery of this measure. Consequently, we do not currently share the Applicant's confidence that delivery at 20 sites will be relatively straightforward and query if even this level of provision is achievable.

Furthermore, we note that the Applicant continues to assert that the delivery of compensation at 20 waterbodies would fully offset the projects impact, and that the expected benefit of these interventions is estimated to be an additional 6-13.9 additional fledglings per annum. Natural England remains unpersuaded that the potential scale of benefit reflects the significance of the impact or is of a scale that would meaningfully contribute to network coherence. We highlight that the scale of the intervention proposed is equivalent to that proposed by Morecambe OWF for their impacts on the RTD feature of the Liverpool Bay SPA, despite the impacts of North Falls OWF being substantially greater than those of Morecambe OWF.

Accordingly, we continue to advise that a 'package of measures' approach would be appropriate. As contributing to data collection in support of a potential 'sanctuary zone' strategic compensation measure continues to prove challenging, Natural England welcomes the Applicant's commitment to consider utilising the Marine Recovery Fund (MRF) if such a strategic measure becomes available. This may prove a useful mechanism if insufficient progress with securing locations for RTD measures is made and/or adaptive management is required.

1.4 [C1-012] 11.3 Appendix to the Applicant's Response to the SoS Request for Information Dec 25

Natural England has reviewed the additional data on existing levels of shipping presented in the Applicant's response (Section 3). We confirm that our previously stated position, detailed in our Relevant Representation [RR243, F23] and expanded upon in our response to SoS RFI 1 (C1-008) remains unchanged.

2. Marine Mammals

2.1 [C1-025] 7.7 Draft Marine Mammal Mitigation Protocol (Tracked) (Rev 5)

Natural England welcomes the addition of wording to the Marine Mammal Mitigation Protocol (MMMP) detailing the ramp up of hammer energy from 10% of the maximum hammer energy, rather than 15%, for both mono-piling and pin-piling activities and the inclusion of primary and/or secondary noise reduction/abatement methods in the MMMP.

3. [C1-021] 7.10 Offshore In-Principle Monitoring Plan (OIPMP) (Tracked) (Rev 4)

3.1 Migratory Bats

Please refer to Natural England's previous advice [REP7-091] on the Applicant's proposed monitoring for migratory bats in the OIPMP.

3.1.1 Section 5.9.1 (para 73) and Section 5.9.2 (para 74)

Current knowledge of the migratory behaviour of Nathusius' pipistrelle is insufficient to be confident about the significance of any potential effects. We agree that the extent of impacts is uncertain and broadly welcome the Applicant's proposal to support monitoring projects. However, given the lack of knowledge, we query whether 6 years (5 years of construction and 1 year of operation) represents a sufficient period of time to provide robust evidence regarding migratory behaviour.

3.1.2 Para 75 and Table 5.5 In-Principle Monitoring Proposed – Migratory Bats

The main reasons for monitoring identified in Table 5.5 are to improve the evidence base of bat activity at landfall and offshore within the vicinity of the array area, as well as bat flight patterns and interactions with turbines when operational. We would advise that the main knowledge gaps are associated with bat migration behaviour, and behaviour around the offshore turbines themselves. However, we recognise that these are difficult behaviours to collect data on, although improving our understanding of these is much needed in order to identify any requirement for mitigation and the nature of that mitigation.

Two types of monitoring are proposed in Table 5.5. The first is onshore acoustic monitoring at coastal locations of the onshore area, which we do not consider a priority since it is not always possible to differentiate between migratory and non-migratory bats from such terrestrial surveys. Whilst it is possible to credibly assume migration (e.g. for Nathusius' pipistrelle), it would be impossible to know if their migration route passes close to the North Falls windfarm, and whether their behaviour changed in relation to the turbines present. The second monitoring proposed is associated with monetary support for existing or future strategic monitoring projects offshore. Depending on the nature of the monitoring programme proposed, this option has tentative merit.

However, Natural England considers an additional monitoring proposal would be appropriate, which involves monitoring on existing offshore wind turbines, for example on the 'parent' projects of North Falls and Five Estuaries OWF (Greater Gabbard and Galloper OWFs, respectively). Static bat detectors and possibly thermal imaging video cameras could be attached to turbines to investigate: bat presence; numbers/species; and bat behaviour around the offshore wind turbines. Alternatively, if this is not possible from a technological perspective, there would be merit in waiting until the opportunity arises to integrate monitoring equipment into the North Falls array (i.e. prioritising operational monitoring over pre-construction monitoring).

3.2 Benthic Ecology

3.2.1 (Section 5.5.3) In-Principle Monitoring Plan

We note in Table 5-2 (Page 22), with regards to Annex I habitats or Habitats of Conservation Importance (HOI), the Applicant states that benthic post-construction monitoring will commence within 12 months following construction. Natural England welcomes this addition to the IPMP. However, we refer to our previous advice [C1-008] that "*post construction surveys should be undertaken once seabed disturbance from construction activities has ceased for at least 12 months to ensure the greatest likelihood of capturing habitat recovery. Additionally, we consider the IPMP should be amended to note that, should the monitoring highlight an impact significantly greater than assessed, or a failure to recover further monitoring works and potentially remedial action may be required by the MMO after consideration of advice from the relevant SNCB.*" We would, therefore, advise that the Applicant's latest commitment should be expanded in line with our previous advice.

4.[C1-018] 7.14 Outline Landscape and Ecological Management Strategy (Rev 7) (Tracked)

4.1 (Section 2.1.1, para 35) General Pre-Construction Measures

Natural England notes and welcomes the addition of a cross-reference to [REP8-011] the Outline

HDD Method Statement and Contingency Plan, with regards to pre-construction surveys, risk assessments and method statements that will be prepared during pre-construction HDD planning.

4.2 (Sections 2.1.1, 2.3.1 & 2.4.1) Data Sharing

Natural England welcomes the Applicant's commitment to share data from all pre-construction surveys and monitoring with the relevant organisations.

4.3 (Section 3.12) Decommissioning (paras 268-270)

Natural England notes the Applicant's assurance that decommissioning activities can be undertaken without the need to remove any substantive elements of the proposed landscape planting. Furthermore, long-term management of the planting and habitats will, therefore, continue through the decommissioning period.

5. [C1-019] 7.13 Outline Code of Construction Practice (Rev 7) (Tracked)

5.1 (Section 1.2.7) Embedded Mitigation Measures

As with [C1-018] above, we welcome the addition of a cross-reference at Para. 48 to [REP8-011] the Outline HDD Method Statement and Contingency Plan in this document. However, we highlight that the additional text should also include the following text at the end of the final sentence '*...with a final plan being agreed with the regulators in consultation with the relevant SNCB prior to construction.*'

5.2 (Sections 1.14.1 & 1.14.2) Data Sharing

As with [C1-018] above, we welcome the Applicant's commitment to data sharing with the relevant organisations.

6. [C1-014] 11.2 Applicant's Response to SoS Request for Information Dec 25 & [C1-012] 11.3 Appendix to the Applicant's Response to SoS Request for Information Dec 25

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

6.1.1 Benthic and Intertidal Ecology

6.1.1.1 (Ref 34). Natural England welcomes the updates made to the ES and MCZA figures with the addition of the proposed Five Estuaries offshore export cable. We also welcome the figures provided to inform the benthic in-combination assessment.

6.1.1.2 (Ref 35). Natural England welcomes the Applicant's proposed DCO condition wording to secure a 50m buffer between the North Falls wind turbine generator (WTG) foundations, inter-array cables, and/or cable protection and the boundary of Kentish Knock East Marine Conservation Zone (KKE MCZ).

6.1.1.3 (Ref 38). We note that the Applicant does not expect that further scour protection would be required beyond the worst-case scenario (WCS) assessed in the Environmental Statement (ES), and secured in the DCO, but in the event it is required, it would be subject to further licensing, which is as we assumed in our previous advice [C1-008]. Whilst we welcome the Applicant's proposed updated condition that ensures the MMO is notified in advance of scour replacement activities, we note that there is no provision to ensure that scour protection can be placed only up to a maximum of 10 years following granting of consent (with the exception of existing areas of scour protection that do not increase the scour protection footprint).

6.1.2 Marine Mammals

6.1.2.1 (Ref 42). Natural England notes the Applicant's proposed addition of the word '*reasonable*' in the final sentence of the SoS's proposed amendment to condition 22(1)g in Schedule 9 and condition 21(1)(g) of Schedule 10 to the Deemed Marine Licence (DML) relating to noise reduction methods. In our previous advice [C1-008], we confirmed that we were in agreement with the proposed amendment.

6.1.2.2 (Ref 44). Please see Natural England's previous advice [C1-008] on the proposed insertion

of a new condition within the DML relating to the SIP. However, we note in the Applicant's response to the SoS that they have provided clarification on the relevant JNCC guidance, which we welcome.

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

Yours faithfully,

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